

PETER H. RUSSELL

CONSTITUTIONAL ODYSSEY

Can Canadians Become
a Sovereign People?

Second Edition

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Constitutional Odyssey Can Canadians Be A Sovereign People

Alain-G. Gagnon



Constitutional Odyssey Can Canadians Be A Sovereign People:

Constitutional Odyssey Peter H. Russell, 2004-01-01 The first and second editions of *Constitutional Odyssey* published in 1992 and 1993 respectively received wide ranging praise for their ability to inform the public debate This third edition continues in that tradition *The Tangled Complexity of the EU Constitutional Process* Giuseppe Martinico, 2013 Despite or perhaps because of the rejection of the EU Constitutional Treaty eventually leading to the adoption of the Lisbon Treaty the debates concerning the European Union's constitutional framework continue This book builds on the discourse in European Union constitutionalism in order to offer a novel analysis of the EU's constitutional developments The book considers the constitutional trends of the process of EU integration before applying a transdisciplinary concept of complexity developed in the work of Edgar Morin to the EU In doing this Giuseppe Martinico sets out a unique account of EU constitutionalism which argues that the EU legal order is a complex entity which shares some features with complex natural systems The book then goes on to explore the methodological implications of such constitutional complexity for the study of EU law **Canadian**

Federalism and Quebec Sovereignty Christopher Edward Taucar, 2004-09 In this comprehensive book on Canadian federalism the author thoroughly examines the Quebec sovereignty issue in order to determine whether or not reasonable and substantial grounds exist justifying Quebec sovereignty in the context of contemporary Canada As a result this book examines the successive layers that constitute Canadian federalism to unravel its nature essence and the successes of its functioning or the lack thereof particularly with respect to Quebec Ultimately no matter how the federation is portrayed if it has worked and continues to work well to achieve the most basic needs and interests of Quebecers there leaves little if anything in support of secession The fundamental success of the Canadian federation is the all important lesson of this book

Constitutional Politics in Canada after the Charter Patrick James, 2011-01-01 The Charter of Rights and Freedoms was introduced in 1982 Since then Canada has experienced more than twenty five years of constitutional politics and countless debates about whether the Canadian federation is integrating or disintegrating There has however been no systematic attempt to identify general theories about Canada's constitutional evolution Patrick James corrects this oversight by using systemism a concept drawn from the philosophy of science to identify and assess five theories that fall into the liberal or communitarian paradigms These theories are examined in the context of major issues such as the role of the courts or the status of Aboriginal peoples and debates among advocates and critics of each theory are used to work toward a greater understanding of constitutional wrangling in Canada By adding clarity to familiar debates this succinct assessment of major writings on constitutional politics sharpens our vision of the past and the future of the Canadian federation

Canada's Constitutional Revolution Barry L. Strayer, 2013-01-02 From 1960 to 1982 Barry L Strayer was instrumental in the design of The Canadian Charter of Rights and Freedoms and the patriation of Canada's Constitution Here Dr Strayer shares his experiences as a key legal advisor with a clear personal voice that yields an insightful contribution to Canadian

history and political memoir He discusses the personal philosophies of Pierre Trudeau and F R Scott in addition to his meticulous accounts of the events and people involved in Canada s constitutional reform and the consequences of that reform which reveal that it was truly a revolution This is an accessible primary source for experts and non specialists interested in constitutional history studies political history of patriation and The Charter interpretation of The Charter and the nature of judicial review

The Oxford Handbook of the Canadian Constitution Peter Crawford Oliver, Patrick Macklem, Nathalie Des Rosiers, 2017 The Oxford Handbook of the Canadian Constitution provides an ideal first stop for Canadians and non Canadians seeking a clear concise and authoritative account of Canadian constitutional law The Handbook is divided into six parts Constitutional History Institutions and Constitutional Change Aboriginal Peoples and the Canadian Constitution Federalism Rights and Freedoms and Constitutional Theory Readers of this Handbook will discover some of the distinctive features of the Canadian constitution for example the importance of Indigenous peoples and legal systems the long standing presence of a French speaking population French civil law and Quebec the British constitutional heritage the choice of federalism as well as the newer features most notably the Canadian Charter of Rights and Freedoms Section Thirty Five regarding Aboriginal rights and treaties and the procedures for constitutional amendment The Handbook provides a remarkable resource for comparativists at a time when the Canadian constitution is a frequent topic of constitutional commentary The Handbook offers a vital account of constitutional challenges and opportunities at the time of the 150th anniversary of Confederation

Language and Politics in the United States and Canada Thomas K. Ricento, Barbara Burnaby, 1998-05 Explores parallel and divergent developments in language policy and language rights in the U S and Canada especially the past 4 decades as a basis for reflection on what can be learned from one country s experience by the other

The Canadian Constitution Adam Dodek, 2024-03-12 THE HILL TIMES TOP 100 BOOKS OF 2024 A fully updated edition of the first ever primer on Canada s Constitution for anyone who wants to understand the supreme law of the land The Canadian Constitution makes Canada s Constitution readily accessible to readers It includes the complete text of the Constitution Acts of 1867 and 1982 accompanied by an explanation of what each section means along with a glossary of key terms a short history of the Constitution and a timeline of important constitutional events The Canadian Constitution explains how the Supreme Court of Canada works and describes the people and issues involved in leading constitutional cases Author Adam Dodek a law professor at the University of Ottawa provides the only index to the Canadian Constitution as well as fascinating background on the Supreme Court and the Constitution This new edition is a great primer for those reading Canada s Constitution for the first time and is a useful reference work for students and scholars

Policy Change, Courts, and the Canadian Constitution Emmett Macfarlane, 2018-01-01 Policy Change Courts and the Canadian Constitution aims to further our understanding of judicial policy impact and the role of the courts in shaping policy change Bringing together a group of political scientists and legal scholars this volume delves into a diverse set of policy areas including health care

issues the regulation of elections criminal justice policy minority language education citizenship refugee policy human rights legislation and Indigenous policy While much of the public law and judicial politics literatures focus on the impact of the constitution and the judicial role scholarship on courts that makes policy change its central lens of analysis is surprisingly rare Multidisciplinary in its approach to examining policy issues this book focuses on specific cases or policy issues through a wide ranging set of approaches including the use of interview data policy analysis historical and interpretive analysis and jurisprudential analysis Canada's Francophone Minority Communities Michael Derek Behiels, 2004 By the late 1950s francophone and Acadian minority communities outside Quebec were in rapid decline Demographic economic socio cultural institutional and political factors that had sustained both the concept and the reality of French Canada for well over a century were being eliminated or transformed Canada's Francophone Minority Communities shows how French speaking minorities won the right to full and unfettered school governance with the backing of the Charter the Supreme Court and the Canadian government Convinced that education was one of the essential keys to the renewal and growth of their communities francophone organizations and leaders lobbied for constitutional entrenchment of official bilingualism and a mandated Charter right to education in their own language including the right to governance over their own schools and school boards a significant Canadian innovation From those efforts a new vigorous francophone pan Canadian national community emerged one capable of ensuring the survival of its constituents communities well into the twenty first century

Comparative Constitutional Theory Gary Jacobsohn, Miguel Schor, 2018-02-23 The need for innovative thinking about alternative constitutional experiences is evident and readers of Comparative Constitutional Theory will find in its pages a compendium of original theory driven essays The authors use a variety of theoretical perspectives to explore the diversity of global constitutional experience in a post 1989 world prominently marked by momentous transitions from authoritarianism to democracy by multiple constitutional revolutions and devolutions by the increased penetration of international law into national jurisdictions and by the enhancement of supra national institutions of governance

The Case for Multinational Federalism Alain-G. Gagnon, 2009-09-10 Throughout the world liberal democracies are grappling with increasing claims made in the name of minority national socio cultural and ethno cultural identities that seek greater recognition in the institutions of the nation state This work inserts itself into debates centred on diversity through a normative and empirical analytical assessment of the political sociology of multinational democracies The main thread of the arguments put forward is that federalism in both its institutional manifestations and its sociological properties constitutes a promising avenue for the management of cohabitating political communities and for the affirmation of collective identities within states that are constituted by two or more nations Author Alain G Gagnon develops his argument by contending that the federal principle allows for the exercise of advanced democratic practices within nation states permitting internal nations to openly affirm the bases of adherence to a common political project At the same time he argues that federalism nourishes the development of

distinct collective traditions that serve to benefit all parties to the association. It is concluded that only in such a scenario will the elusive pursuit of an authentic and shared loyalty underpin multinational states and ensure their stability in contrast to the instrumental sentiments of belonging engendered by procedural territorial federal models. Focusing primarily on the Canadian case, this book also draws inspiration from other federal states: Belgium, the United States, as well as federalizing states Spain and the United Kingdom. It will be of keen interest to students and scholars of Politics, European Studies, along with Nationalism and Federalism Studies.

Federalism and the Constitution of Canada David E. Smith, 2010-10-30. The Canadian system of federalism divides the power to govern between the central federal parliament and the provincial and territorial legislative assemblies. In what can be seen as a double federation, power is also divided culturally between English and French Canada. The divisions of power and responsibility, however, have not remained static since 1867. The federal language regime of 1969, for example, reconfigured cultural federalism, generating constitutional tension as governments sought to make institutions more representative of the country's diversity. In *Federalism and the Constitution of Canada*, award-winning author David E. Smith examines a series of royal commission and task force inquiries, a succession of federal provincial conferences, and the competing and controversial terms of the Constitution Act of 1982 in order to evaluate both the popular and governmental understanding of federalism. In the process, Smith uncovers the reasons constitutional agreement has historically proved difficult to reach and argues that Canadian federalism in practice has been more successful at accommodating foundational change than may be immediately apparent.

Misrecognized Materialists Matt James, 2011-11-01. Canada's history of intense constitutional debate is often depicted as a source of national embarrassment, a diversion from more sensible endeavours. *Misrecognized Materialists* tells a different story. Beginning with the Rowell-Sirois hearings of the Great Depression and concluding with the national unity wars of the late 1980s and early 1990s, Matt James details how groups representing marginalized constituencies—women, working class people, and ethnocultural minorities—were able to use the Canadian constitutional arena to pursue traditionally neglected aspirations and concerns. With concrete illustrations and case studies, James questions the common tendency to interpret recognition struggles as departures from traditional materialist priorities such as economic security and personal safety. Ultimately, he argues that such materialist priorities were and are in fact at the heart of the fight for recognition for many marginalized groups. A book with provocative implications for students and scholars of social movements and identity politics, *Misrecognized Materialists* offers a fresh and important perspective on Canada's constitutional struggles over civic symbolism and identity.

Federalism in Canada Thomas O. Hueglin, 2021. *Federalism in Canada* tells the turbulent story of shared sovereignty and divided governance from Confederation to the present time. It does so with three main objectives in mind. The first objective is to convince readers that federalism is the primary animating force in Canadian politics and that it is therefore worth engaging with its complex nature and dynamic. The second objective is to bring into closer focus the contested concepts about the meaning and operation of

federalism that all along have been at the root of the divide between English Canada and Quebec in particular The third objective is to give recognition to the trajectory of Canada s Indigenous peoples in the context of Canadian federalism from years of abusive neglect to belated efforts of inclusion The book focuses on the constitution with its ambiguous allocation of divided powers the pivotal role of the courts in balancing these powers and the political leaders whose interactions oscillate between intergovernmental conflict and cooperation This focus on executive leadership and judicial supervision is framed by considerations of Canada s regionalized political economy and cultural diversity giving students an interesting and nuanced view of federalism in Canada

Democracy and North America Alan Ware, 2013-10-23 The contributions here consider a number of themes and issues which account for the successful democratization of the United States and Canada and offer an analysis of the reasons for the absence of democratization in Mexico

Constitutional Predicament Curtis Cook, 1994 This collection of essays by prominent Canadian political scientists and philosophers examines why the Charlottetown Accord failed to resolve Canada s constitutional problems and explains the design and fate of the accord as reflected in the theories and political forces that framed it

Constitutional Politics in Canada and the United States Stephen L. Newman, 2012-02-01 The Canadian constitutional reforms of 1982 which included a Charter of Rights and Freedoms analogous to the American Bill of Rights brought about a convergence with American constitutional law As in the U S Canadian courts have shown themselves highly protective of individual rights and they have not been shy about assuming a leading and sometimes controversial political role in striking down legislation In clear and easy to understand language the contributors not only chart but also explore the reasons for areas of similarity and difference in the constitutional politics of Canada and the United States

Weak Constitutionalism Joel I. Colon-Rios, 2012 It has been frequently argued that democracy is protected and realized under constitutions that protect certain rights and establish the conditions for a functioning representative democracy However some democrats still find something profoundly unsettling about contemporary constitutional regimes The participation of ordinary citizens in constitutional change in the world s most advanced democracies such as the United States Canada and the United Kingdom is weak at best the power of constitutional reform usually lies in the exclusive hands of legislatures How can constitutions that can only be altered by those occupying positions of power be considered democratically legitimate This book argues that only a regime that provides an outlet for constituent power to manifest from time to time can ever come to enjoy democratic legitimacy In so doing it advances a democratic constitutional theory one that combines a strong or participatory conception of democracy with a weak form of constitutionalism The author engages with Anglo American constitutional theory as well as examining the theory and practise of constituent power in different constitutional regimes including Latin American countries where constituent power has become an important part of the left s legal and political discourse Weak Constitutionalism Democratic Legitimacy and the Question of Constituent Power will be of particular interest to legal political theorists and comparative constitutional lawyers It also provides an introduction to the

theory of constituent power and its relationship to constitutionalism and democracy **Insiders and Outsiders** Gerald Kernerman, Philip Resnick, 2005 *Insiders and Outsiders* celebrates the work of Alan Cairns one of the most influential Canadian social scientists of the contemporary period Few scholars have helped shape so many key debates in such a wide range of topics in Canadian politics from the electoral system and federalism to constitutional and Charter politics to questions of Aboriginal citizenship This volume contains engaging and critical analyses of Cairns contributions by a diverse group of scholars political scientists legal scholars historians and policymakers many of them leaders in their own fields It includes assessments of his role as a public intellectual his interpretation of Canada's electoral system his views on federalism and on Canadian unity his approach to Aboriginal non Aboriginal relations and his writings on citizenship and diversity The book will be of particular interest to students and scholars of Canadian politics history and society especially those examining issues such as the Charter of Rights Aboriginal politics federalism multiculturalism political institutions and political change It should also be of interest to a larger public that follows the Canadian political scene and that shares Cairns concerns with broad questions of citizenship diversity and national unity

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