UNIVERSITY OF MANITOBA
DEPARTMENT OF POLITICAL STUDIES
TERM : WINTER 2013

COURSE #: POLS 1070 SEC: A01 CRN: 24739 CREDIT HOURS: 3
COURSE TITLE: LAW, POLITICS AND POWER IN CANADA

PROFESSOR: DEVIN PENNER

OFFICE LOCATION: 522 FLETCHER ARGUE

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FORMAT: LECTURE/SEMINAR

LOCATION OF CLASS: 118 ST. JOHN'S COLLEGE

TIME OF CLASS: MWF, 10:30-11:20AM

OFFICE HOURS: WEDNESDAYS, 12:30-2:00PM

TEACHING ASSISTANT: ADAM REISACHER (ADAMREISACHER@GMAIL.COM)

TUTORIALS:

- B01 – Thursday, 8:30-9:20 am, University College 383
- B02 – Thursday, 4:00-4:50 pm, Tier 305
- B03 – Friday, 2:30-3:20 pm, Tier 216
- B04 – Friday, 3:30-4:20 pm, Tier 216
- B05 – Friday, 1:30-2:20 pm, Tier 216

COURSE CONTENT AND DESCRIPTION: Where does sovereign decision-making power lie in Canada? The Canadian people? The House of Commons? The Prime Minister? The constitution? The courts? What is the function of law in a democratic society? Guided by these overarching questions, this course will offer an introduction to the basic structures and processes of politics, law and power in Canada with the aim of explaining and assessing contemporary issues and events.

The course will begin with a theoretical introduction to the very central place of law and the constitution in liberal and liberal democratic thought. This will be followed by an in-depth examination of the Canadian constitution, particularly the political institutions outlined in it. Subsequent topics will focus on the various decision-making processes and actors that are central to Canadian politics, along with the outside constraints placed upon them. These topics will include responsible government and the power of the Prime Minister; the Canadian Charter of Rights and judicial activism; political parties and party discipline; interest groups and other civil society actors; and international constraints on Canadian politics in a 'globalized' world.

COURSE OBJECTIVES: The overarching aim of the course is to provide students will the skills and knowledge to be politically informed and active citizens. The course will examine various perspectives on politically contentious areas of Canadian politics, challenging students to rethink their own biases and assumptions in the process. The course also aims to develop interpretive, analytical and critical skills that will prove valuable to students taking higher level courses in political science or other disciplines. For instance, the Annotated Bibliography will ask students to concisely 1) summarize the thesis and method of argumentation in an article; and 2) identify an important weakness in the argument. Finally, some course time will be dedicated to fundamental academic skills such as writing a strong academic paper so that students can hone their abilities to effectively and persuasively participate in scholarly debates.

COURSE REQUIREMENTS: Students are required to attend 3 hours of lecture per week and to complete the weekly assigned readings. Tests may include materials from both lectures and readings, so it is important to stress that both are necessary. If you miss a lecture, it is expected that you will ask a kind-hearted classmate if you can copy their notes.

There will be two tests, a mid-term quiz and a final exam. Both tests will be *closed book*, which means no notes, texts or other resources can be used. The **Mid-Term Quiz** will be held in-class on **Monday, February 11**, and will consist of short answer questions (no essays). There will be no study guide for the Mid-Term. The **Final Exam** will be held during the Winter Term exam period of April 12-26. It will be 2 hours long and consist of short, medium, and long answer questions. For the final exam, you will receive a study guide that lists a number of concepts and four essay questions, two of which will be on the exam (you can choose which one of these you want to answer).

Essay topics and guidelines for the will be handed out in class on **February 1**. The paper will be submitted in two stages. An **Annotated Bibliography** consisting of brief critical summaries of six scholarly sources relevant to the paper topic is due on **March 6.** The final **Essay**, which should be 6-8 pages, is due on **April 1.**

The **Participation** component of the grade will be based on attendance and contributions to tutorials, as well as discussions on the course's Desire2Learn website.

ASSIGNMENTS AND GRADING

Participation	15%
Mid-term Quiz	10%
Annotated Bibliography	15%
Essay (6-8 pages)	30%
Final Examination	30%

GRADING SCALE

A+	=	90-100
A	=	80-89
B+	=	75-79
B	=	70-74
C+	=	65-69
C	=	60-64
D	=	50-59
F	=	0-49

***NOTE: Students are required by the Department to retain a copy of each assignment submitted to their instructors.*

LATE ASSIGNMENTS: Assignments are due at the end of class on the scheduled date. Any assignments received after this point will be considered at least one day late. The penalty for late assignments is **2% per day**. As a warning—these penalties add up quickly, especially for the Research Paper, which is worth 30% of the final grade.

***NOTE: Late submissions will be subject to penalty unless the student provides a documented medical excuse or some equally compelling (and equally well-documented) reason. Similarly, no make-up exams will be administered without a documented reason. Students who encounter extenuating circumstances during the term which may interfere with the completion of course assignments or exams should discuss the matter with the TA or course instructor as soon as possible. Extensions will* **not** *be granted after the due date has passed.*

***NOTE: Students with physical, psychiatric or learning disabilities may request reasonable accommodations in teaching style or evaluation methods, as outlined in the University of Manitoba policy on Accessibility for Students with Disabilities (see: http://umanitoba.ca/admin/governance/governing_documents/students/281.htm). They should advise the course instructor at the earliest opportunity, so that appropriate arrangements can be coordinated with Student Accessibility Services.*

ACADEMIC INTEGRITY: Students should acquaint themselves with the University's policy on plagarism, academic fraud, cheating, and examination impersonation. If in doubt, please consult the relevant sections of the 2012-2013 University of Manitoba Undergraduate Calendar. There is also more detailed information on the issues and possible range of penalties for Academic dishonesty on the Faculty of Arts website: http://umanitoba.ca/faculties/arts/student/student_responsibilities.html.

Academic integrity is taken very seriously in university, and I would urge all students to err on the side of caution in citing sources. It is also a good idea to complete the University's tutorial on academic integrity: http://umanitoba.ca/student/resource/student_advocacy/AI-and-Student-Conduct-Tutorials.html**.** Students suspected of violating the rules and regulations concerning academic integrity will be brought to the attention of the Associate Dean, who is empowered to impose penalties in such cases.

COURSE TEXTBOOK & READINGS:

REQUIRED TEXT (AVAILABLE AT THE UNIVERSITY BOOKSTORE):

Malcolmson, Patrick, and Richard Myers. *The Canadian Regime: An Introduction to Parliamentary Government in Canada*, 4th ed. Toronto: University of Toronto Press, 2009

OTHER REQUIRED READINGS ARE AVAILABLE VIA LIBRARY E-RESERVE.

"Optional" readings are included in the class schedule to provide resources for further investigation into a topic. In some cases they are intended to provide background information; in other cases they provide interesting perspectives on a topic that could not be added to the required reading material, but may be useful starting points for annotated bibliographies and essays.

If you do not already own one, it is also highly recommended that you purchase a writing style guide. It will be an invaluable resource throughout your years in university, helping you with such things as how to properly cite a source in "Chicago," "APA, or "MLA" style. Good style guides are relatively easy to find. I can recommend any of the following three:

- Buckley, Joanne. *Fit to Print: The Canadian Student's Guide to Essay Writing*, 7th ed. Toronto: Nelson Canada, 2008.
- Scott, Gregory, and Stephen Garrison. *The Political Science Student Writer's Manual*, 7th ed. Boston: Pearson Education, 2012.
- Northey, Margot, Lorne Tepperman and Patrizia Albanese. *Making Sense: A Student's Guide to Research and Writing: Social Sciences*, 5th ed. Oxford: Oxford University Press, 2012.

CLASS SCHEDULE:

Week 1 – Liberal Democracy & the Modern State

Monday, January 7
- What is liberalism? What is liberal democracy?

Wednesday, January 9
- The modern state as a liberal democratic state

Friday, January 11
- Canada's "Regime Principles"

➔ ***Required Reading:***
  a) Malcolmson & Myers, *The Canadian Regime*, chap. 1.

Week 2 – The Canadian Constitution

Monday, January 14
- Confederation: The BNA Act, 1867

Wednesday, January 16
- Canada as a dependent country

Friday, January 18
- Repatriation: The Constitution Act, 1982

➔ ***Required Readings:***
  a) Malcolmson & Myers, *The Canadian Regime*, chap. 2.
  b) Russell, Peter. "Confederation." In *Constitutional Odyssey: Can Canadians Become a Sovereign People?* Toronto: University of Toronto Press, 2004. 12-33 (chap. 3).

➔ ***Optional Background Reading:***
  a) Malcolmson & Myers, "Appendix: The Constitution Acts 1867 and 1982," in *The Canadian Regime*, 211-260.

Week 3 – Responsible Government

Monday, January 21
- The evolution of responsible government

Wednesday, January 23
- The conventions of responsible government
- Responsible government vs. the separation of powers

Friday, January 25
- Is the Prime Minister too powerful?

➔ ***Required Readings:***

a) Malcolmson & Myers, *The Canadian Regime*, chap. 3.
b) Savoie, Donald. "Primus: There is No Longer Any Inter or Pares." In *Crosscurrents: Contemporary Political Issues*, 5th ed. Toronto: Thomson Nelson, 2006. 182-198.

Week 4 – The Bureaucracy and the Canadian Head of State

Monday, January 28

- The Role of the Governor General

Wednesday, January 30

- The coalition controversies: Putting the Governor General to the test
- Central Agencies in Canada

Friday, February 1

- A short essay writing guide
- *RESEARCH ESSAY TOPICS & GUIDELINES HANDED-OUT*

➔ ***Required Readings:***

a) Malcolmson & Myers, *The Canadian Regime*, chaps. 6 & 7.
b) Aucoin, Peter, Mark Jarvis and Lori Turnbull. "When Conventions Fail: Governance without Clear Rules." In *Democratizing the Constitution: Reforming Responsible Government*. Toronto: Emond Montgomery, 2011. 86-108 (chap. 3).

Week 5 – Canadian Federalism

Monday, February 4

- The federal division of powers

Wednesday, February 6

- The changing nature of federal-provincial relations

Friday, February 8

- Asymmetrical federalism and the pressures for decentralization

➔ ***Required Readings:***

a) Malcolmson & Myers, *The Canadian Regime*, chap. 3.
b) Lajoie, Andrée. "Federalism in Canada: Provinces and Minorities – Same Fight." In *Contemporary Canadian Federalism: Foundations, Traditions, Institutions*, edited by Alain Gagnon. Toronto: University of Toronto Press, 2009. 163-186.

Week 6 – The Electoral System

Monday, February 11

- *IN-CLASS MID-TERM TEST*

Wednesday, February 13
- The Single-Member Plurality (SMP) electoral system and its effects

Friday, February 15
- Reforming the electoral system?

➔ ***Required Readings:***
  a) Malcolmson & Myers, *The Canadian Regime*, chap. 9.
  b) Cairns, Alan. "The Electoral System and the Party System in Canada: 1921-1965." *Canadian Journal of Political Science* 1, no. 1 (1968): 55-80.

Week 7 – Political Parties and Other Civil Society Organizations

February 18-22 – *Mid-term Break, NO CLASSES*

Monday, February 25
- Political Parties and Party Systems

Wednesday, February 27
- Interest groups and social movements in Canada
- The concept of "civil society"

Friday, March 1
- The law and extra-parliamentary action

➔ ***Required Readings:***
  a) Malcolmson & Myers, *The Canadian Regime*, chaps. 10 & 11.
  b) Smith, Miriam. "Arenas of Influence: Courts." In *A Civil Society? Collective Actors in Canadian Political Life*. Peterborough, ON: Broadview Press, 2005. 145-178 (chap. 6).

➔ ***Optional Readings:***
  a) Carty, Kenneth, William Cross and Lisa Young. *Rebuilding Canadian Party Politics*. Vancouver: UBC Press, 2000. 12-34 (chap. 2).
  b) Brodie, Janine, and Jane Jenson. "Piercing the Smokescreen: Brokerage Parties and Class Politics." In *Canadian Parties in Transition*, edited by Alain Gagnon and Brian Tanguay. Scarborough, ON: Nelson Canada, 1989. 24-44.

Week 8 – The Law & Canadian Politics

Monday, March 4
- The rule of law and constitutionalism
- The judicial branch of government

Wednesday, March 6
- The structure and role of the Canadian judiciary
- *ANNOTATED BIBLIOGRAPHIES DUE*

Friday, March 8
- Judicial controversies: Judicial review, judicial supremacy and judicial activism

➔ ***Required Readings:***

a) Malcolmson & Myers, *The Canadian Regime*, chap. 8.
b) Morton, F.L., and Rainer Knopff. "Introduction." In *The Charter Revolution and the Court Party*. Peterborough, ON: Broadview Press, 2000. 13-32 (chap. 1).

➔ ***Optional Reading:***

a) Smith, Miriam. "Ghosts of the Judicial Committee of the Privy Council: Group Politics and Charter Litigation in Canadian Political Science." *Canadian Journal of Political Science* 35, no. 1 (2002): 3-29.

Week 9 – Debating the Canadian Charter of Rights and Freedoms

Monday, March 11

- What are rights?
- The contents of the Charter of Rights and Freedoms

Wednesday, March 13

- Critiques of the Charter I: The conservative view

Friday, March 15

- Critiques of the Charter II: The Marxist view

➔ ***Required Readings:***

a) Malcolmson & Myers, *The Canadian Regime*, chap. 5.
b) Mandel, Michael. "The Legalization of Politics in Canada." In *The Charter of Rights and the Legalization of Politics in Canada*. Revised and expanded ed. Toronto: Thompson Educational Publishing, 1994. 1-38 (chap. 1).

Week 10 – Issues I: Quebecois Sovereignty

Monday, March 18

- Historical English-French relations

Wednesday, March 20

- Quebec nationalism and the argument for a sovereign Quebec
- *LAST DATE FOR VOLUNTARY WITHDRAWL FROM WINTER TERM COURSES*

Friday, March 22

- The Clarity Act, Supreme Court rulings, and the question of secession

➔ ***Required Reading:***

a) Brown, R. Blake. "One Version of History: The Supreme Court of Canada's Use of History in the *Quebec Secession Reference*." In *Framing Canadian Federalism: Historical Essays in Honour of John T. Saywell*, edited by Dimitry Anastakis and Penny Bryden. Toronto: University of Toronto Press, 2009. 15-50 (chap. 1).

➔ ***Optional Background Reading:***

a) Dyck, Rand. "French Canada and the Quebec Question," in *Canadian Politics: Critical Approaches*, 6th ed. Toronto: Nelson Education, 2010. 103-122 (chap. 5).

Week 11 – Issues II: Aboriginal Self-Government

Monday, March 25
- A short history of Aboriginal policy

Wednesday, March 27
- The argument for Aboriginal self-government

Friday, March 29 – *Good Friday, NO CLASSES*

➔ ***Required Reading:***

a) Brooks, Stephen, and Lydia Miljan. "Aboriginal Policy." In *Public Policy in Canada: An Introduction*, 4th ed. Toronto: Oxford University Press, 2003. 228-260 (chap. 9).
b) Flanagan, Tom, and Alan Cairns. "Flanagan and Cairns on Aboriginal Policy." *Policy Options* 22 (September 2001): 43-53.

Week 12 – Canadian Politics in a Global Context

Monday, April 1
- International agreements, law and organizations as constraints on Canadian politics
- *ESSAYS DUE*

Wednesday, April 3
- Canadian foreign policy

Thursday, April 5
- Globalization and the rise of neoliberalism: economic constraints on Canadian politics

➔ ***Required Reading:***

b) Brooks, Stephen. "Canada in the World." In *Canadian Democracy: An Introduction*, 5th ed. Don Mills, ON: Oxford University Press, 2007. 475-497.

Week 13 – Canadian Politics in a Global Context II

Monday, April 8
- Beyond neoliberalism?

Wednesday, April 10
- Review

➔ ***Required Reading:***

a) Evans, Bryan, Stephen McBride and John Shields. "Globalization and the Challenge to Canadian Democracy." In *Restructuring and Resistance: Canadian Public Policy in an Age of Global Capitalism*, edited by Mike Burke, Colin Mooers and John Shields. Halifax: Fernwood Publishing, 2000. 80-97 (chap. 3).

Final Exam – Date to be Announced