



The Written and Unwritten Constitution

An essay using the *Canada in the Making* site

Teacher Guide

The Canadian Constitution is both written and unwritten, the combined product of acts and statutes, common law judgments and accepted political conventions. This essay will require students to examine the written and unwritten nature of Canada's Constitution, and argue which (if either) has a greater influence in Canada's governance.

Subject/Grade Level	Social Studies/History Ages 15 and up
Overview	<p>This is an essay requiring that students describe the written and unwritten sources of authority of the Canadian Constitution. They must choose one of three perspectives and support their arguments with evidence.</p> <p>Research for this essay should require should take one to four hour-long sessions online, depending on whether students have access to a print versions of relevant documents. <i>Note that the sources used in ECO can be printed from the browser and then photocopied.</i></p>
Outcomes (WCP, APEF) Expectations (ON) Objectives (QC)	See the table and the summaries for each province.
Materials/Resources Required	Computers with Internet access. Student Work Sheet Suggested Rubric
Links	Early Canadiana Online: <i>Canada in The Making</i> URL: http://www.canadiana.org/citm/ Essay writing resources can be found in the <i>Writing An Essay</i> unit on ECO: URL: http://www.canadiana.org/eco/lesson_plans/topictoconc.htm Other links can be found in the Student Work Sheet.

Previous Knowledge

Students will need

- An understanding of Web navigation symbols, tools and terminology, particularly the tools used in ECO.
- Familiarity with research and essay writing skills.
- An understanding of the events leading to the 1837 and 1838 rebellions.

Lesson Opener

Ask students how they think people decide the rules of government. Is it the same in all countries? Where do they think Canada gets its Constitutional traditions? What documents do they think are the most important?

Procedure

Hand out Student Work Sheets and introduce students to the *ECO Canada In the Making* Web site. Read the assignment and discuss. Students may work in groups to facilitate research online. The documents are summarized in the *Canada in the Making* section on “Canada’s Constitutional History,” and the documents are linked from there.

Students should write the essay from one of the following perspectives:

1. Unwritten conventions have played the greatest part in shaping Canada’s Constitution.
2. Written documents have played the greatest part in shaping Canada’s Constitution.
3. Neither written nor unwritten sources of authority have played the greatest part in shaping Canada’s Constitution.

Summary

Discuss the balance of the arguments. Which aspect of the Constitution do they find most important in Canada today? Does this seem a good balance to them? Why or why not? What would they change?

Evaluation

See the Suggested Rubric.

Homework/Extension

Students can comment on advantages and disadvantages to what they perceive to be Canada’s Constitutional balance. What would they change if they could, and why?



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Student Work Sheet

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You will write an essay from one of the following perspectives:

1. Unwritten conventions have played the greatest part in shaping Canada's Constitution.
2. Written documents have played the greatest part in shaping Canada's Constitution.
3. Neither written nor unwritten sources of authority have played the greatest part in shaping Canada's Constitution.

You may find it useful to conduct your research in groups.

Background:

Your essay should describe:

- The two historical models of government that Canada has inherited. Comment on which is dominant.
- The major sources of authority for the Canadian Constitution.

For your Argument:

For the written Constitution:

Describe the impact of each of the most significant acts on government in Canada. (See below).

For the unwritten Constitution:

What major events have helped shape government in Canada?

For all perspectives:

Consider the following:

- The preamble to the *Constitution Act, 1867*. What do think are the implications of this text?
- Do the sections of the preamble, which set out powers of different levels of government in the *Constitution Act, 1867*, increase or decrease the influence of unwritten conventions?

- Does the *Canadian Charter of Rights and Freedoms* increase or decrease the influence of unwritten conventions? Note the “notwithstanding” clause.
- What is the evolutionary trend of the Canadian Constitution?

Essay Requirements

The paper should be _____ words long. It should contain:

- A title page with a title, your name, the course name, your teacher’s name and the date submitted.
- A clear introduction with a thesis statement.
- Proper citation (footnotes/endnotes or APA/MLA style, as determined by your teacher).
- A bibliography.

Make an effort to use primary sources to support your arguments. These can be found on the *Canada in the Making* Web site.

Note on Sources

Primary sources

Primary sources represent the most authentic resources that historians can draw upon. The documents that you will be using below may be digitized, but are still considered primary sources. Try to use the sources available on the “Canada’s Constitutional History” portion of the *Canada in the Making* Web site to strengthen your arguments.

For tips on how to use primary sources, go to the “Using Primary Sources in Your Work” page. URL: http://www.canadian.org/citm/guide/essay_e.html

Secondary sources

Secondary sources are works that interpret or analyze an historical event or phenomenon. Generally the author is at least one step removed from the event. Although not as authentic as primary sources, secondary sources are still valuable.

Possible Sources of Information Online

Note: It is important to choose sources that are produced by reputable institutions or individuals. Such information is more likely to give you a balanced, neutral view and be prepared or reviewed by experts.

The Written and Unwritten Constitution

Canada in the Making: The Written and Unwritten Constitution

URL: http://www.canadiana.org/citm/specifique/written/written_e.html

Common Law and Civil Law

Canada in the Making: Common Law and Civil Law

URL: http://www.canadiana.org/citm/specifique/lois/lois_e.html

Responsible Government

Canada in the Making: Responsible Government

URL: http://www.canadiana.org/citm/specifique/responsable/responsable_e.html

General

Canada in the Making: Canada's Constitutional History

URL: http://www.canadiana.org/citm/themes/constitution1_e.html

The Canadian Encyclopedia

URL: <http://www.thecanadianencyclopedia.com>

National Archives of Canada: *Canada's Constitutional Evolution*

URL: http://www.archives.ca/05/051103_f.html (French)

URL: http://www.archives.ca/05/051103_e.html (English)

Solon Law Archives: *Canadian Constitutional Documents*

URL: <http://www.solon.org/Constitutions/Canada/>



The Written and Unwritten Constitution Suggested Rubric

Application of Conventions (Mechanics) (Language Arts)

Uses correct spelling, grammar and punctuation	0	1	2	3	4	5	6	7
Follows format of a formal essay (title page, double-spaced, etc.)	0	1	2	3	4	5		

Organization of Ideas (Language Arts)

Has a clear and captivating introduction with a thesis statement	0	1	2	3				
Logical organization	0	1	2	3	4	5		
Has proper annotation and bibliography	0	1	2	3	4	5		

Communication of Knowledge (Social Studies/History) Communication (Language Arts)

Examines topic from perspective chosen, and stays on topic	0	1	2	3	4	5					
Supports argument well using different sources	0	1	2	3	4	5					
Demonstrates an understanding of the issues	0	1	2	3	4	5	6	7	8	9	10

Understanding of Concepts (Social Studies/History) Reasoning (Language Arts)

Has a clear and logical conclusion that makes a reasoned statement about the topic	0	1	2	3	4	5			
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Essay Total: /50