

Amending Canadas Constitution History Processes Problems And Prospects

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The History of Canada Series - The Last Act: Pierre Trudeau Ron Graham
2011-04-05 Between the morning of Wednesday, November 4, and the morning of Thursday, November 5, 1981, a fateful drama unfolded that changed Canada forever. In one last attempt to renew the constitution with the consent of the provinces, Prime Minister Pierre Elliott Trudeau met behind closed doors in Ottawa with the ten premiers. It was the culmination of more than five decades of constitutional wrangling, and has been called the most important conference since the Fathers of Confederation got together in Quebec City in 1864. Faced with the threat of Quebec independence, the ambitions of Western Canada, and the provinces' demands for more power, Trudeau was embattled. But he was fiercely determined to make Canadians fully independent and to entrench a Charter of Rights and Freedoms. What happened that day still reverberates. It severed the last important link to Canada's colonial past. It guaranteed individual liberty and minority rights in the future. It weakened the grip of the elites and gave ownership of the constitution to Canadians. But it came at a price. Quebec alone refused to sign the final

deal. René Lévesque, its separatist premier, claimed he had been betrayed by his allies in the Gang of Eight. The legend of the "Night of the Long Knives" took hold, precipitating a series of events that came close to destroying the country. Thirty years later, author Ron Graham delivers a gripping account of the fractious debates and secret negotiations. He uses newly uncovered documents and the candid recollections of many of the key participants to create a vivid record of that momentous twenty-four hours. Authoritative and engaging, *The Last Act* is a remarkable combination of scholarly research and historical narrative.

Parameters of Power Keith Archer 2002 Streamlined and rewritten to meet the needs of the market, *Parameters of Power* now fits the one-term Canadian Politics course much better, and is more balanced than ever before! The defining questions of modern Canadian politics are about institutions and the ways in which they shape our political life. Capturing the underlying logic of federalism, the Charter of Rights, electoral systems and many other areas, *Parameters of Power* tries to make sense of issues as they move dynamically from one institutional arena to the

next. By giving social and cultural factors greater prominence, the third edition recognizes Canada's social diversity and inequalities much more so than any competing text.

The Canadian Senate in Bicameral Perspective David E. Smith 2017-06-22 The Canadian Senate in Bicameral Perspective is the first scholarly study of the Senate in over a quarter century and the first analysis of the upper house as one chamber of a bicameral legislature. David E. Smith's aim in this work is to demonstrate the interrelationship of the two chambers and the constraints this relationship poses for Senate reform. He analyses past literature on the Senate and current proposals for reform - such as a Triple-E Senate - and compares Canada's upper chamber with those of Australia, the United States, Germany, and the United Kingdom, noting a revival of interest in Canada and abroad in upper chambers and bicameralism. Drawing on parliamentary debates and committee reports, as well as a range of broad secondary sources, *The Canadian Senate in Bicameral Perspective* examines the Canadian Senate within the international context, shedding light on its role as a political institution and arguing for a renewed investigation into its future.

Bowker's Law Books and Serials in Print 1998

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 (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.

Comparative Federalism Thomas O. Hueglin 2015-01-01 *Comparative Federalism: A Systematic Inquiry, Second Edition* is a uniquely comprehensive, analytic, and genuinely comparative introduction to the principles and practices, as well as the institutional compromises, of federalism. Hueglin and Fenna draw from their diverse research on federal systems to focus on four main models--America, Canada, Germany, and the European Union--but also to range widely over other cases. At the heart of the book is careful analysis of the relationship between constitutional design and amendment, fiscal relations, institutional structures, intergovernmental relations, and judicial review. Such analysis serves the dual role of helping the reader understand federalism and providing a comparative framework from which to assess the record of federal systems. The second edition has been extensively revised and updated, taking into account new developments in federal systems and incorporating insights from the growing body of literature in the field. It includes two new chapters, "Fiscal Federalism" and "The Limits of Federalism."

The Daily Plebiscite David R. Cameron 2021-11-17 *The Daily Plebiscite* offers a multi-faceted analysis of Canada's national unity crisis from the perspective of someone who lived through it all.

Beyond Autonomy Tracy B. Fenwick 2021-03-01 *Beyond Autonomy* forces readers to rethink the purpose of autonomy as a central organising pillar of federalism asking how modern federalism can be reimagined in the 21st Century.

Constitutional Amendments Richard Albert 2019-07-15 *Constitutional Amendments: Making, Breaking, and Changing Constitutions* is both a roadmap for navigating the intellectual universe of constitutional amendments and a blueprint for building and improving the rules of constitutional change. Drawing from dozens of constitutions in every

region of the world, this book blends theory with practice to answer two all-important questions: what is an amendment and how should constitutional designers structure the procedures of constitutional change? The first matters now more than ever. Reformers are exploiting the rules of constitutional amendment, testing the limits of legal constraint, undermining the norms of democratic government, and flouting the constitution as written to create entirely new constitutions that masquerade as ordinary amendments. The second question is central to the performance and endurance of constitutions.

Constitutional designers today have virtually no resources to guide them in constructing the rules of amendment, and scholars do not have a clear portrait of the significance of amendment rules in the project of constitutionalism. This book shows that no part of a constitution is more important than the procedures we use change it. Amendment rules open a window into the soul of a constitution, exposing its deepest vulnerabilities and revealing its greatest strengths. The codification of amendment rules often at the end of the text proves that last is not always least.

Contemporary Federalist Thought in Quebec Antoine Brousseau Desaulniers 2023-06-15 Quebec's most recent attempts to assert its distinctiveness within Canada have relied on unilateral constitutional means to strengthen its French and secular character, suggesting that an important change of political culture has taken place in Quebec. With its diverse team of researchers, *Contemporary Federalist Thought in Quebec* considers the recent history of the debate that once threatened Canada with disjunction, exploring the federalist thought that continues to shape constitutional debate in Quebec. Examining historical perspectives from 1950 to the present day, the volume draws portraits of the key actors in the federalist movement - including political leaders, intellectuals, academics, activists, and spokespersons for pressure groups - comparing their various outlooks, interventions, and values, and examining the ties that bind these actors to the sense of nationalism that emerged during Quebec's Quiet Revolution. Taking a multidisciplinary approach, *Contemporary Federalist Thought in Quebec* casts new light

on the continuing debate surrounding Quebec's place in Canada and gives nuance to what is traditionally conceived as a rigid opposition between sovereigntists and federalists in the province.

The Politics of Constitutional Reform in North America Rainer-Olaf Schultze 2013-06-29 In October 1999, some fifteen academic experts and government practitioners from Germany and North America gathered for two days at the University of Augsburg to discuss the topic of "Constitutional Reform and Constitutional Jurisprudence in Canada and the United States." The present volume documents the results of that conference, a collaborative effort of the Department of Political Science, University of Erlangen-Nuremberg, and the Institute for Canadian Studies, University of Augsburg. In organizing this workshop, we were guided by two basic sets of ideas and assumptions: First, all "established" democracies are regularly confronted with the need to adjust their constitutional order to changes in their environment lest democratic stability be transformed into rigidity; in many western nations, including Canada and the United States, developments such as the crisis of the Keynesian welfare-state or the emergence of increasingly heterogeneous, postmodern societies have ushered in an era of heightened, yet not always successful constitutional reform activity. Secondly, however, there is no unique path towards, or model of, an "optimal" constitutional order, however defined; rather, constitutional reform processes, their underlying normative principles and their outcomes are strongly path and context dependent. Therefore, the participants of the workshop and authors of this volume were asked to examine the specific preconditions, context, nature and impact of recent constitutional reform processes in the United States and Canada.

Accommodating Cultural Diversity Stephen Tierney 2016-03-23 This volume explores recent developments in the theory and practice of accommodating cultural diversity within democratic constitutional orders. The aim of the book is to provide a broad vision of the constitutional management of cultural diversity as seen through the prisms of different disciplines and experiences, both theoretical and practical. The contributions, which come from Canada and Europe,

comprise a review of the evolving theory of cultural diversity, followed by two main case studies: a substantive study of the accommodation of indigenous peoples within different constitutional orders and, secondly, the importance of constitutional interpretation to the development of cultural diversity in complex pluralist democracies such as Australia, Canada and the UK.

The Canadian Constitution in Transition Richard Albert 2019-03-14
The year 2017 marked the 150th anniversary of Confederation and the 1867 Constitution Act. Anniversaries like these are often seized upon as opportunities for retrospection. This volume, by contrast, takes a distinctively forward-looking approach. Featuring essays from both emerging and established scholars, *The Canadian Constitution in Transition* reflects on the ideas that will shape the development of Canadian constitutional law in the decades to come. Moving beyond the frameworks that previous generations used to organize constitutional thinking, the scholars in this volume highlight new and innovative approaches to perennial problems, and seek new insights on where constitutional law is heading. Featuring fresh scholarship from contributors who will lead the constitutional conversation in the years ahead - and who represent the gender, ethnic, linguistic, and demographic make-up of contemporary Canada - *The Canadian Constitution in Transition* enriches our understanding of the Constitution of Canada, and uses various methodological approaches to chart the course toward the bicentennial.

The Constitution of Independence Peter Crawford Oliver 2005
The Constitution of Independence traces constitutional theory in Australia, Canada, and New Zealand from early domination by British Imperial ideas, through contemplation of constitutional equality, to the eventual achievement of irreversible constitutional independence in the 1980s. In these countries, a series of fascinating developments have been under way for more than a decade, characterized by independent thinking, experimentation, and cross-Commonwealth borrowing of constitutional ideas.

Constitutional Amendment in Canada Emmett Macfarlane

2016-08-12
In Canada, the 1982 Constitution Act contains the amending formula, which outlines a set of procedures required to make changes to the constitution. Recent debates over Senate reform, the status of the Supreme Court of Canada, and the rules governing royal succession have highlighted how important the amending formula is in maintaining the vitality and relevance of the governing system. *Constitutional Amendment in Canada* is the first volume to focus solely on the implications of the amending formula in Canada. Emmett Macfarlane has brought together a group of expert authors to address such topics as the difficulties of constitutional reform, the intersection of various levels of government and the judiciary, and the ability of the public to veto proposed changes. Filling a serious gap in the literature, *Constitutional Amendment in Canada* is an authoritative study of the historical and contemporary implications of the amending formula.

Essential Readings in Canadian Constitutional Politics Peter H. Russell 2011-01-01
Essential Readings in Canadian Constitutional Politics introduces students, scholars, and practitioners to classic authors and writings on the principles of the Canadian Constitution as well as to select contemporary material. To complement rather than duplicate the state of the field, it deals with the Canadian Charter of Rights and Freedoms and with Canadian mega-constitutional politics in passing only, focusing instead on institutions, federalism, intergovernmental relations, bilingualism and binationalism, the judiciary, minority rights, and constitutional renewal. Many of the selections reverberate well beyond Canada's borders, making this volume an unrivalled resource for anyone interested in constitutional governance and democratic politics in diverse societies.

Public Administration and Public Management Jacques Bourgault 1997

[Constitutional Policy in Multilevel Government](#) Arthur Benz 2016-07-21
The search for a robust balance of power is a continuous challenge for multilevel political system. Institutions like parliaments or courts can protect the existing order. However, necessary adjustments to economic, social, or international challenges or policies determined to improve

ineffective structures or to prevent disintegration require constitutional amendments. Whereas constitutional policy appears as essential to maintain balance, changing a constitution is rather difficult in multilevel governments. Due to the veto power of many actors pursuing divergent interests, policies aiming to redistribute power or fiscal resources risk to end in the joint decision trap. Hence, multilevel government is confronted by a fundamental dilemma. *Constitutional Policy in Multilevel Government* compares processes of constitutional reform in federal and regionalized states. Based on a theoretical framework emphasizing the relevance of negotiations in parliamentary, intergovernmental, and societal arenas, it identifies conditions for successful reforms and explains the consequences of failed reforms. Moreover, it highlights the interplay of reform processes and constitutional evolution as essential to maintaining a robust balance of power. The book demonstrates that an appropriate arrangement of multiple arenas of negotiation including executives, members of parliament and civil society organizations, and sequential order of reform processes proves fundamental to prevent federal or regionalized governments from becoming either instable or ending with rigid constitutions. *Transformations in Governance* is a major new academic book series from Oxford University Press. It is designed to accommodate the impressive growth of research in comparative politics, international relations, public policy, federalism, environmental and urban studies concerned with the dispersion of authority from central states up to supranational institutions, down to subnational governments, and side-ways to public-private networks. It brings together work that significantly advances our understanding of the organization, causes, and consequences of multilevel and complex governance. The series is selective, containing annually a small number of books of exceptionally high quality by leading and emerging scholars. The series targets mainly single-authored or co-authored work, but it is pluralistic in terms of disciplinary specialization, research design, method, and geographical scope. Case studies as well as comparative studies, historical as well as contemporary studies, and studies with a national, regional, or international focus are all central to its aims.

Authors use qualitative, quantitative, formal modeling, or mixed methods. A trade mark of the books is that they combine scholarly rigour with readable prose and an attractive production style. The series is edited by Liesbet Hooghe and Gary Marks of the University of North Carolina, Chapel Hill, and the VU Amsterdam, and Walter Mattli of the University of Oxford.

Patriation and Its Consequences Lois Harder 2015-06-17 Few moments in Canadian history are as intriguing as the political battle between Prime Minister Pierre Trudeau and the “Gang of Eight” provincial premiers who opposed his plans to “patriate” Canada’s constitution from Britain. *Patriation and Its Consequences* revisits these constitutional negotiations, including the personalities, visions, and political struggles that shaped the resulting constitutional agreement. Focusing on the players behind the process, as well as First Nations and feminist activists, this volume explores the long shadow of patriation: the alienation of Quebec, the character of Canadian federalism, Aboriginal treaty rights, and the struggle to ensure gender equality.

Canada in the World Richard Albert 2017-11-30 In this volume marking the Sesquicentennial of Confederation in Canada, leading scholars and jurists discuss the evolution of the Canadian Constitution since the British North America Act 1867; the role of the Supreme Court in interpreting the Constitution as a 'living tree' capable of application to new legal issues; and the growing influence of both the Constitution, with its entrenched Charter of Rights and Freedoms, and the decisions of the Court on other constitutional courts dealing with a wide range of issues pertaining to human rights and democratic government. The contributors assess how the Canadian Constitution accommodates the cultural diversity of the country's territories and peoples while ensuring the universal applicability of its provisions; the role of the Court in interpreting and applying the Constitution; and the growing global influence of the Constitution and decisions of the Court on legislatures and courts in other countries.

The Democratic Dilemma Jennifer Smith 2009 In 2006 Prime Minister Stephen Harper's Conservative government introduced two bills to

reform the Senate: one to establish limited terms for senators, replacing the existing system of appointment until age 75 and the other to establish consultative elections for the Senate with the prime minister nominating the winners of the election. Both bills have been heard in the House of Commons and the Senate but neither bill has been enacted into law. The government's initiatives are proving controversial for two reasons. One is the contents of the bills. The other is procedural and concerns the federal government's strategy of treating Senate reform as a matter for Parliament alone to determine - a matter of federal legislation rather than an amendment of the constitution. Contributors examine all angles of the debate on Senate reform. They address the constitutionality of the proposals and bring to light features of the bills that have not yet been analyzed, assessing their significance for the conduct of a reformed chamber. They consider whether the objectives of the reformers are likely to be met by these proposals or whether the result will have unintended consequences. They demonstrate how complicated Senate reform is, full of unexpected twists and turns, and show that successful reform requires a deep understanding of the country's parliamentary system and culture and a delicate approach to institutional change. Contributors include Jane Ajzenstat (McMaster University), Peter Aucoin (Dalhousie University), Louise Carbert (Dalhousie University), Don Desserud (University of New Brunswick in Saint John), Andrew Heard (Simon Fraser University), Tom Kent (Institute for Research on Public Policy and Queen's University), Stephen Michael MacLean (independent scholar), Lorna Marsden (York University), Vincent Pouliot (lawyer and entrepreneur, Quebec), Hugh Segal (Senate of Canada), David Smith (University of Regina), Nadia Verrelli (Queen's University), Ron Watts (Queen's University), and John Whyte (University of Saskatchewan).

The Battle of London Frédéric Bastien 2014-10-01 Historian Frederic Bastien describes how Pierre Elliott Trudeau and Margaret Thatcher entered one of history's most unlikely marriages of convenience in order to repatriate the Canadian Constitution.

The Law and Legitimacy of Imposed Constitutions Richard Albert

2018-11-01 Constitutions are often seen as the product of the free will of a people exercising their constituent power. This, however, is not always the case, particularly when it comes to 'imposed constitutions'. In recent years there has been renewed interest in the idea of imposition in constitutional design, but the literature does not yet provide a comprehensive resource to understand the meanings, causes and consequences of an imposed constitution. This volume examines the theoretical and practical questions emerging from what scholars have described as an imposed constitution. A diverse group of contributors interrogates the theory, forms and applications of imposed constitutions with the aim of refining our understanding of this variation on constitution-making. Divided into three parts, this book first considers the conceptualization of imposed constitutions, suggesting definitions, or corrections to the definition, of what exactly an imposed constitution is. The contributors then go on to explore the various ways in which constitutions are, and can be, imposed. The collection concludes by considering imposed constitutions that are currently in place in a number of polities worldwide, problematizing the consequences their imposition has caused. Cases are drawn from a broad range of countries with examples at both the national and supranational level. This book addresses some of the most important issues discussed in contemporary constitutional law: the relationship between constituent and constituted power, the source of constitutional legitimacy, the challenge of foreign and expert intervention and the role of comparative constitutional studies in constitution-making. The volume will be a valuable resource for those interested in the phenomenon of imposed constitutionalism as well as anyone interested in the current trends in the study of comparative constitutional law.

The Oxford Handbook of the Canadian Constitution Peter Oliver 2017-08-10 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.

Canada and the End of Empire Phillip Buckner 2007-10-01 Sir John Seeley once wrote that the British Empire was acquired in "a fit of absence of mind." Whatever the truth of this comment, it is certainly arguable that the Empire was dismantled in such a fit. This collection deals with a neglected subject in post-Confederation Canadian history -- the implications to Canada and Canadians of British decolonization and the end of empire. *Canada and the End of Empire* looks at Canadian diplomatic relations with the United Kingdom and the United States, the Suez crisis, the changing economic relationship with Great Britain in the 1950s and 1960s, the role of educational and cultural institutions in maintaining the British connection, the royal tour of 1959, the decision to adopt a new flag in 1964, the efforts to find a formula for repatriating the constitution, the Canadianization of the Royal Canadian Navy, and the attitude of First Nations to the changed nature of the Anglo-Canadian relationship. Historians in Commonwealth countries tend to view the end of British rule from a nationalist perspective. *Canada and the End of Empire* challenges this view and demonstrates the centrality of imperial history in Canadian historiography. An important addition to the growing canon of empire studies and imperial history, this book will be of interest to historians of the Commonwealth, and to scholars and students interested in the relationship between colonialism and nationalism.

Constitutional Crossroads Kate Puddister 2022-12-01 Four decades have passed since the adoption of the Constitution Act, 1982. Now it is time to assess its legacy. *Constitutional Crossroads* brings together an impressive assembly of established and rising stars of political science and law, who not only provide a robust account of the 1982 constitutional reform but also analyze the ensuing scholarship that has shaped our understanding of the Constitution. Contributors bypass historical description to offer reflective assessments of issues such as sovereignty, identity and pluralism, the scope and limits of rights, competing constitutional visions, the relationship between the state and Indigenous peoples, and the nature and methods of constitutional change.

Canadian Constitution in Transition Richard Albert 2019-01-01 The year 2017 marked the 150th anniversary of Confederation and the 1867 Constitution Act. Anniversaries like these are often seized upon as opportunities for retrospection. This volume, by contrast, takes a distinctively forward-looking approach. Featuring essays from both emerging and established scholars, *The Canadian Constitution in Transition* reflects on the ideas that will shape the development of Canadian constitutional law in the decades to come. Moving beyond the frameworks that previous generations used to organize constitutional thinking, the scholars in this volume highlight new and innovative approaches to perennial problems, and seek new insights on where constitutional law is heading. Featuring fresh scholarship from contributors who will lead the constitutional conversation in the years ahead - and who represent the gender, ethnic, linguistic, and demographic make-up of contemporary Canada - *The Canadian Constitution in Transition* enriches our understanding of the Constitution of Canada, and uses various methodological approaches to chart the course toward the bicentennial.

[Loi Constitutionnelle de 1982](#) Canada 1992

Amending Canada's Constitution James Ross Hurley 1996
Constitutional law, amendments, constitutional history.

Transitions John Richard Allan 2009 *Canada: The State of the Federation* 2006/07 deals with transitions that have been initiated by a

variety of factors and have profound implications. Scholars from several disciplines analyze the implications of these transitional forces, bringing historical, analytical, fiscal, and political perspectives to bear on issues arising from equalization and fiscal imbalance. Contributors examine the ramifications of recent major changes to equalization and show how these changes will have far-reaching and, in some cases, troubling implications. Further transitions arise in the area of federal-provincial relations as a result of Prime Minister Harper's commitment to "open federalism." In this context, contributors re-examine the role and use of federal spending power and explore whether the Canadian federation might be better served by a totally new approach to federalism. Finally, the implications of transitions affecting the role and place of cities in the Canadian federation are considered. Particular attention is given to the significance of the on-going information revolution, which privileges cities - most importantly "global city regions" - as the new, dynamic drivers of growth, innovation, and trade. Contributors include Marc-Antoine Adam (Queen's University), John R. Allan (Queen's University and University of Regina), Robin Boadway (Queen's University), Paul Boothe (University of Alberta), Thomas J. Courchene (Queen's University and Institute for Research on Public Policy), Gordon DiGiacomo (University of Ottawa), James P. Feehan (Memorial University), Anne Golden (The Conference Board of Canada), Paul A.R. Hobson (Acadia University), Christian Leuprecht (Royal Military College of Canada and Queen's University), L. Wade Locke (Memorial University), Janice MacKinnon (University of Saskatchewan), Al O'Brien (University of Alberta), Joe Ruggeri (University of New Brunswick), Anwar Shah (World Bank), Janice Gross Stein (University of Toronto), Garth Stevenson (Brock University), and Jean-François Tremblay (University of Ottawa)

Constitutional Pariah Emmett Macfarlane 2021-04-01 The Canadian Senate has long been considered an institutional pariah, viewed as an undemocratic, outmoded warehouse for patronage appointments and mired in spending and workload scandals. In 2014, the federal government was compelled to refer constitutional questions to the Supreme Court relating to its attempts to enact senatorial elections and

term limits. *Constitutional Pariah* explores the aftermath of Reference re Senate Reform, which barred major unilateral alteration of the Senate by Parliament. Ironically, the decision resulted in one of the most sweeping parliamentary reforms in Canadian history, creating a pathway to informal changes in the appointments process that have curbed patronage and partisanship. Despite reinvigorating the Senate, Reference re Senate Reform has far-reaching implications for constitutional reform in other contexts. Macfarlane's sharp critique suggests that the Court's nebulous approach to the amending formula raises the spectre of a frozen constitution, unable to evolve with the country.

Courts Without Cases Carissima Mathen 2019-04-18 Since 1875, Canadian courts have been permitted to act as advisors alongside their ordinary, adjudicative role. This book offers the first detailed examination of that role from a legal perspective. When one thinks of courts, it is most often in the context of deciding cases: live disputes involving spirited, adversarial debate between opposing parties. Sometimes, though, a court is granted the power to answer questions in the absence of such disputes through advisory opinions (also called references). These proceedings raise many questions: about the judicial role, about the relationship between courts and those who seek their 'advice', and about the nature of law. Tracking their use in Canada since the country's Confederation and looking to the experience of other legal systems, the book considers how advisory opinions draw courts into the complex relationship between law and politics. With attention to key themes such as the separation of powers, federalism, rights and precedent, this book provides an important and timely study of a fascinating phenomenon.

The Charter Debates Adam M. Dodek 2018-05-04 The Canadian Charter of Rights and Freedoms may only be thirty-five years old but it is an important document for all Canadians. Few today, however, are aware of the extensive work and tumultuous debates that occurred behind the scenes. In *The Charter Debates*, Adam Dodek tells the story of the Special Joint Committee of the Senate and the House of Commons on the

Constitution, whose members were instrumental in drafting the Charter. Dodek places the work of the Joint Committee against the backdrop of the decades-long process of patriation and takes the reader inside the committee room, giving them access to Cabinet discussions about constitutional reform. The volume offers a textual exploration of the edited proceedings concerning major Charter subjects such as fundamental freedoms, democratic rights, equality rights, language rights, and the limitations clause. Presenting key moments from the transcripts, carefully selected and contextualized, *The Charter Debates* is a one-of-a-kind resource for scholars, students, and general readers interested in the Charter and its impact on constitutional politics in Canada.

Federalism Jennifer Smith 2011-11-01 Jennifer Smith argues that federalism is part of the democratic problem now; however, reformed, it can be part of the solution. Since theorists disagree on the democratic credentials of federalism, it is essential to look at how a real federal system operates. Smith examines the origins of Canadian federalism and its special features, then analyzes it in relation to the benchmarks of the Canadian Democratic Audit project: responsiveness, inclusiveness, and participation. Finding that Canadian federalism falls short on each benchmark, she recommends changes ranging from virtual regionalism to a Council of the Federation that includes Aboriginal representatives. Democracy is about more than the House of Commons or elections. It is also about federalism. This sparkling account of Canadian federalism is a must-read for students and scholars of Canadian politics, politicians and policymakers, and those who care about Canadian democracy.

Protecting Canadian Democracy Serge Joyal 2003-05-27 In recent years Canada's Senate, Parliament's chamber of sober second thought, has often been the subject of controversy and calls for reform. *Protecting Canadian Democracy* examines the history, role, and evolution of the Senate; places it in the context of other federal systems; and contrasts its role with that of provincial governments. Contributors analyse the Senate's use of its legislative powers, comparing it with the House of Commons, and assess the Senate's contribution to public policy

development and review, showing how the upper chamber functions as a forum within Parliament for the representation of Canada's diverse regional, linguistic, cultural, and socio-economic interests.

Time, Law, and Change Sofia Ranchordás 2020-04-16 Offering a unique perspective on an overlooked subject – the relationship between time, change, and lawmaking – this edited collection brings together world-leading experts to consider how time considerations and social, political and technological change affect the legislative process, the interpretation of laws, the definition of the powers of the government and the ability of legal orders to promote innovation. Divided into four parts, each part considers a different form of interaction between time and law, and change. The first part offers legal, theoretical and historical perspectives on the relationship between time and law, and how time shaped law and influences legal interpretation and constitutional change. The second part offers the reader an analysis of the different ways in which courts approach the impact of time on law, as well as theoretical and empirical reflections upon the meaning of the principle of legal certainty, legitimate expectations and the influence of law over time. The third part of the book analyses how legislation and the legislative process addresses time and change, and the various challenges they create to the legal order. The fourth and final part addresses the complex relationship between fast-paced technological change and the regulation of innovations.

Transitions John R. Allan 2009 This title deals with transitions that have been initiated by a variety of factors and have profound implications. Scholars from several disciplines analyse the implications of these forces, bringing historical, analytical, fiscal, and political perspectives to bear on issues arising from equalization and fiscal imbalance.

Governing Environment Sanjay Sharma 2016-04-26 This book comparatively analyses the federal policies and financing of India and Canada. It examines whether federalism as a system of governance is better suited to deal with environmental questions. It operates from the assumption that federalism can provide an effective solution to the emerging concerns of the environment because it essentially provides a

model of disaggregated governance without any extensive and intrusive mark of hierarchy. It presents a uniquely exploration of environmental governance from this hitherto under-researched perspective, and simultaneously, in order to provide a better conceptual understanding, examines the different theories of federalism and modes of distribution of powers, authorities and functions. Given their symmetrical federal experiences, India and Canada naturally qualify as the domain of study, with both being known as twin federal nations. Issues of environment have been factorised and classified according to their critical significance in terms of policy choices. The combinatorial structure has been evaluated in terms of better federal management of environment. In the process, many new dimensions of federalism and environment have emerged, which may contribute to the critical mass of knowledge on the subject. This book makes a departure from the general mono-construction of the environment as a restricted unit of knowledge available only to a specialist. Broadly following an interdisciplinary logic of formation of idea, this study is highly relevant in generating a new perspective on environmental research. It defines environment as a system which requires careful redrafting and reworking of three structures of relationships, namely between man and environment, between resource community and the state, and between inter-governmental contestations.

Canada's Constitutional Revolution Barry L. Strayer 2013-01-02 The Honourable Barry L. Strayer's political memoir on Canadian constitutional reform, 1960-1982.

A Justifiable Obsession P.E. Bryden 2013-01-01 'A Justifiable Obsession' traces the evolution of Ontario's relationship with the federal government in the years following the Second World War. Through extensive archival research in both national and provincial sources, P.E. Bryden demonstrates that the province's successive Conservative governments played a crucial role in framing the national agenda □ although this central relationship has received little attention compared to those that have been more volatile. As such, Bryden's study sheds light on an important but largely ignored chapter in Canadian political history. Bryden focuses on the politicians and strategists who guided the province through the negotiation of intergovernmental economic, social, and constitutional issues, including tax policies, the design of the new social welfare net, and efforts to patriate the constitution. Written in a lucid, engaging style that captures the spirit of the politics of postwar Canada, 'A Justifiable Obsession' is a significant contribution to our understanding of Ontario's politics and political culture.

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