

University of Toronto
Department of Political Science

POL337: The Canadian Constitution

Syllabus

Winter 2026

Class Time & Location: Refer to ACORN

Instructor: Chris Greenaway

Email: chris.greenaway@mail.utoronto.ca

Teaching Assistant: Ashley Splawinski

Email: Ashley.splawinski@mail.utoronto.ca

Office Hours & Location: Refer to Quercus

Course Description

This course introduces students to major concepts and debates that underlie the Canadian Constitution. This course analyzes the moral foundations, historical events, political forces and legal ideas that have shaped the Canadian constitution; the roots, legacies, and judicial interpretations of the Constitution Act 1867, the Constitution Act 1982. In particular, the course studies the constitutional framework of federalism, the politics of constitutional development and change, ‘rights talk’ and the Charter of Rights and Freedoms, as well as considering the impact of the judicialization of politics.

The course is delivered in two parts. Part 1 of the course will focus on the constitutional history of Canada, including major sections of the Constitution Act, 1867. Of particular importance will be documents of the pre-Confederation era, the concept and development of Canadian federalism, Indigenous sovereignty, and the process of constitutional patriation. The characteristics and interrelationship between the executive, legislative, and judicial branches of government will also be examined. Part 2 is dedicated to the Charter and to explore its impact on Canadian politics and legal culture. Topics include the scope and limitations of the freedom of expression, religion, association, equality, language rights, and “life, liberty, and the security of the person.”

Prerequisites

Prerequisites are strictly checked and enforced and must be completed before taking a course. By taking this course you acknowledge that you will be removed from the course at any time if you do not meet all requirements set by the Department of Political Science. Further

information can be found in the 2025-2026 Courses Calendar which is available from the Office of the Registrar.

Course Delivery

This course will be conducted in-person, including lectures and assessments. The experiential learning reflection and the research paper, however, will be submitted digitally through Quercus.

Required Texts

Available through vLex Irwin Law via UofT:

- *Constitutional Law*, 5th ed. by Monahan, Shaw & Ryan (2017):
<https://ca.vlex.com/source/constitutional-law-35188>
- *The Canadian Charter of Rights and Freedoms*, 5th ed by Sharpe and Roach (2013-2021):
<https://ca.vlex.com/source/charter-rights-freedoms-fifth-edition-35298>

Note: All other readings will be posted on Quercus

Recommended Reading

- A separate document of recommended reading will be provided on Quercus. The reading list will include topics on Canadian federalism, as well as literature on research and writing in higher education.

Assessment

Mid-Term Test	Due: February 24	30%
Research Paper	Due: March 17	25%
Experiential Learning Reflection	Due: March 31	10%
Final Exam	Due: TBA	35%

Note: Penalty for late essays/assignments is a deduction of 5% per calendar day

Last Day to Drop Courses: March 11

Online Resources:

Court Cases: <https://www.canlii.org/en/>

Digitized Hansard: <https://lipad.ca/>

Parliament of Canada: <https://www.parl.ca/>

Canada's National Statistical Agency: <https://www.statcan.gc.ca/en/start>

Library & Archives Canada: <https://library-archives.canada.ca/eng>

News Sources:

CBC News: <https://www.cbc.ca/news>

The Globe and Mail: <https://www.theglobeandmail.com/>

iPolitics News: <https://www.ipolitics.ca/>

National Post: <https://nationalpost.com/>

Toronto Star: <https://www.thestar.com/news/canada/>

Commitment to Equity, Human Rights, and Respect for Diversity

The University of Toronto is committed to equity, human rights and respect for diversity. All members of the learning environment in this course should strive to create an atmosphere of mutual respect where all members of our community can express themselves, engage with each other, and respect one another's differences. U of T does not condone discrimination or harassment against any persons or communities

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 the AccessAbility Resource Centre as soon as possible. AccessAbility staff are available by appointment to assess specific needs, provide referrals and arrange appropriate accommodations. The sooner you let us know your needs the quicker we can assist you in achieving your learning goals in this course.

Late Assignments and Missed Tests

If anytime throughout the term you encounter unforeseen circumstances outside of your control that are impacting your ability to attend your test, you may apply for special consideration. This request must explain the reason for missing the test and include appropriate documentation, e.g. Verification of Student Illness or Injury form. A student whose explanation is accepted **might** be granted a makeup test. The instructor will assign the date(s) for makeup tests, administer them, evenings and Saturdays/Sundays included and will inform the students.

Late assignments will be subject to a late penalty of **5%** per day (including weekends) of the total marks for the assignment. Assignments submitted five calendar days beyond the due date will normally be assigned a grade of zero. Assignments handed in **AFTER** the work has been returned to the class cannot be marked for credit. Accommodations due to late registration into the course will **NOT** be approved. The request must explain

the reason for missing the deadline and include appropriate documentation, e.g. Verification of Student Illness or Injury form. Each request for special consideration is carefully reviewed by the department/course instructor based on the information provided and approval is not guaranteed.

Statement on the use of Turnitin in Quercus

Normally, students will be required to submit their course essays to the University's plagiarism detection tool for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the tool's reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of this tool are described on the Centre for Teaching Support & Innovation web site (<https://uoft.me/pdt-faq>).

A WARNING ABOUT PLAGIARISM

Plagiarism is an academic offence with a severe penalty.

This course is designed to promote your learning and intellectual development and to help you reach course learning outcomes.

Representing as one's own an idea, or expression of an idea, that was **AI-generated** may be considered an academic offense in this course. The use of generative artificial intelligence tools and apps requires prior consultation with the course instructor prior to submission, and students must disclose how and to what extent AI was used for the development of their ideas. This includes ChatGPT and other AI writing and coding assistants. Use of generative AI in this course may be considered use of an unauthorized aid, which is a form of cheating.

It is essential that you understand what plagiarism is and that you do not commit it. In essence, it is the theft of the thoughts or words of others, without giving proper credit. You must put others' words in quotation marks and cite your source(s). You must give citations when using others' ideas, even if those ideas are paraphrased in your own words. Plagiarism is unacceptable in a university. What the university calls "plagiarism", non-university institutions might call "fraud".

The University of Toronto provides a process that faculty members must initiate when they suspect a case of plagiarism. In the Department of Political Science, suspected evidence of plagiarism must be reported to the Chair; in most cases, the Chair passes the case on to the Dean.

A faculty member may not mark an assignment or assess a penalty if he or she finds evidence of plagiarism – the matter must be reported. Penalties are assigned by the Chair, by the Dean or by the University of Toronto Tribunal.

The following are some examples of plagiarism:

1. Submitting as your own an assignment written by someone else.
2. Quoting an author without indicating the source of the words.
3. Using words, sentences, or paragraphs written by someone else and failing to place quotation marks around the material and reference the source and author. **Using either quotation marks or reference alone is not sufficient. Both must be used!**
4. Adapting an author's ideas or theme and using it as your own without referencing the original source.
5. Seeking assistance from a friend or family member in respect to work you claim as your own.

Ignorance of the rules against plagiarism is not a defence; students are presumed to know what plagiarism is and how to avoid it.

Students are especially reminded that material taken from the web **must** be quoted and cited in the same manner as if it came from a book or printed article.

If you are not sure whether you have committed plagiarism, it is better to ask a faculty member or teaching assistant than risk discovery and be forced to accept an academic penalty.

Plagiarism is **cheating**. It is considered a **serious offence** against intellectual honesty and intellectual property. Penalties can be severe, ranging from a mark of "0" for the assignment or test in question, **up to and including expulsion from the university**.

Some websites listed below on avoiding plagiarism:

'How to Use Sources and Avoid Plagiarism' - available at:

<http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize> Other Advisory

Material available at: <http://www.writing.utoronto.ca/home>

Class Schedule

Class 1 (Tuesday January 6) Introduction

Required:

- POL337 2026 Syllabus

Recommended:

- Heard, Andrew. 2016. *Canadian Constitutional Conventions*. Oxford University Press: Chapter

Part 1: The Canadian Constitution

Class 2 (Tuesday January 13) Indigeneity & Constitutional Foundations

- Monahan, Shaw, and Ryan: Chapter 15
- Spirling

Class 3 (Tuesday January 20) Constitutional Development & Decay

- Monahan, Shaw, and Ryan: Chapters 2 & 8
- Cairns, Alain. 1971. "The Judicial Committee and its Critics." *Canadian Journal of Political Science*: 301-345

Class 4 (Tuesday January 27) The Branches of Government

- Monahan, Shaw, and Ryan: Chapters 3 & pages 138-161
- Sharpe & Roach: Chapter 11

Class 5 (Tuesday February 3) Section 3: Democratic Rights

- Sharpe & Roach: Chapter 11

Class 6 (Tuesday February 10): Federal & Provincial Power

- Monahan, Shaw, and Ryan: Chapters 9 and 10

Tuesday February 17 Reading Week

Class 7 (Tuesday February 24): Midterm Test

Part 2: The Charter of Rights & Freedoms

Class 8 (Tuesday March 3): The Charter & Limits on Rights

- Sharpe & Roach: Chapters 3-5
- Hogg & Bushell, 1997. "The Charter Dialogue Between Courts & Legislatures." *Osgoode Law Journal* 35(1): 75-124

Class 9 (Tuesday March 10): Freedom of Expression

- Sharpe & Roach: Chapter 9

Class 10 (Tuesday March 17): Freedom of Religion & Language

- Sharpe & Roach: Chapters 8 and 16

Class 11 (Tuesday March 24): Equality & Disability

- Sharpe & Roach: Chapter 15
- Charter: A Course – A podcast about Canadian Constitutional Law & Litigation. Asper, David; Milne, Cheryl. With guests David Lepofsky, David and Szigeti, Anita. “Disability Rights under the Charter.”:
https://open.spotify.com/episode/7gYIYUNnm52VR4zdeqdlUB?si=_h-D6oCGTQmB9CRiEDSy5Q&nd=1&dlsi=1bd342b6ee17437d

Class 12 (Tuesday March 31): Life, Liberty, and Security of the Person

- Sharpe & Roach: Chapter 13
- Smith, Miriam. 2002. “Ghosts of the Judicial Committee of the Privy Council and Charter Litigation in Canadian Political Science.” *Canadian Journal of Political Science*