

POLI 4217
Constitutional Politics
Fall 2016
Thursday: 11:30-2:30 PM
Room: AT 3003
COURSE OUTLINE

Professor: Dr. Zahir Kolia
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Course Description:

This course examines the field of Canadian constitutional politics at an advanced level, and aims to prepare students via a graduate-style seminar setting. This course emphasizes *societal forces* in the state-society relationship, and places emphasis upon how Canada's political, social, cultural, and economic domains are co-dependent causal factors in the development of the constitution. Put differently, Canada's socio-political cleavages, social actors, ideas and identities are movers of the political process and historical transformations of the constitution.

As political science scholars, we are sensitive to the idea that the constitution is not simply a formal legal foundation of Canada, and it did not emerge outside of social-political relations. Rather, the constitution is about systems of power, struggles over identity, contested histories, and diverse forms of resistance and political mobilization at multiple sites of the Canadian political spectrum.

The course will be *heavily intersectional* and will provide an overview of some of the main conventional approaches to the study of Canadian Constitutional politics. However, this course puts normative constitutional politics discourse into conversation with more recent and critical bodies of inquiry. By emphasizing societal forces, this course examines Canadian constitutional politics through three main contextual domains. First, we will place foundational debates surrounding the constitution in conversation with European settler colonial expansion, the displacement of Indigenous sovereignty, and restrictive immigration policies. The second domain is the emergence of the Constitution Act of 1982 and its relationship to global neoliberal shifts. In the final third contextual domain, we will examine some contemporary social-political issues and they relate to minority rights mobilization including the LGBTQ community and animal rights.

Some of the theoretical and methodological observations may spill into case studies, but this course is *not* about legal cases and more about an intersectional approach to the constitution. In doing so, a common theme throughout will be upon the power relations and how broader structural shifts and social-political forces impact the changing historical development of the constitutional landscape in Canada.

Class format:

The course is structured as a traditional seminar, led by student presentations. Students are expected to come to class having read the assigned readings and prepared to discuss them. The instructor will attempt to moderate student exchanges, yet it is expected that the weekly presenters lead the discussion and prepare themselves to take questions by both the instructor and fellow students.

Course Materials:

Journal Articles and Book Chapters will be available via library, email, or other electronic formats.

Course Requirements:

(Subject to change)

1. Participation (20%)

2. Six response/reflection papers: (60%)

Students are to hand in response papers every other week/reading. The main aim of these papers is to provide a faithful rendition of the arguments of selected course readings. Further details will be provided in the introductory session. Each paper will be approximately 4 pages (5 pages max). Do not use more than one quotation (three line maximum), and include brief thesis statement to guide your reader.

3. Presentation (20%)

Students are expected to do the readings and come prepared to actively participate in seminar discussions. In addition, over the course of the term, each student will lead a class discussion. A discussion plan/list of questions should be e-mailed to me by 5:00 PM on the day preceding your presentation in class. Further details will be provided in the introductory session.

E-mail:

E-mail will be answered within two business days. Do not submit any class assignments by e-mail, unless instructed to do so. Please use e-mail only for quick queries and to set up appointments out of regularly scheduled office hours.

I welcome e-mail queries and comments. All students are required to have a valid Lakehead e-mail address. It is your responsibility to maintain your e-mail address in good working order. The University expects you to correspond with me through your official e-mail address, and not through a commercial e-mail account.

Failure to receive important class announcements and messages from me because of a faulty e-mail account (for example, an account which screens out my e-mails as junk mail; bounced messages because of overloaded caches) are not legitimate excuses.

Forwarding your Lakehead email to a Hotmail, Gmail, Yahoo or other type of e-mail account is not advisable. In some cases, messages from your Lakehead addresses sent to Hotmail, Gmail or Yahoo accounts are filtered as junk mail, which means that e-mails from me may end up in your spam or junk mail folder.

Accessibility:

Students with diverse learning styles and needs are welcome in this course. In particular, if you have a disability/health consideration that may require accommodations, please feel free to approach me, and/or Accessibility Services. The sooner you let us know your needs the quicker we can assist you in achieving your learning goals in this course.

Response Papers:

You are to complete 6 response papers, one every other week. Each paper is to provide a clear, concise rendition of the main argument(s) of the readings of the week. Focus upon a particular theme or problematic, and not a generalized gloss that lacks specificity and engagement. You may either trace a central theme across the different readings of a given week, or focus upon carefully tracing an argument of one of the essays of the given week. I am most interested in your careful and faithful rendition of the main argument(s) of the reading(s), and not generalized sweeping descriptions or sustained attention trying to find critiques. I am most interested in how you lay out and convey the argument(s) in a clear and concise way. Do not use more than one quotation (three line maximum), and include brief thesis statement to guide your reader.

Format: All reflection papers in this course must be 4 pages (5 max), 12 pt. Times New Roman font, double-spaced and have standard one-inch margins. Also, they should be free of spelling and grammatical errors. They must include appropriate citations and complete bibliography.

Put brief title, name, and date on the first page. No need for a separate title page.

Formatting bibliographies, references

In completing the written assignments, students must cite all facts and figures that are not common knowledge and must cite all ideas that are borrowed from other authors.

Students must use a recognized standard format correctly in their bibliographies, references, and footnotes. *Failure to do so will result in substantial penalty in calculating your assignment grade.*

Cornell University provides useful online guides to the APA and MLA citation styles:

Assignments are due before class begins in class on the date specified.

***** Late Penalties**

Assignments are due on the dates specified in the course outline. Late papers will be subject to a penalty of 2% a day, including weekends. Assignments will not be accepted two weeks after the due date. No retroactive extensions will be permitted. Exceptions will be made only in those cases of special circumstances, (e.g. illness, bereavement) and where the student has verifiable documentation.

Tentative Seminar Schedule:

Week 1

Introduction

Thursday September 8:

Introduction and sign-up for weekly presentation

Week 2:

Pre-Constitution and the Nation Form: Canada in Historical Context and Settler Colonialism

Thursday September 15:

Peter Russell, Ch. 1-3 “The Question of Our Time; The Sovereignty of the People; Confederation” in *Constitutional Odyssey*, (Toronto: University of Toronto Press, 1993/2004): 1-33

*(Available as Ebook in Library Catalogue)

Robert Vipond “1787 and 1867: The Federal Principle and Canadian Confederation Reconsidered” *Canadian Journal of Political Science*, 22:1 (March 1989): 3-25

Daiva Stasiulis and Radha Jhappan, “The Fractious Politics of a Settler Society: Canada”, in Nira Yuval-Davis and Daiva Stasiulis, (eds.), *Unsettling Settler Societies: Articulations of Gender, Race, Ethnicity and Class*, (London: Sage, 1995): 95-131.

Week 3

Indigenous Sovereignty, Settler Colonialism and the Constitution:

Thursday September 22:

Patrick Macklem, Introduction and Ch. 3-4, “Territory; Sovereignty” in *Indigenous Difference and the Constitution of Canada* (Toronto: University of Toronto Press: 2001)

John Borrows, “Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government” in Michael Asch (eds.), *Aboriginal Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference* (Vancouver: UBC Press, 1997)

James Tully, “The Struggles of Indigenous Peoples for and of Freedom”, in *Political Theory and the Rights of Indigenous Peoples* (Cambridge: Cambridge University Press: 2000), pp. 36-60

Week 4

Challenges to Constitutional Visions: Maintaining Canada’s “Founding” Character via Immigration Policy

Thursday September 29:

Peter Russell Ch.4, “Provincial Rights” in *Constitutional Odyssey*, (Toronto: University of Toronto Press, 1993/2004): 34-52

*(Available as Ebook in Library Catalogue)

Ninette Kelley and Michael Trebilcock, Selected Sections of *The Making of the Mosaic: A History of Canadian Immigration Policy* (University of Toronto Press)

First section: read from “The Trans-Canada Railway” until end of chapter: 93-110

Second section: read from “Second Wave” until end of chapter: 287-310

*(Available as Ebook in Library Catalogue)

Tammy Duerden Comeau and Anton L. Allahar “Forming Canada 's Ethnoracial Identity: Psychiatry and the History of Immigration Practices” *Identity*, 1:2 (2001): 143-160

Week 5

Challenges to Centralized Federalism: Post-War Balance of Power

Thursday October 6:

Peter Russell, Ch.5, “An Autonomous Community” in *Constitutional Odyssey*, (Toronto: University of Toronto Press, 1993/2004): 53-71

*(Available as Ebook in Library Catalogue)

Daiva Stasiulis, “The Political Economy of Race, Ethnicity, and Migration” in *Understanding Canada Building on the New Canadian Political Economy*, (McGill-Queens University Press, 1997): 150-169

Eve Haque, “Historical Context” in *Multiculturalism Within a Bilingual Framework: Language, Race, and Belonging in Canada* (Toronto: University of Toronto Press, 2012): 31-52

Tina Loo, “Africville and the Dynamics of State Power in Postwar Canada” *Acadiensis* 39:2 (Summer, 2010): 23-47

Week 6

Reading Week

Week 7

Challenges to Centralized Federalism in Context of Global Shifts: Neoliberalism

Thursday October 20

McBride and Shields, Ch.1, “The Canadian State and the Neoliberal Revolution” in *Dismantling a Nation: The Transition to Corporate Rule in Canada* (Halifax: Fernwood, 1997): 17-34

McBride and Shields, Ch.5, “Neoliberalism and Canadian Policy” in *Paradigm Shift: Globalization and the Canadian State* (Halifax: Fernwood, 2005): 95-122

McBride, Stephen, "Quiet Constitutionalism in Canada: The International Political Economy of Domestic Institutional Change" *Canadian Journal of Political Science / Revue canadienne de science politique*, 36:2 (Jun., 2003): 251-273

Stephen Gill, "Constitutionalizing Inequality and the Clash of Globalizations" *International Studies Review*, 4:2 (Summer 2002):47-65

Week 8

Post-Charter Issues: Power, Courts, and Difference

Thursday October 27:

David Snow and Mark Harding, "From Normative Debates to Comparative Methodology: The Three Waves of Post-Charter Supreme Court Scholarship in Canada" *American Review of Canadian Studies*, 45:4 (2015): 451-466

Yasmeen Abu-Laban and Tim Nieguth "Reconsidering the Constitution, Minorities and Politics in Canada" *Canadian Journal of Political Science* 33:3 (Sep., 2000): 465-497

Maryka Omatsu, "The Fiction of Judicial Impartiality" *Canadian Journal of Women and the Law* 9:1 (1997): 1-16

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

Week 9

Recent Trends in Challenges to Centralized Federalism: Indigeneity

Thursday November 3:

John Burrows, Ch. 5, "Questioning Canada's Title to Land: The Rule of Law, Aboriginal Peoples, and Colonialism" in *Recovering Canada: The Resurgence of Indigenous Law* (Toronto: University of Toronto Press, 2002)

Dale Turner, Ch.2, "Cairn's Canada: Citizens Nonplussed" and Ch.3, "Liberalisms Last Stand: Minority Rights and the (Mis)recognition of Aboriginal Sovereignty" in *This is Not a Peace Pipe: Towards a Critical Indigenous Philosophy* (Toronto: University of Toronto Press, 2006)

Glen Coulthard, "Subjects of Empire: Indigenous Peoples and the 'Politics of Recognition' in Canada" *Contemporary Political Theory* 6 (2007): 437-460

Week 10

Equality Issues: Gender

Thursday November 10:

Jill Vickers, "Is federalism gendered? Incorporating gender into studies of federalism" *Publius: The Journal of Federalism* 43.1 (2013): 1-23

Janine Brodie, "We are all Equal Now: Contemporary Gender Politics in Canada" *Feminist Theory*, 9:2 (2008): 145-164.

Joanne Barker, "On Gender, Sovereignty, and the Discourse of Rights in Native Women's Activism (Canada circa 1980s)" *Meridians: feminism, race, transnationalism* 7:1 (2006): 127-161

Week 11

Equality Issues: Race

Thursday November 17

Eva Mackey, Intro, 5, 6, 7 "Settling Differences; Localising Strategies" in *The House of Difference: Cultural Politics and National Identity in Canada* (Toronto: University of Toronto Press): 23-40; 91-107

Himani Bannerji, Ch.1, "The Paradox of Diversity: The Construction of Multicultural Canada and 'Women of Color'" in *The Dark Side of the Nation* (Toronto: Canadian Scholars Press, 2000): 1-15

Amy Ransom, "'Québec History X': Re-Visioning the Past Through Rap" *American Review of Canadian Studies*, 43:1 (2013): 12-29

Week 12

Equality Issues: Sexuality

Thursday November 24:

Miriam Smith, "Social Movements and Judicial Empowerment: Courts, Public Policy and Lesbian and Gay Organizing in Canada" *Politics and Society* 33:2 (June, 2005): 327-53

Suzanne Lenon "'Why is Our Love An Issue?': Same-Sex Marriage and the Racial Politics of the Ordinary" *Social Identities* 17:3 (May, 2011): 351-372

Suzanne Lenon and Omisoore Dryden, "Introduction: Interventions, Iterations, and Interrogations that Disturb the HomoNation" in Suzanne Lenon and Omisoore Dryden (eds.), *Disrupting Queer Inclusion: Canadian Homonationalisms and the Politics of Belonging* (Vancouver : UBC Press, 2015)

Julian Awwad, "Queer Regulation and the Homonational Rhetoric of Canadian Exceptionalism" in Suzanne Lenon and Omisoore Dryden (eds.), *Disrupting Queer Inclusion: Canadian Homonationalisms and the Politics of Belonging* (Vancouver : UBC Press, 2015)

Week 13

Equality Issues: Animal Citizenship?

Thursday December 1:

Sue Donaldson and Will Kymlicka, "Introduction" in *Zoopolis: A Political Theory of Animal Rights* (London: Oxford University Press, 2011): 1-19

Laura Janara, "Situating Zoopolis" *Dialogue: Canadian Philosophical Review* 52:4(2013): 739-47

Paul Nadasy, "First Nations, Citizenship and Animals, or Why Northern Indigenous People Might Not Want to Live in Zoopolis" *Canadian Journal of Political Science* 49:1 (March 2016): 1-20