

**POL 490H1S – Topics in Canadian Politics I:  
*Canadian Legislatures and Legislators***

MW 2-4 PM, Room SS2101

**Instructor:** Paul Thomas

**Email:** paul.thomas@utoronto.ca

**Office hours:** Wednesday 12:00-1:00 pm, SSH 3118

**Course Twitter:** @UofT\_POL490

**Course description**

Canada's federal and provincial legislatures are supposed to be the centre-pieces of our democracy. Yet recently questions regarding the stability of minority governments, the use of prorogation, and the general need for parliamentary reform have become ongoing topics of debate. This course equips students to explore these issues by examining the role of Canada's legislatures, how they operate, and what drives the behaviour of legislators. It begins by reviewing the functions of legislatures within a political system, and then explores how these tasks are achieved within the Westminster model. Canada's parliamentary system is then analyzed, with particular attention being paid to procedure, party discipline, engagement with citizens, and the role of individual politicians. The course concludes with a discussion of potential institutional reforms. Due to time constraints, it focuses primarily on the federal Parliament, but devotes one class exclusively to the provincial and territorial legislatures and considers them wherever possible.

**Course objectives**

By the end of the course students will be familiar with different approaches to legislative studies; have a detailed understanding of the four functions of Westminster legislatures (government formation, representation, legislation, scrutiny); understand the role of parties in the legislature and concerns around excessive party discipline; be able to identify opportunities for influence by backbench legislators; know the strengths and weaknesses of provincial legislatures; be well versed in current debates over parliamentary reform.

**Course Requirements**

**Course components**

- |   |     |                              |
|---|-----|------------------------------|
| • Course participation                    | 20% | <i>Ongoing</i>               |
| • Book Review of "Tragedy in the Commons" | 20% | <i>Due Monday, July 21</i>   |
| • Presentation                            | 20% | <i>Due date varies</i>       |
| • Research Essay                          |     |                              |
| ○ Proposal                                | 10% | <i>Due Monday, July 28</i>   |
| ○ Final Essay                             | 30% | <i>Due Monday, August 11</i> |

## Course readings and class plan

### Primary texts

- David Docherty. 2005. *Legislatures*. Vancouver: UBC Press. (Course reserve at Robarts; available online through Scholars Portal)
- Alison Loat and Michael Macmillan. 2014. *Tragedy in the Commons*. Toronto: Random House
- Peter Aucoin, Mark D. Jarvis, and Lori Turnbull. 2011. *Democratizing the Constitution: Reforming Responsible Government*. Toronto: Emond Montgomery Publications.

The texts are available in the University of Toronto bookstore.

## PART I – INTRODUCTION AND FUNCTIONS

### Class 1 - An introduction to legislatures (Wednesday, July 2)

#### Questions:

- What are the functions of legislatures? Are they still relevant?
- Are legislatures in decline?
- What influence can legislatures have?
- How can we study legislatures?
- What are the differences between Westminster and Congressional legislatures?

#### Required readings

David Docherty. 2005. "Chapter 1: A Democratic Audit of Canadian Legislatures." In *Legislatures*. Vancouver: UBC Press. Pgs 3-25

Paul G. Thomas. 2010. "Parliament and Legislatures: Central to Canadian Democracy?" In *The Oxford Handbook of Canadian Politics*, eds. David E. Smith and John C. Courtney. New York: Oxford University Press. 153-171.

Barry R. Weingast and Donald A. Wittman, eds. 2006. "Legislatures and Parliaments in Comparative Context." In *The Oxford Handbook of Political Economy*, New York: Oxford University Press, 121–40.

#### Recommended readings

Philip Norton. 2013. *Parliament in British Politics*. London: Palgrave Macmillan. Pgs 1-12.

Graham K. Wilson. 2009. "Congress in Comparative Perspective." *Boston University Law Review* 89: 827–45.

## **Class 2: Making and breaking governments (Monday, July 7)**

### Questions

- How do legislatures form governments?
- What is the convention of responsible government?
- Does responsible government succeed in holding governments accountable?
- What problems does the system create?
- Is responsible government compatible with citizen's expectations of democracy?
- What are conventions? How are they created and enforced?

### Required readings

Peter Aucoin, Mark D. Jarvis, and Lori Turnbull. 2011. *Democratizing the Constitution: Reforming Responsible Government*. Toronto: Emond Montgomery Publications. Pp. 29-46; 75-110; 155-188.

James Bowden. 2013. "The Confidence Convention in Ontario." National Newswatch. [http://v1.nationalnewswatch.com/the\\_confidence\\_convention\\_in\\_ontario.htm](http://v1.nationalnewswatch.com/the_confidence_convention_in_ontario.htm)

### Recommended readings

Peter Aucoin, Mark D. Jarvis, and Lori Turnbull. 2011. *Democratizing the Constitution: Reforming Responsible Government*. Toronto: Emond Montgomery Publications. Remainder of Chapters 2 and 5.

Michael Valpy. 2009. "The 'Crisis': A Narrative." In *Parliamentary Democracy in Crisis*, eds. Peter H. Russell and Lorne Mitchell. Sossin. Toronto: University of Toronto Press, 3–18.

Peter H. Russell. 2011. "Discretion and the Reserve Powers of the Crown." *Canadian Parliamentary Review* 34(2): 19–25.

Andrew Heard. 2007. "Just What Is a Vote of Confidence? The Curious Case of May 10, 2005." *Canadian Journal of Political Science* 40(02): 395–416.

Oonagh Gay. 2011. *Fixed-Term Parliaments Act 2011*. London: House of Commons Library. <http://www.parliament.uk/business/publications/research/briefing-papers/SN06111/fixedterm-parliaments-act-2011>.

Jennifer Smith. 1999. "Democracy and the Canadian House of Commons at the millennium." *Canadian Public Administration* 42(4): 398–421.

## **Class 3: Representation (Wednesday, July 9)**

### Questions

- What are different conceptions of representation?
- Is the House of Commons representative of Canadians?
- How is representation affected by population and geography?
- Does the makeup of parliament shape the choices it makes?
- What kind of representation does the public expect?

### Required readings

David Docherty. 2005. "Chapter 2: Who represents Canadians." In *Legislatures*. Vancouver: UBC Press. Pages 26-46.

Paul E.J. Thomas, Peter John Loewen, and Michael K. MacKenzie. 2013. "Fair Isn't Always Equal: Constituency Population and the Quality of Representation in Canada." *Canadian Journal of Political Science* 46(02): 273–93.

Manon Tremblay. 1998. "Do Female MPs Substantively Represent Women? A Study of Legislative Behaviour in Canada's 35th Parliament." *Canadian Journal of Political Science* 31(3): 435–65.

### Recommended readings

Cameron D. Anderson and Elizabeth Goodyear-Grant. 2005. "Conceptions of Political Representation in Canada: An Explanation of Public Opinion." *Canadian Journal of Political Science* 38(4): 1029–58.

Jerome H. Black. 2011. "Visible Minority Candidates and MPs: An Update Based on the 2008 Federal Election." *Canadian parliamentary review* 34(1): 30–34.

Stuart Soroka, Erin Penner, and Kelly Blidook. 2009. "Constituency Influence in Parliament." *Canadian Journal of Political Science* 42(03): 563–91.

## **Class 4: Legislative process and committees (Monday, July 14)**

### Questions

- What are the steps in the legislative process for government bills?
- What opportunities exist for input from MPs or the public?
- How do omnibus bills, time allocation, and closure affect the legislative process?
- Are filibusters acceptable democratic tools for both government and opposition?
- Do committees play a meaningful role in the development of legislation and policy?

### Required readings

David Docherty. 2005. "Chapter 7: The Legislative Process." In *Legislatures*. Vancouver: UBC Press. 139-174.

Yves Yvon Pelletier. "Time Allocation in the House of Commons: Silencing Parliamentary Democracy of Effective Time Management?" *Canadian Parliamentary Review* 23(4): 20–28.

Joanna Smith and Les Whittington. 2012. "Opposition MPs Will Get Their Chance to Protest the Conservative Omnibus Budget Bill, but It Will Not Be the Protracted Struggle They Were Seeking." *The Toronto Star*.  
[http://www.thestar.com/news/canada/2012/06/11/federal\\_budget\\_2012\\_marathon\\_struggle\\_not\\_expected\\_against\\_budget\\_bill.html](http://www.thestar.com/news/canada/2012/06/11/federal_budget_2012_marathon_struggle_not_expected_against_budget_bill.html).

Royce Koop and Davis Hirsch. 2013. "Goertzen's Filibuster Asserts the Power of Legislature." *Winnipeg Free Press*. <http://www.winnipegfreepress.com/opinion/analysis/goertzens-filibuster-asserts-the-power-of-legislature-212875561.html>.

Joan Bryden. 2007. "'Obstruction' handbook leaked." *The Toronto Star*. [http://www.thestar.com/news/2007/05/18/obstruction\\_handbook\\_leaked.html](http://www.thestar.com/news/2007/05/18/obstruction_handbook_leaked.html).

Jack Stilborn. 2014. "The Investigative Study Role of Canada's House Committees: Expectations Met?" *The Journal of Legislative Studies* 1–18.

## **Class 5: Scrutiny and accountability (Wednesday, July 16)**

### Questions

- What is the doctrine of ministerial accountability?
- How does the size of a legislature affect the potential for scrutiny?
- What tools of scrutiny and accountability are available to legislators?
- Do the Officers of Parliament empower MPs or compete with them?
- What is the estimates process and how is it different from the budget?
- Do MPs have the tools they need to track government spending?

### Required readings

Canada. Privy Council Office. 2011. "Part I: Ministerial Responsibility and Accountability." In *Accountable Government a Guide for Ministers and Ministers of State*. Ottawa: Privy Council Office. [http://pm.gc.ca/grfx/docs/guidemin\\_e.pdf](http://pm.gc.ca/grfx/docs/guidemin_e.pdf) (May 23, 2013). Pgs 1-3.

David Docherty. 2005. "Chapter 6: Scrutiny and the Size of Legislatures," In *Legislatures*. Vancouver: UBC Press. 118-139

Jack Stillborn. 2010. "Officers of Parliament: More Watchdogs, More Teeth, Better Governance?" In *How Ottawa Spends, 2010-2011 : Recession, Realignment, and the New Deficit Era*, eds. G. Bruce. Doern and Christopher. Stoney. Montreal: McGill-Queen's University Press, 243–60.

Alex Smith. 2010. *A Guide to the Estimates*. Ottawa: Library of Parliament. <http://www.parl.gc.ca/Content/LOP/ResearchPublications/prb0925-e.htm> (June 10, 2014).

David Good. 2007. "Chapter 9: Parliament and Public Money." In *The Politics of Public Money: Spenders, Guardians, Priority Setters, and Financial Watchdogs inside the Canadian Government*. Toronto: University of Toronto Press. Pgs. 223-246.

Scott Clark and Peter DeVries. 2014. "It's Time to Cancel Ottawa's Blank Cheque." *iPolitics.ca*. <http://www.ipolitics.ca/2014/04/22/its-time-to-cancel-ottawas-blank-cheque/> (April 26, 2014).

### Recommended readings

Colin Busby and William B. P Robson. 2014. *Credibility on the (bottom) Line: The Fiscal Accountability of Canada's Senior Governments, 2013*. Toronto: C.D. Howe Institute.

### **Class 6: Field trip/book discussion (Monday, July 21) – Book review due**

- Field trip and/or discussion of *Tragedy in the Commons*

## **PART II – ACTORS IN THE LEGISLATURE**

### **Class 7: Parliamentary parties (Wednesday, July 23)**

#### Questions

- What functions do parties play in parliament?
- What powers does the Prime Minister have over parliament?
- Is party discipline too strong?
- Are there any benefits to MPs from party discipline?
- Should MPs follow their party line? If not, how do they decide?
- Would a Prime Minister who experiences a rebellion be seen as weak?
- Should there be an exception to party discipline for “conscience issues”?

#### Required readings

Peter Aucoin, Mark D. Jarvis, and Lori Turnbull. *Democratizing the Constitution: Reforming Responsible Government*. Toronto: Emond Montgomery Publications. Pgs. 12-19.

David Docherty. 2005. “Chapter 3: Roles in the Assembly.” In *Legislatures*. Vancouver: UBC Press. Pgs 47-71.

David Docherty. 1997. “Chapter 6: Coming to Terms with Parliament – Views on Leadership and Party Discipline.” In *Mr. Smith Goes to Ottawa : Life in the House of Commons*. Vancouver: UBC Press. Pgs 136-170.

Bill Curry and Stuart A. Thompson. 2013. “Conservative MPs Break Ranks More Often Than Opposition.” *The Globe and Mail*.  
<http://www.theglobeandmail.com/news/politics/conservative-mps-break-ranks-more-often-than-opposition/article8156279/>

Susan Delacourt. 2014. “Justin Trudeau’s Edict for MPs on Abortion Another Example of His Worrisome Trend to Arbitrary Leadership.” *The Toronto Star*.  
[http://www.thestar.com/news/insight/2014/05/23/justin\\_trudeau\\_with\\_abortion\\_stand\\_the\\_champion\\_of\\_freedom\\_and\\_choice\\_stumbles\\_again.html](http://www.thestar.com/news/insight/2014/05/23/justin_trudeau_with_abortion_stand_the_champion_of_freedom_and_choice_stumbles_again.html) (May 24, 2014).

#### Recommended readings

Matthew Kerby and Kelly Blidook. 2011. “It’s Not You, It’s Me: Determinants of Voluntary Legislative Turnover in Canada.” *Legislative Studies Quarterly* 36(4): 621–43.

Peter Aucoin, Mark D. Jarvis, and Lori Turnbull. 2011. *Democratizing the Constitution: Reforming Responsible Government*. Toronto: E. Montgomery Publications. Chapter 4.

Cowley, Philip, and Mark Stuart. 2004. "When Sheep Bark: The Parliamentary Labour Party since 2001." *British Elections & Parties Review* 14(1): 211–29.

Kelly Blidook and Matthew Byrne. 2013. "Constant Campaigning and Partisan Discourse in the House of Commons." In *Parties, Elections, and the Future of Canadian Politics*, eds. Amanda Bittner and Royce Koop. UBC Press, 46–66.

Donald J Savoie. 1999. "The Rise of Court Government in Canada." *Canadian Journal of Political Science* 32(4): 635–64.

### **Class 8: Backbench legislators (Monday, July 28) – Essay proposal due**

#### Questions

- Should MPs have a job description?
- Is constituency work an important task for an MP?
- Is "free-lancing" by MPs a sign of initiative or weakness?
- Does private member's business allow MPs to shape legislative outcomes?
- Does caucus provide a meaningful tool for MPs to influence party decisions?
- Do MPs have the resources to perform their duties?

#### Required readings

David Docherty. 2005. "Chapter 4: Constituency Work," and "Chapter 5: Opportunities in the Assembly," In *Legislatures*. Vancouver: UBC Press. Pages 72-93; 94 -117.

Jane Hilderman and Paul Thomas. 2013. "Climbing the Ladder of Dissent: Backbench Influence in the Canadian House of Commons." In Annual Conference of the Canadian Political Science Association, Victoria, B.C. (June 10, 2014). Pgs 1-18.

Kelly Blidook. 2010. "Exploring the Role of 'Legislators' in Canada: Do Members of Parliament Influence Policy?" *The Journal of Legislative Studies* 16(1): 32–56.

#### Recommended readings

Peter John Loewen, Royce Koop, Jaime Settle, and James H. Fowler. 2014. "A Natural Experiment in Proposal Power and Electoral Success." *American Journal of Political Science* 58(1): 189–96.

Christopher Garner and Natalia Letki. 2005. "Party Structure and Backbench Dissent in the Canadian and British Parliaments." *Canadian Journal of Political Science* 38(2): 463–82.

Aaron Wherry. 2013. "What the Speaker's Ruling Means." *MacLean's: Beyond the Commons*. <http://www2.macleans.ca/2013/04/23/what-the-speakers-ruling-means/> (May 25, 2013).

**\*Note – Final date to drop without penalty is July 29, 2014**

## PART III – INSTITUTIONS AND REFORM

### Class 9: Territorial and Provincial Legislatures (Wed., July 30)

#### Questions

- How do the provincial and territorial legislatures compare with the federal parliament in terms of their capacity to perform the four legislative functions?
- How does the non-partisan system in Nunavut and the NWT operate?
- How does the pattern of one-party dominance affect some assemblies?
- What challenges are created by the smaller size of provincial assemblies?
- Do the provincial and territorial assemblies have sufficient resources?

#### Required readings

Paul Thomas and Graham White. Forthcoming. "Evaluating Provincial and Territorial Legislatures." In *Provinces: Canadian provincial politics*, ed. Christopher J. C. Dunn. Toronto: University of Toronto Press.

Graham White. 2006. "Traditional Aboriginal Values in a Westminster Parliament: The Legislative Assembly of Nunavut." *The Journal of Legislative Studies* 12(1): 8–31.

Norman Ruff. 2009. "New Era, Old Reality: the BC Legislature and Responsible Government." In Howlett, Michael, Tracy Summerville, and Dennis Pilon, eds. *British Columbia Politics and Government*. Toronto: Emond Montgomery.

Karen Howlett. 2012. "Ontario Liberals Face Being Found in Contempt of Parliament over Cancelled Power Plants." *The Globe and Mail*.  
<http://www.theglobeandmail.com/news/politics/speaker-rules-ontario-liberals-in-contempt-for-not-releasing-all-gas-plant-documents/article4541963/>

Darcy Henton. 2014. "Provincial Budget Fails to Meet Accounting Standards: Auditor General." *Calgary Herald*. <http://www.calgaryherald.com/touch/story.html?id=9767390>

#### Recommended readings

David Pond. 2005. "Imposing a Neo-liberal Theory of Representation on the Westminster Model: A Canadian Case." *The Journal of Legislative Studies* 11(2): 170–93

**Holiday: Monday, August 4 – No class**



## **Class 10: The Senate (Wednesday, August 6)**

### Questions

- What roles is the Senate believed to play within the Canadian political system?
- How does the Senate contribute to the four functions of the Canadian Parliament?
- Does the Senate complement or compete with the House of Commons?
- What are the perceived strengths of the Senate?
- What are the primary concerns with the Senate?
- How can Senate reform occur?
- What proposals have been put forward for Senate Reform?
- How might Senate reform affect the operation of Parliament and Canadian politics?

### Required readings

David C. Docherty. 2002. "The Canadian Senate: Chamber of Sober Reflection or Loony Cousin Best Not Talked About." *Journal of Legislative Studies* 8(3): 27–48.

Andrea Lawlor and Erin Crandall. 2013. "Committee Performance in the Senate of Canada: Some Sobering Analysis for the Chamber of 'sober Second Thought.'" *Commonwealth & Comparative Politics* 51(4): 549–68.

Bill Curry. 2014. "Conservative Bills That Target Unions Stalled in Senate." *The Globe and Mail*. <http://www.theglobeandmail.com/news/politics/globe-politics-insider/conservative-bills-that-target-unions-stalled-in-senate/article19082763/> (June 12, 2014).

David Smith. 2009. "The Senate of Canada and the Conundrum of Reform." In *The democratic dilemma : reforming the Canadian Senate*, ed. Jennifer Smith. Montreal: McGill-Queen's University Press, 11–26.

Tonda MacCharles. 2014. "Ottawa Cannot Act Alone to Reform the Senate, Limit Terms or Appoint Only Elected Senators, and Must Have the Consent of Seven Provinces with Half the Country's Population, the Supreme Court of Canada Ruled Friday." *The Toronto Star*.  
[http://www.thestar.com/news/canada/2014/04/25/supreme\\_court\\_rejects\\_harper\\_government\\_proposals\\_for\\_easy\\_senate\\_reform.html](http://www.thestar.com/news/canada/2014/04/25/supreme_court_rejects_harper_government_proposals_for_easy_senate_reform.html) (June 11, 2014).

Josh Wingrove. 2014. "Trudeau's Shakeup Sows Confusion in the Senate over Who Owns the Liberal Brand." *The Globe and Mail*.  
<http://www.theglobeandmail.com/news/politics/liberals-independents-and-the-independent-independents-whats-in-a-senators-name/article16602890/#dashboard/follows/> (June 11, 2014).

Uhr, John. 2009. "The Australian Model Senate." *Canadian Parliamentary Review* 32(1): 26–32.

### Recommended readings

Emmett Macfarlane. 2013. "Your Guide to the Senate Reform Debate." *Macleans.ca*.  
<http://www.macleans.ca/politics/a-guide-to-the-supreme-courts-senate-reference/> (June 11, 2014).

Meg Russell. 2010. "A Stronger Second Chamber? Assessing the Impact of House of Lords Reform in 1999 and the Lessons for Bicameralism." *Political Studies* 58(5): 866–85.

Paul G. Thomas. 2003. "Comparing the Lawmaking Roles of the Senate and the House of Commons." In *Protecting Canadian democracy: the Senate you never knew*, ed. Serge Joyal. Montreal: McGill-Queen's University Press, 189–228.

Institute of Intergovernmental Relations. 2008. *Senate Reform Working papers*. Kingston: Queens University. <http://www.queensu.ca/iigr/WorkingPapers/papers.html>

## **Class 11: Parliamentary Reform (Monday, August 11)**

### Questions

- What ideas for parliamentary reform have been proposed for each of the four functions of the legislature?
- What reforms have been proposed for the operation of parliamentary parties?
- How would these reforms affect backbench legislators?
- Is reform of institutions sufficient, or is a cultural change required?
- What reforms are required at the provincial and territorial level?
- Will Canadians accept a political system that is less predictable?

### Required readings

\*Review reform suggestions from *Tragedy in the Commons*

David Docherty. 2005. "Chapter 8: What Legislatures Should, (and Should Not) Do." In *Legislatures*. Vancouver: UBC Press. Pgs: 176-198

Lorne Sossin. 2012. "Democratizing the Constitution: Reforming Responsible Government By Peter Aucoin, Mark D. Jarvis and Lori Turnbull. Toronto: Emond Montgomery Publications, 2011. Pp. 250, Index." *Canadian Public Administration* 55(2): 315–18.

Michael Chong. 2014. *Reform Act 2014 - Background*.  
[http://static.squarespace.com/static/533b8bdee4b06e0edf7efbea/t/537cbac4e4b0bb0d036e2549/1400683204342/Backgrounder\\_FINAL.pdf](http://static.squarespace.com/static/533b8bdee4b06e0edf7efbea/t/537cbac4e4b0bb0d036e2549/1400683204342/Backgrounder_FINAL.pdf) (June 11, 2014).

Kady O'Malley. 2014. "NDP Scores Surprise Win on E-Petitions Thanks to 8 Tory MPs." *CBC News: Inside Politics Blog*. <http://www.cbc.ca/1.2517292> (June 11, 2014).

Jonathan Malloy. 2014. "OpEd: Real Parliamentary Reform Goes beyond Changing the Rules." *Ottawa Citizen*. <http://ottawacitizen.com/news/politics/the-limits-of-parliamentary-reform>

### Recommended readings

Peter Aucoin, Lori B. Turnbull, and Mark D. Jarvis. 2011. "Conclusion: Reforming Responsible Government." In *Democratizing the Constitution: Reforming Responsible Government*. Toronto: Emond Montgomery Publications. 203-251.