

OMNIPOTENT OR FINITE?

OMNIPOTENT OR FINITE?
AN EXAMINATION OF THE PARTY GOVERNMENT MODEL IN
TWO CANADIAN PARLIAMENTS

by

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ABSTRACT

The prevalent conception of the British and Canadian parliamentary systems is one of executive-centred, party government control of the legislative process. This conception assumes that first, the governing executive will be drawn from that political party which controls the majority of seats in the House of Commons, and thus can withstand a vote of confidence in the House of Commons; and second that the prime minister and cabinet dominate the formal, parliamentary portions of the legislative process. “[The prime minister and cabinet] have a virtual monopoly of the relevant information, access to outside interests, the capacity to manipulate caucus, and control over the legislative agenda”. Furthermore, using data drawn from analyses of the success rate of government bills within broad time-frames (i.e. the success of government bills post-1945), academic studies have confirmed this conception of parliament noting that the governing party is able to pass successfully between 70 and 90 percent of its legislative package.

This thesis examines the dominant conception of parliament, as it applies to Canada. In order to achieve this, the thesis moves through an exploration of how the dominant conception is postulated and used by those political scientists who study parliament. From this a deductive and testable model of party government is developed. Next, the thesis empirically and systematically tests the hypotheses of the party government model in two majority Canadian parliaments --the 30th Parliament of prime minister Trudeau, and the 34th Parliament led by prime minister Mulroney.

The findings of the empirical tests are revealing. First we find that when policy saliency is tested for mandates, throne speeches and legislative packages it appears that governments do in fact attempt to implement their electoral platforms. In fact, there is a large degree of similarity in the emphasis given to salient policy domains by the

respective governing parties when tested at all three points in time. Second, the legislative process for government bills in the two parliaments are examined. Here we note that the legislation for the 30th and 34th Parliaments demonstrates high success rates, and similar patterns of processing. These results suggest, among other things, that we should not underestimate the institutional constraints acting on governments in their attempt to pass their legislation.

The final two chapters further examine the institutional constraints acting upon government legislation. In particular, the role of the opposition parties in effectively amending and opposing government bills, and their ability to draw-out the sitting time required for the passage of government bills are examined. It is in these two chapters that we find that the two governments do face active opposition parties, but that these opposition parties do not affect the governments' ability to pass their legislative packages intact and free from opposition sponsored amendments. Furthermore, while the opposition do actively sponsor amendments and division votes in the House of Commons, this activity is not consistently applied to all legislation. On the contrary, the opposition parties demonstrate a degree of selectivity when choosing which government bills to oppose. And on those bills where scrutiny is constant we find that the amount of time governments need to pass their legislation is increased significantly.

Overall, the party government model does operate in the 30th and 34th parliaments. Moreover, the evidence suggests that the power differential of parliament is executive-centred as the governing party successfully implements over ninety percent of its legislative package. However, the data do not suggest that governments are omnipotent, rendering opposition futile. Rather the thesis concurs with Ryle and Giffith when they suggest that, "governments must govern with the opposition in mind."

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The conception and completion of a project such as this requires a lot of patience, endurance and, some would say, insanity. More importantly, projects such as this require the encouragement, support and guidance that only one's mentors, peers, and friends can provide. In my struggles with this thesis I have been fortunate enough to have such a support group.

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Chapter One: Defining the Research Problem

The prevalent conception of the British and Canadian parliamentary systems is one of executive-centred, party government control of the legislative process. This conception assumes that: (1) the governing executive will be drawn from that political party which controls the majority of seats in the House of Commons, and thus can withstand a vote of confidence in the House of Commons; and (2) that the prime minister and cabinet dominate the formal, parliamentary portions of the legislative process. “[The prime minister and cabinet] have a virtual monopoly of the relevant information, access to outside interests, the capacity to manipulate caucus, and control over the legislative agenda”.¹ Furthermore, using data drawn from analyses of the success rate of government bills within broad time-frames (i.e. the success of government bills post-1945), academic studies have confirmed this conception of parliament noting that the governing party is able to pass successfully between 70 and 90 percent of its legislative package.²

That the executive-centred model of party government is treated as an accepted fact by many scholars of parliament, both in Canada and Britain, can be seen on both sides of debate surrounding reforms to the House of Commons. The advocates of party government argue that tight party control is a necessary part of government in the late twentieth century. Such advocates base their arguments upon the norms of legitimacy in democratic systems, and the effective governance of executive control.³ For example, Rose argues that since party mandates are chosen by the electorate they ought to become

¹Paul G. Thomas "The Influence of Standing Committees of Parliament on Government Legislation" *Legislative Quarterly*, III, 4, November 1978, 686

²See for example Robert Jackson and Michael M. Atkinson *The Canadian Legislative System: Politicians and Policymaking*, Toronto: The MacMillan Co. of Canada, 1980, 176-182

³Richard Rose *Politics: England, 5th Ed*, Boston: Scott, Foresman, Little Brown, 1989, 6

central to government actions.⁴ However, Rose goes on to argue that while democratic legitimacy is necessary, Westminster should not be responsive to the electorate. Rather, “the responsive element of government is reduced for the sake of effective authority...”,⁵ a quality which he suggests is necessary for governing institutions. Canadian scholar, C.E.S. Franks, has taken a similar stance, arguing that party government is essential to the predictability and manageability of governing given the scope of the state, and “that concentration of power in the cabinet provides a powerful means for asserting collective interests above and beyond the particular”.⁶

Another aspect of this argument can be drawn from the work of the Manifesto Group. Here such academics as Ian Budge, Richard Hofferbert, Hans Keman, and Francois Pétry⁷ argue that if there is one element that the electorate expect from their government’s post-election actions, it is that they fulfil their promises and implement the policies they outline in party platforms during election campaigns. From this perspective strong, effective, governance is a positive trait --a trait which the dominant definition of party government embodies.

The advocates of House of Commons reform counter such arguments by citing the existence of party government control as an obstacle to representative democracy. These reformers assert that party government dissuades MPs from effectively influencing and

⁴Ibid., 5-6

⁵Ibid., 110

⁶C. E. S. Franks The Parliament of Canada, Toronto: University of Toronto Press, 1987, esp. chps 1 & 2; and “Borrowing from the United States: Is the Canadian Parliamentary System Moving Toward the Congressional Model?”, in Ronald Landes Canadian Politics: A Comparative Reader, Toronto: Prentice-Hall, 1985

⁷See for example: Ian Budge and Richard Hofferbert “The Party Mandate and the Westminster Model: Election Programmes and Government Spending in Britain, 1948-1985”, *British journal of Political Science* 22, 151-182; Ian Budge and Hans Keman Parties and Democracy: Coalition Formation and Government Functioning in Twenty States, Oxford: Oxford University Press, 1990; and Francois Pétry “The Party Agenda Model: Election Programmes and Government Spending in Canada”, *Canadian Journal of Political Science* 28:1, March 1995, 51-84

scrutinising legislation: two functions necessary for the legitimisation of legislation in a parliamentary system. They argue further that party government compromises the MP's role as a prime link between the electorate and the Cabinet,⁸ therefore compromising the legitimacy of governing institutions among publics.⁹ However, the reformers hold in common with the advocates of strong government the assumption that party government does exist and does operate in Westminster-styled parliaments. To see clear examples of these assumptions one need only look at the numerous reforms and revisions made to House of Commons' rules and procedures in either Britain or Canada, or to the reports of Committees struck to examine possible reforms.

Dominant Paradigms and Power Differentials

The above arguments illustrate that 'party government' is a dominant paradigm in the literature dealing with Westminster-styled parliaments. The reliance placed on this paradigm is, to a large degree, a product of the legal and constitutional interpretations of political systems traditionally employed in political science. In the case of Westminster-style parliaments, the legal-constitutional approach stresses the principle of "Responsible Government".¹⁰

Responsible government is the guiding principle of parliament, and has been since the English 'Glorious Revolution' of 1688. This principle holds, among other things, that the cabinet is held accountable for all its actions, whether collectively or individually, to

⁸See for example, Canada, Special Committee on Reform of Parliament, 1982; Canada, Report of the Special Committee on the Reform of the House of Commons, 1985; British House of Commons *First Report from the Select Committee on Procedure, Session 1977-8, HC 588*, London: Her Majesty's Stationary Office, 1978; and A. H. Birch Representative and Responsible Government, London: George Allen and Unwin, 1964, chpt 1 and 5.

⁹Canada, House of Commons Final Report of the Royal Commission on Economic Union and Development, Toronto: University of Toronto Press, 1985, 218

¹⁰For a legal definition of Responsible Government and its constitutional conventions see: Peter W. Hogg Constitutional Law in Canada (3rd ed.), Toronto: Carswell Thomas Publishing, 1992, 229-30

the House of Commons. This safeguard to the abuse of power by the Cabinet is found in the Commons' three functions: election of government; legitimization of government; and the scrutiny and influence of government policy. These three functions, outlined below, have evolved and adapted to the political context in which they operate. However, the principle essentially remains the same: the institutional design of parliament, embodied in the constitution, is one which seeks to ensure Cabinet is a "trustworthy steward of the nation's affairs", exercising its legislative power in a manner consistent with this stewardship.¹¹

Before outlining the three functions of parliament in the context of responsible government, an examination of the evolution of parliament is instructive in understanding why the dominant paradigm is 'executive centred'. Many political scientists and politicians have lamented the evolution of parliament in Britain and Canada, while longing for the 'Golden Age'. This golden age is purported to be a period, usually around 1830 to 1884, when the legislatures were active in the formulation and execution of public policy. This was a period when the private members' bill was the prime vehicle of law-making.¹² A number of developments proved to be catalysts for changes which were implemented in Britain with the introduction of the 1832 and 1867 Reform Bills.¹³ The introduction of mass suffrage created a situation whereby political parties became the vehicles for electoral success, as parties were able to mobilize the electorate through the introduction of common, co-ordinated, policy platforms. The party label, then, became a ready method for identifying where a candidate stood in the ideological spectrum, and consequently what policies one could expect from such candidates. A similar

¹¹ C.E.S. Franks *The Parliament of Canada*, Toronto: University of Toronto Press, 1987, 10-11

¹² S.A. Walkland *The Legislative Process in Great Britain*, London: Allen and Unwin, 1968, 14

¹³ Philip Norton *Commons in Perspective*, Oxford: Martin Robertson, 1981, 47-52; and *Parliament in the 1980s*, Oxford: Basil Blackwell, 1986, 2-9

development took place in Canada at the turn of the century. As Professor Thorburn notes, by the beginning of the 1900s political parties were features of the Canadian political landscape, aggregating demands and mobilizing the ever-increasing mass electorate.¹⁴

The result of the development of party is two-fold. First, as Norton notes, changes in party structures effectively transferred the policy-making function of parliament upward to the cabinet, as policy was now to be dictated by the 'party's mandate'.¹⁵ And following from this change, the independence of MPs has been greatly diminished, as they have been transformed into loyal party members. Thus, both the internal dynamics of parliament and the dynamics of party politics during general elections, was altered. The principle of responsible government, however, remained. It simply adapted to the new political context, much like MPs to the development of mass electorates and party.

The three primary functions through which parliament fulfils the dictates of responsible government are: (1) the election of government; (2) the legitimization of government policy; and (3) scrutiny of, and influence upon, government policy. The first function is simply that the political executive, cabinet, must be drawn from the House of Commons and/or the Upper House. Essentially, this outcome is achieved automatically through the existence of parties. That party which controls the majority of seats, or can withstand a vote of confidence, forms the executive through appointing its own members. The second and third functions are closely tied, and the division of these functions is purely arbitrary. In particular, the latter two functions are at the crux of responsible government as they ensure that the House of Commons' provides a balance between the

¹⁴ H. Thorburn Party Politics in Canada, 5th ed., Toronto: Prentice-Hall, 1984, 12-20

¹⁵ Norton Parliament in the 1980s, 4-5

acceptance of “the government’s right to govern,”¹⁶ and the corollary right of the Opposition party to oppose.

In sum, the government must retain the ability to form and introduce policies in the form of legislation, and the House of Commons must be ensured the ability to scrutinise these government initiatives. It is from this balance that parliament functions both as: first, a “support mobilizer”, as government tries to rally support from both a majority of MPs within parliament, and the electorate at large, by justifying its policies in debates and question period;¹⁷ and second, a “tension release”. This tension release function is mainly reactive, operating through debate in the legislature, allowing for the expression of differing views in society via civil discourse, and through subsequent stages in the legislative process. It is from these debates, proposed amendments and motions on bills, and various stages within the legislative process, that governments are scrutinized and potentially influenced by opposition measures. It is also due to the reactive nature of this process that parliament has become stylised as a “talk shop” for government programmes, which at its best allows the legislature to influence government directives, and at its worst provides symbolic opposition but no check on government action.¹⁸

The principle of responsible government, then, defines who is accountable to whom in parliament. However, one can also note from the above functions that in defining accountability the concept of responsible government also creates a power differential in parliament. The consequence this power differential has on the party government thesis, and our understanding of why parliamentary scholars treat “party as

¹⁶ Franks The Parliament of Canada, 5 and 126

¹⁷ R Jackson and M. M. Atkinson The Canadian Legislative System: Politicians and Policymaking, 2nd ed., Toronto: Macmillan, 1980, 159; and Charles Miller Lobbying Government, Oxford: Basil Blackwell, 1987, 36-8

¹⁸ Norton Parliament in the 1980s, 9

king”,¹⁹ is impressive. For example, the numerous institutions and procedures of parliament which complement responsible government --such as procedural rules, standing orders, precedents, norms and mores-- dictate that the governing party will manage the ‘rules of the game’, or boundary rules.²⁰ Moreover, the evolution of parliamentary functions has ensured that the cabinet dominates access to decision-making resources, and has the ability to limit the access other parties and legislators have to these resources.²¹ Thus, in the sense that it is a party which forms the government, and government which dominates the procedural process of the House thus setting the parameters for action,²² party is indeed king.

The above section demonstrates that, even if party government is approached from the legal-constitutional tradition, the result is the elucidation of a conception of parliament in which the government holds a Weberian power; that is, “the ability of an actor to realise his/her objectives, even in the face of opposition from others”.²³ This conclusion has two implications. First, the legal-constitutional approach cannot be dismissed out-of-hand, because its delineation of parliamentary functions provides insight into boundary rules and the power differential. Second, as Professor Dahl notes in his exploration into power equations, those who control the political (and institutional) resources within a given system are those who wield the greatest power.²⁴

¹⁹ Richard Rose “Still in the Era of Party Government” *Parliamentary Affairs* 36:3 1983, 289

²⁰ For a more theoretical discussion on the manner in which institutions provide the boundaries, and thus structure, action see James G. March and Johan P. Olsen Rediscovering Institutions: The Organizational Basis of Politics, New York: Free Press, 1989, esp. Chpts 1 & 2

²¹ In Canada see, Bruce G. Doern and Richard W. Phidd Public Policy Formation in Canada: Ideas, Structure and Process, 2nd ed., Toronto: Nelson Canada, 1992

²² March and Olsen Rediscovering Institutions, 22

²³ Max Weber Economy and Society, vol.1, Guenther Roth ed., Berkeley: University of California Press, 1978, 55

²⁴ Robert A. Dahl Modern Political Analysis, 5th ed., New Jersey: Prentice-Hall, 1991, 39

The Research Problem Defined

In his 1994 Presidential Address to the American Political Science Association, Charles O. Jones laments that political science has “declined to observe lawmaking”, and as such has denied “itself an understanding of how democracy works, [and] how life is expressed through law”.²⁵ Laver and Shepsle also note that “political scientists treat the political game as ending when governments take office” leaving the governing process as a ‘black box’.²⁶ The means through which to reverse this paucity of study are many and varied, and neither Jones nor Laver and Shepsle offer one method of action. Rather, their message is to be taken as a “call to arms” for academics to take up the study of how legislatures operate with a view to assessing the effect institutional processes have on the popular conceptions of democracy.

This thesis moves in the direction suggested by Jones. Broadly stated, it seeks to examine systematically the institutional processes of westminster systems of government, both in theory and in practice. It does so for two particular reasons. First, the thesis seeks to rectify the current paucity of theoretical and empirical research devoted to such systems. For the most part, the academic literature that exists is a conglomeration of disparate ideas, assumptions, and suppositions, many of which find their root in

²⁵ Charles O. Jones “A Way Of Life: Presidential Address, American Political Science Association, 1994”, *American Political Science Review*, v89 n1, March 1995, 1

²⁶ Michael Laver and Kenneth A. Shepsle “Cabinet Ministers and Government Formation in Parliamentary Democracies” in Laver and Shepsle Cabinet Ministers and Parliamentary Government, New York: Cambridge University Press, 1994, 6

constitutional and legal theories of parliamentary government,²⁷ and in the anecdotal evidence of politicians.²⁸

Second, much of the attention given to parliaments in Britain and Canada starts by assuming the existence of ‘party-government’. In turn, this assumption guides the general interpretations of how these parliaments operate, much of the basis upon which reforms to the Houses of Commons were designed,²⁹ and more generally, the leading notions of representative democracy. Although scholars of parliament take the existence of party government as a given, none have explicitly defined it in conceptual terms, nor have they subjected such a concept to empirical tests. The result is a body of literature primarily descriptive in nature, limited in the extent to which inferences can be made across time and space. In sum, the deficiency in the systematic and empirical research of parliament conforms with the lack of attention outlined by Jones.

The thrust of this thesis, then, is three fold. First, it seeks to develop the conception of *party government* in Westminster-style parliaments, bringing together the disparate assumptions of prior literature in order to present a model that is both comprehensive and empirically testable. Second, the consequences of this model are examined. For example, based on the model, what predictions might be made in regard to the success rates of legislation, the continuity and power of parties, the actions of

²⁷The list of such references is much longer than space allows, and both includes academic works and works of Parliaments themselves. However, see for example, A. H Birch Representative and Responsible Government, Toronto: University of Toronto Press, 1969; L. S. Amery Thoughts on the Constitution, London: MacMillan, 1947; J.A.G Griffith and Michael Ryle Parliament: Functions, Practice and Procedures, Oxford: Sweet & Maxwell, 1989; and C. E. S. Franks The Parliament of Canada, Toronto: University of Toronto Press, 1987

²⁸ See for example, Richard Crossman The Myths of Cabinet Government, Cambridge: Harvard University Press, 1972

²⁹ In the Canadian case, this may be an explanatory factor answering the question, ‘why have most reforms to the House rules fallen short of their objectives?’ Christopher Garner The Exercise of Power and the Backbench MP: An Analysis of Reforms to the Canadian House of Commons in a Comparative Perspective, Unpublished B.A. thesis, University of Guelph, 1994

members of parliament, and more generally, the workings of democracy? Finally, the thesis looks inside the ‘black box’ of parliament to discover if the model and its predicted consequences hold true.

The first two tasks are accomplished primarily through an examination of the existing literature on Canadian and British Parliamentary government. Outlining the literature only, however is not adequate if our objective is to build an empirically testable model. Thus, the model will be explicated according to the principles of neo-institutional theory; in particular, the use of rational choice modelling techniques popularised in the study of American political institutions and behaviour will be employed. In this respect, the works of Cox and McCubbins, Kiewiet and McCubbins, and John Aldrich will be utilized as guides to such model building.³⁰ These authors represent the new modelling approach to legislative behaviour in American academia, one which Shepsle and Weingast call “Partisan Rationales”.³¹ This approach is especially instructive when modelling party government because of the emphasis placed on collective action, and on the revival of ‘party’ as the means through which action is organised in legislatures.³² Such modelling techniques allow for an exploration into the rationale for certain political behaviours within the bounds of institutional rules and structures.

³⁰ Gary Cox and Matthew McCubbins *Legislative Leviathan: Party Government in the House*, Berkeley: University of California Press, 1993; Gary Cox and Matthew McCubbins “Bonding, Structure, and the Stability of Political Parties: Party Government in the House”, *Legislative Studies Quarterly*, 19:2 May 1994, 215-31; Roderick Kiewiet and Matthew McCubbins *The Logic of Delegation*, Chicago: Chicago University Press, 1991; and John H. Aldrich “A Model of a Legislature with Two Parties and a Committee System”, *Legislative Studies Quarterly* 19:3 August 1994, 313-39

³¹ Kenneth A. Shepsle and Barry R. Weingast “Positive Theories of Congressional Institutions”, *Legislative Studies Quarterly*, 19:2 May 1994, 170-4

³² It will be noted that while the rational choice literature prior to this “partisan” model is instructive when thinking about how to build inductive models, it places emphasis on the individual self-maximizing actor, much to the detriment of party. For an overview of the different models developed by American rational choice theory prior to “partisan models”, see Shepsle and Weingast “Positive Theories”, 110-77

The examination into the ‘black box’ of parliament will take the form of empirical observation in two majority party governments in the Canadian House of Commons. Such a case study approach avoids some of the trappings noted by critics of deductive modelling, and rational choice approaches to political science. The clearest example of such a critique comes from Green and Shapiro, in *Pathologies of Rational Choice*. These authors note that “the proponents of rational choice seem to be most interested in theory elaboration, leaving for later, or others, the messy business of empirical testing.”³³ This observation leads them to conclude that little has been learned from rational choice literature, except for the construction of nebulous models.³⁴ Although this critique seems a little harsh, it is with a view to avoiding such criticism that the ‘case study approach’ is adopted. Furthermore, it will be seen below that Canadian Parliaments provide the toughest test for the party government model, since they are often described in terms of strict party discipline, weak opposition parties, and strong government control of the legislative agenda.

Methodology

If the study which this thesis presents is to avoid the trappings which Jones outlines, then it must proceed in a systematic manner. This is achieved through the selection of a data set that is directed at describing the government’s legislative process in Canada, and exploring some of the hypotheses which emerge from the party government model. In this section, the methodology and its rationale are outlined.

The study of the party government model in Canada will proceed primarily through an examination of the progression of all government bills through the 30th and

³³ Donald P. Green and Ian Shipiro *Pathologies of Rational Choice: A Critique of Applications in Political Science*, New Haven: Yale University Press, 1994, x

³⁴ *Ibid.*, 7 and 179

34th Parliaments. Government bills, as opposed to private members' bills, have been chosen as the unit of study because the party government model emphasizes that any given government will attempt to successfully implement its legislative package, in an efficient and effective manner. Furthermore, in the preceding section it was noted that the institutional boundary rules operate to the advantage of governments, with a view to letting governments govern. Thus, the primary question to be explored is as follows: 'do governments implement the majority of their legislative packages, and do they do so with little constraint?' The compilation of the data set on the process of government legislation was achieved through the use of Canada's House of Commons Journals and Debates, for the respective parliaments, and was coded by parliamentary session. A complete version of the data set's Codebook can be found in Appendix 1, and is largely self-explanatory.

The 30th and 34th Parliaments were chosen for this study because they represent consecutive majority parliaments for both the Liberal Party led by Prime Minister Trudeau (1974 to 1979), and the Progressive Conservative Party led by Mulroney (1988 to 1993). Majority party governments should, according to the party government model, be the most effective in the implementation of their legislative packages. This is simply because the model suggests that at any one time a majority of votes in the legislature is guaranteed; thus, it is hypothesized that most obstacles to government business can be overcome. It should be noted, however, that data for the first session of the 34th Parliament were not collected. These data were neglected because this session dealt only with one piece of legislation --the implementation of the Canada-USA Free Trade Agreement-- and took only two months to complete. This session, measured on any scale, represents an extreme outlier, the exclusion of which is justifiable.

The decision to code by session as well as by Parliament allows for greater comparative scope. In this respect, the tenets of 'institutional learning' apply not only because these parliaments represent the second majority governments for their respective parties, and as such should produce more experienced and effective government management of the legislative process, but also they can be tested over the course of a Parliament's life. One reason why these parliaments are presumed to be more effective and efficient is simply that members are presumed to be fully socialized into their roles, and thus the institutional norms and mores by this time are particularly strong.³⁵ Thus the question, 'do governments become more efficient at controlling the legislative process?' can be explored both across and within parliaments.

Complementing this institutional learning approach is an exploration into whether the reforms to the House of Commons' procedures in the early- and mid-1980s have affected the way in which governments operate. The specifics regarding the success of these reforms will not be explored. Rather, the purpose here is to lend clarity, via the use of inference, to any differences that may be noted between the 30th and 34th Parliaments.³⁶

A complementary question to the party government model is also addressed in this thesis. In representative democracies, a category to which Canada belongs, it is often expected that governments will do in parliament what they say they will do during election campaigns. The party government model suggests that the governing party will

³⁵ This argument is drawn from the leading literature on Canadian parliament. In fact, in support of this view C.E.S. Franks notes that a problem with Canadian parliament is the relatively short tenure of MPs. This brevity in tenure, he argues, contributes to MPs that are more apt to toe the party line, and thus be socialized into accepting cabinet dominance. Franks *The Parliament of Canada*, 7, 23-6, and 261-4

³⁶ For a more in-depth examination of the reforms to the House of Commons in 1986, in particular those aimed at enhancing private members' legislative power and committees' investigative power, see Christopher Garner *The Exercise of Power*, unpublished BA Thesis, University of Guelph, 1994

implement its electoral mandate. Whether this actually occurs is debatable.³⁷ To examine this tenet of party government, and of representative democracy in general, data from the Manifesto Group have been enlisted. A complete codebook for these data can be found in Appendix Two. This codebook is standardised such that it is used by all academics participating in the mandate studies, regardless of which nation is being examined. The advantage to this is two-fold: first, the data collected on throne speeches and legislation are directly comparable; and second, future research into the consistency of government mandates and legislative action, in any other nation, can be compared to Canada's data.

The Canadian data are categorised into seven policy domains, ranging from economic issues to constitutional issues. The percentage of the party mandate committed to each variable within each domain is then entered. This creates a standardized measure regardless of the length of particular programmatic material distributed by the respective parties. While the Manifesto Group study aggregate data from 1949 to present, this thesis is concerned with only two particular mandates, or two points in time, and how they relate to governing priorities over time. Thus, linear regression techniques cannot be used, leaving only comparisons between descriptive statistics to illustrate the research question. Regardless, for the purpose of this thesis these data are instructive.³⁸

A number of minor changes to the codebook have been made, and should be noted. These changes have not, however, affected the nature of the data, or the domains delineated by the Manifesto Group. Rather, the changes simply help guide the coder to

³⁷ See for example Harold Clarke, Jane Jenson, Lawrence LeDuc, and Jon Pammett *Absent Mandate: The Politics of Discontent in Canada*, 2nd ed., Agincourt: Gage Publishing, 1991

³⁸ For a greater explanation of the Manifesto Groups' methodology see Pétry "The Party Agenda Model", 51; and Budge and Keman *Parties and Democracy*, chpt. 1

code with more precision. In other words, the coder is helped along by further explanations of the domains that fit the Canadian cases.

Utilizing the data collected by Professor François Pétry on the 1974 and the 1993 elections, and through coding each session's Throne Speech and government legislative package in the same manner, we are able to ensure the consistency of government priorities is examined. That is, a linear progression of policy priorities, from Mandate to Throne Speech to legislation, can be traced for each government. This analysis looks into the "black box" of government --an examination heretofore neglected by the Manifesto Group-- searching for a link between the tenets of representative democracy and those of party government.

Finally, the data are examined using two techniques. The main tool of analysis is that of descriptive statistics --i.e. the use of frequency distributions, percentages, and measures of central tendency. Where appropriate, cross-tabulation and regression analysis are employed to enhance the predictive and the descriptive power of the data.

The Presidential Address given by Professor Jones is relevant, therefore, not only for political scientists studying American political institutions, but also for those seeking to enhance the understanding of how parliamentary systems of government operate. This thesis aims to begin filling the scholarship deficit in the case of parliamentary systems in general, and the Canadian House of Commons in particular. It is with this objective in mind that the thesis now turns to the explication of the party government model in chapter two.

Chapter Two: The Party Government Model

In the Introduction it was noted that political parties and the procedures of parliament help define the dynamics of politics. That is, these institutions create power differentials between sets of actors, thus structuring political life. An extension of this idea suggests that institutions such as these have a capacity to “organize and transform [individual and collective] preferences and beliefs”, often with the result of limiting and defining what action is legitimate, and organising groups ‘in’ or ‘out’ of the governing process.¹ In essence, “institutions can be thought of as configurations or networks of organizational capabilities (assemblies of personal, material, symbolic, and informational resources available for collective action) that are deployed according to rules and norms that structure individual participation, govern appropriate behaviour, and limit the range of acceptable outcomes.”²

If one is to accept this definition, then one can view party government as such an institution. Party government is an organisation which attempts to achieve a certain objective (governance through party, with a view to implementing successfully policy choices) within the purview of certain rules and procedures (party organisation and parliamentary procedures). It is from such a neo-institutional definition that the following chapters of this thesis will operate.

The objective of this chapter is two-fold. First, a review of the literature on party government will be examined. The majority of scholastic attention given over to this topic has been by British academics studying Westminster. This is not surprising since it

¹ Michael M. Atkinson “Public Policy and the New Institutionalism” in Michael M. Atkinson (ed.) Governing Canada: Institutions and Public Policy, Toronto: Harcourt Brace & Co., 1993, 27 and 21

² Fritz Scharpf “Decision Rules, Decision Styles and Policy Choices” *Journal of Theoretical Politics*, 2, 1989, 152, quoted in Atkinson Governing Canada, 7

was Westminster which, as the proverbial ‘Mother of all Parliaments’, spawned the party government model. The examination of this literature on British party government allows us to lay a base-line from which Canada’s institutions can be judged. Such a standard will help guide the hypotheses and conclusions of this project. Following from the review of British literature, the chapter will look at previous Canadian research conducted in this area. This will demonstrate the scarcity of systematic and empirical research, and demonstrate that much must be achieved to fill the ‘scholarship deficit’ in studies of Canadian legislative behaviour.

Second, following from the literature review the thesis will elucidate the party government model, drawing together its suppositions from the constitutional premises of Westminster systems, and from a literature that is diverse, disparate, and mostly non-theoretical. The aim here is to create a theoretical model of party government that is both deductive and testable.

Party Government Model: Britain

Hofferbert and Budge suggest that “British constitutional theory is simple: a government enjoying the confidence of parliament can do anything.”³ Charles Miller complements this notion of government by suggesting that “while checks and balances are real concepts in America, they are simply academic constructs [in Britain].”⁴ These two comments on the state of British political institutions illustrate an acceptance of the party government model. The quintessential proponent of this model is Professor Richard Rose. Rose suggests that “[p]arty, not parliament, determines control of government”,⁵

³ Richard Hofferbert and Ian Budge “The Party Mandate and the Westminster Model: Election Programmes and Government Spending in Britain, 1948-85” *British Journal of Political Science*, 22, 151

⁴ Charles Miller *Lobbying Government*, Oxford: Basil Blackwell, 1987, xiii

⁵ Rose “Still in the Era of Party Government”, 282

and his empirical work seemingly supports this view. His tests outline such factors as the nature and departmental origins of government bills; the complexity of bills; the amount of opposition government faces in the legislative process; and the duration of bills in the legislative process for the period between 1945 and 1983.

Rose's analyses suggest that government is sure of parliament approving nearly all of the bills it brings forward, and that most of the bills brought forward (83%) are government sponsored.⁶ The majority of these bills, however, are not new; that is, they are not extensively defined novel policies which advocate original government programmes. Rather, most of these bills are amendments to existing statutes passed by previous governments, and thus as Ryle and Griffith note, "most governments spend a large amount of their time administering services along the lines laid down by previous governments."⁷

The preponderance of amendments to existing legislation found by Rose and Mechelen support this view, as they observe a large measure of 'inertia in laws'.⁸ This 'inertia' can be seen as an institutional constraint on government, as the majority of laws will continue in force unless: (1) a law is repealed by an act of parliament; or (2) a law is acted upon by an amendment sanctioned by parliament. The former has a limited history, even where governments held a majority of seats in Westminster, while the latter comprise the majority of government bills at any one time. Rose and Mechelen note that between 1945 and 1978 government repealed only 14 acts. In *Understanding Big Government*, Rose suggests that this inertia is further aided by the pressure on

⁶A methodological note should be made here: Rose and Mechelen exclude government Supply bills and Annual and Consolidated Acts. That is, those bills which government must introduce as a matter of course and those which contain a closure limiting their effective duration, respectively. *Ibid.*, 28

⁷ Michael Ryle and J.A.G Griffith *Parliament: Functions, Practice and Procedure*, London: Sweet & Maxwell, 1989, 4

⁸ Richard Rose and Denis Van Mechelen *Patterns of Parliamentary Legislation*, 22

government to weigh public, interest group, MP and Opposition party demands with limited policy resources. The result is limited government action.⁹

This inertia in laws should not be understood as inertia of government initiative. On the contrary, these authors characterise the legislative process as 'that of policy succession, in which legislation establishing programmes are modified by subsequent acts',¹⁰ with the result often being significant. For example, the Thatcher government's decision to introduce a Poll Tax in 1987, was accomplished by an amendment to existing tax law, but was one which drastically changed the nature of taxation in Britain.

Rose and Mechelen then turn to an examination of the amount of opposition which party government faces in getting its legislative agenda through the House. The focus here is on the number of amendments and division votes which the Opposition party sponsors. In the party government model, the Opposition will attempt to fashion itself as a 'government-in-waiting', and will oppose the government on all possible grounds simply on principle.¹¹ Due to its adversarial nature, the procedures of parliament should enhance the opportunities for such political positioning by opposition parties. Thus we can expect to find a large number of government bills being subjected to division votes and amendment. The Rose and Mechelen data, however, do not reveal overwhelming support for this assumption.

The division vote is conceivably the most formal procedure for Opposition to both express its dissatisfaction with a government's agenda and to delay government business. However, the Rose and Mechelen data do not suggest that this procedure is used as often as it is commonly thought. "From 1945 and 1983, 79% of government bills were

⁹ Richard Rose *Understanding Big Government*, London: Sage Publishing, 1984, 48-53 and 76

¹⁰ *Ibid.*, 25

¹¹ *Ibid.*, 57

accepted without division at second reading.”¹² As second reading debate is premised on the principles of the bill, it may be postulated that opposition parties believe this stage to be of lesser importance to the possible amendments it could win in committee, or to the publicity it could gain in third reading. The data do lend themselves to such an inference, as an additional 26 percent of all government bills between 1945 and 1983 were subject to division votes at either the Committee Report stage or third reading.¹³ Thus, 47 percent of all government bills in the 1945 to 1983 period received opposition through division votes at the latter two stages of the legislative process.

Further opposition and delay to government business in the legislative process is, according to Rose, rather dismal. The Opposition has the capacity to delay a government bill for little more than two months.¹⁴ And the failure rate for Opposition amendments between 1967 and 1971 was 95.6 percent, whereas government party amendments in the same period saw a 0.1 percent failure rate.¹⁵ Thus, Rose concludes that government can expect to see on average 97 percent of its legislative package introduced enacted into law;¹⁶ and Rose and Mechelen discern that once a bill goes forward for second reading, half receive Royal Assent within seven weeks, while one-sixth of all bills are passed in 10 days or less.¹⁷

This lack of opposition on government business is surprising as delay is an Opposition party’s greatest weapon. Thus one could expect that the reality of opposition would be empirically greater than the Rose and Mechelen data suggests, as the Opposition attempt to embarrass government and influence the nature of the legislative

¹²Ibid., 59

¹³Ibid., 59

¹⁴Ibid., 81

¹⁵Rose “Still in the Era of Party Government”, 285

¹⁶Ibid., 283-4

¹⁷Rose and Mechelen Patterns, 25

process.¹⁸ However, Rose explains this discrepancy between the party government control and his data by suggesting that, the apparent lack of opposition amendments and divisions on bills in conjunction with government's consultation with opposition parties leads to a 'consensus style of politics' wherein the theatrics of political rhetoric do not hold in reality.¹⁹

It is worth noting that there exists an opposing view of the British legislative process. This view is argued by Professor Norton, and is widely known not surprisingly as *The Norton View*. This view argues that the 1970s and 1980s were marked by an increase in dissenting behaviour by backbenchers, and that this increasingly independent behaviour is a result of both an attitudinal change by backbenchers, and the leadership's failure to provide backbenchers with access to decision making structures.²⁰ Norton's work employs an analysis of inter- and intra-party dissent, and government defeats in the House of Commons. In concluding his examination Norton suggests that "what ever happens in the future, the fact that Parliament has had, and to a lesser degree, continues to have influence upon public policy cannot be discounted."²¹

However, others interpret Norton's statistics rather differently. Rose suggests that while dissent has been evident, it has by no means been sustained.²² In fact, in his article "Still in the Era of Party Government", Rose suggests that what dissent is evident in the House comprises only 1 percent of all division votes, and that Norton's own statistics suggest that dissent on amendments to legislation has increased by only 1.5 percent.²³

¹⁸ Ryle and Griffith *Parliament*, 297

¹⁹ Rose *Do Parties Make a Difference?*, xii and 144, respectively.

²⁰ The Norton view is aptly summarized in Philip Norton *Parliament in the 1980s*, Oxford: Basil Blackwell, 1985. See also Philip Norton *The Commons in Perspective*, Oxford: Martin Robertson, 1981; *Dissent in the House of Commons 1974-1979*, London: MacMillan, 1980; and *The British Polity*, (2nd ed), London: Longmann, 1991

²¹ Norton *Parliament in the 1980s*, 41

²² Rose "Still in the Era of Party Government", 288

²³ *Ibid.*, 292

This leads Rose to conclude that dissent can be characterised as “a bark, not a bite.”²⁴ Furthermore, such fracturing of a party, especially a governing party, as suggested by Norton is not accounted for in the general model of party government. Below it is noted that MPs are loyal to their party because their utility functions were such that re-election chances, parliamentary benefits, and leadership or career advancements are all tied closely to the party. Thus, both the rational choice and sociological perspectives on party government adhere to the position taken by Rose.²⁵

From the preceding analysis Rose and Mechelen conclude that “Britain is very close to the ideal-type political system in which the government of the day is free from any institutional constraint upon its formal powers to legislate.”²⁶ Ryle and Griffith agree, noting that over 75 percent of the time spent in the House is dedicated to government business.²⁷ In fact, Rose has noted that the only substantial obstacle to government is “the procedures [which] limit the amount of legislation government can enact per year”.²⁸

This characterisation of British parliament corresponds to the Whitehall model or executive-centred model outlined by A.H. Birch,²⁹ and the neo-institutional model, above. However, it should be noted that even though the British party government

²⁴Ibid., 288

²⁵ The rational choice perspective is predominantly used in the creation of the party government model, below, rendering a member’s utility function as $U = f\{R, P_i, P_b, L\}$.

The sociological perspective furthers the rational choice literature, citing the existence of institutional norms which socialize members into supporting the ‘status quo’ of party control, thus effectively limiting opposition. See for example, Searing *Westminster’s World*; Searing “A Theory of Political Socialization: Institutional Support and Deradicalization in Britain” *British Journal of Political Science*, 16, 341-376; and Edward Crewe “The Web of Party Authority: Party Loyalty and Social Control in the British House of Commons” *Legislative Studies Quarterly*, XI:2, 1986, 161-185

²⁶Rose and Van Mechelen *Patterns of Parliamentary Legislation*, 24

²⁷ Ryle and Griffith *Parliament*, 297

²⁸Richard Rose *Politics: England*, 122

²⁹A.H. Birch *Representative and Responsible Government*, London: London: George Allen and Unwin, 1964; and *The British System of Government*, (8th ed.), London: Unwin Hyman Ltd., 1990

model is readily identifiable and its legislative process has undergone empirical examination, the study by Rose is cursory. For example, their study lacks an examination of the correlation between the amount of opposition a bill faces and duration, opposition and the most active departments, or complexity and duration. Furthermore, Rose and Mechelen do not differentiate between minority and majority government situations, tracing the respective legislative processes to discover the obstacles which such situations may present. Thus, these authors leave room for further study of the British legislative process.

A Canadian Party Government Model: The Literature

In an article published over fifteen years ago, Paul G. Thomas notes that “a modern realistic conception of the legislative process must move beyond simple slogans like ‘parliamentary sovereignty or the currently popular ‘prime ministerial rule’...”³⁰ Through an examination of standing committees, Thomas attempts to demonstrate that the legislative process is not simply the rubber stamp of government, even though government has a “virtual monopoly of relevant information, access to outside interests, and control over the legislative agenda.”³¹ However, his findings appear to suggest the opposite of what he set out to prove. The article concludes that majority government’s “exert tight control over what amendments will be accepted within the committees, and most of the successful amendments originate within the government”. Although opposition parties’ amendments are usually of a major nature, they are not expected to pass. As for government backbenchers, they do not normally introduce substantive

³⁰Paul G. Thomas "The Influence of Standing Committees of Parliament on Government Legislation" *Legislative Quarterly*, III:4 November 1978, 685

³¹*Ibid.*, 687

changes to legislation.³² Thus, Thomas's examination of standing committees seems consistent with the party government model, as outlined and tested for Westminster, above.

In fact, many studies of the Canadian legislative process seem to rest on a characterisation of party government control similar to those of Westminster. For example, Van Loon and Whittington argue that the amount of influence the House of Commons wields upon policy depends largely on “the willingness of the executive to be influenced... [rendering parliament] functionally subordinate...”³³ Jackson and Atkinson argue that the role of the House is not to restrain governments, but to support them; while C.E.S. Franks argues that “the existing power structure gives MPs a subordinate role and disciplines them to party lines...put[ing] the focus of discussion and decision in the executive rather than in parliament, and assign[ing] government the role of benevolent paternalism.”³⁴

Furthermore, when it is recognised that there are many different inputs into government sponsored policy prior to its introduction in the House (eg. the PCO/PMO, caucus, bureaucrats, and interest groups), a majority of these inputs take place within the upper echelons of the governing party.³⁵ As Paul G. Thomas states in his analysis of policy inputs, MPs are “unaware of the nature of policy negotiations, and anxious not to cause harm to the government's reputation, [thus] government MPs will be reluctant to challenge ministers...”³⁶ Furthermore, “[p]arty cohesion and party discipline ensure the endorsement of most government measures ...[and those not passed are] deviations from

³²Ibid., 700

³³Richard J. Van Loon and Michael S. Whittington The Canadian Political System: Ideas, Structure and Process, (2nd. ed.) Scarborough: McGraw-Hill Ryerson, 1981, 618-9

³⁴Jackson and Atkinson The Canadian Legislative System, 159; and Franks The Parliament of Canada, 31

³⁵Franks The Parliament of Canada, 27 and 202-9; and Jackson and Atkinson The Canadian Legislative System: Politicians and Policymaking 21-22

³⁶Thomas "Parliamentary Reform", 47

the norm.”³⁷ This suggests that once government policy is introduced into the House in the form of a government bill, party government controls the legislative process via cohesive, disciplined party MPs who act to maximize party interests.

Finally, when the literature considers the success rate of government legislation, the conclusion is much the same. For example, Professors Franks and Thomas, in their respective works, suggest that the success rate for government bills between 1945-78 averaged 70 percent.³⁸ Both authors note that this is significantly lower than the 90 percent average success rate with which British government bills met over the same period. Reasons postulated for this lower rate of success include the time constraints and procedural pressures in House business,³⁹ the moment in the parliamentary cycle,⁴⁰ and the notion that a failed bill may have been simply introduced as a ‘legislative trial balloon’.⁴¹

From the Canadian literature outlined, two inferences can be made. First, the literature adopts the elements of the party government model outlined in the British case. Following from this, it can be assumed that the Canadian variant of party government is tractable and empirical testable. Second, the current literature's examination of party government is not extensive. However enlightening the explanations and statistics are in demonstrating government success in a majority of its legislation, they do not explain the subtleties of the legislative process. That is, such questions as what obstacles and constraints do governments encounter in the legislative process, and how long do the bills take to pass through the House of Commons, still require more examination.

³⁷Thomas "Parliamentary Reform", 46

³⁸These authors draw largely from the statistics presented by Jackson and Atkinson in The Canadian Legislative System, 178-180. Franks The Parliament of Canada, 130, and Thomas "Parliamentary Reform", 45.

³⁹Franks The Parliament of Canada, 128-9

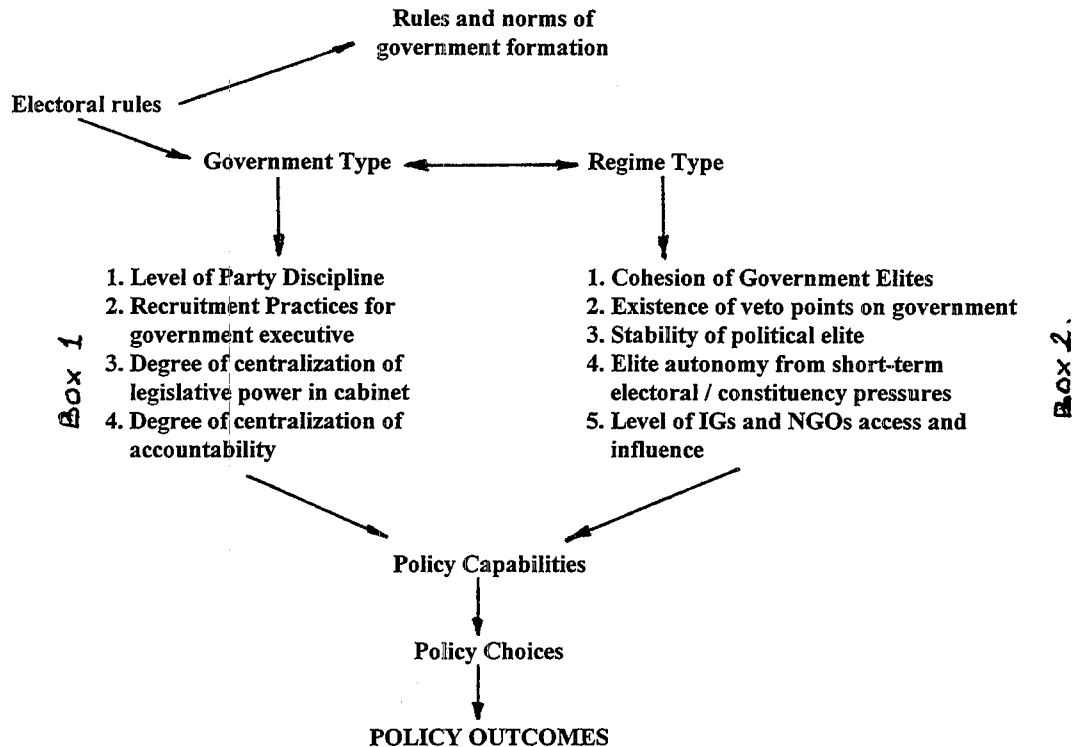
⁴⁰Jackson and Atkinson The Canadian Legislative Process, 177-81

⁴¹Thomas "Parliamentary Reform", 46

The Party Government Model

The party government model is essentially a depiction of one type of institution's power differential answering the question, who has power and how they can use it? The answer to this is given by the very nature of party government: the political executive in particular, and the majority party in general, are most powerful. However, this answer is

Diagram 2.1
Policymaking Capabilities: An Institutional Model
 (source: Rockman and Weaver *Do Institutions Matter?*, 25)



too simplistic. For a broader understanding of the political institution of party government one must ask 'why and to what extent is power located in these actors? And how does this institutionalised power differential affect the actions and capabilities of legislative actors?' It is with a view to these questions that the model will be developed,

first through an examination of the institutional capacities of parliament, and then through drawing together those suppositions that flow from these capacities and from those noted in previous studies.

In the words of Weaver and Rockman, “institutions are capabilities [or means] for effective action [or governance].”⁴² Political institutions may differ greatly in their distribution of capabilities, and their ability to affect ‘effective action’. Diagram 2.1 illustrates a neo-institutional framework through which one may distinguish government-types. In particular, this diagram allows one to distinguish types of governance through an examination of how a particular legislative institution affects policy capabilities, policy choices and policy outcomes. Furthermore, this model recognises that norms and rules also shape policy through influencing the design of policy making institutions, such as a nation’s constitution, the historical development of its political institutions, and its political culture.

Filling in the elements of this diagram, in relation to Canada and Britain, produces a schematic representation of party government in a parliamentary system. First, there are the electoral rules and norms of government formation. Electoral rules in Britain and Canada follow from the single member plurality system. Under particular conditions -- those of two dominant parties, and third parties that are relatively weak and not regionally concentrated-- the party winning a plurality of votes will win an even larger proportion of seats in parliament. Accordingly, conditions favour one party winning a majority of seats. Compounding these effects of the single member plurality system on the composition of the House is the reliance candidates have on party for electoral financing and policy programmes. This will be discussed in greater depth below. It is noteworthy that since political parties grew to prominence in the late 1800s and early 1900s, the electorate has

⁴² Bert A. Rockman and Kent Weaver Do Institutions Matter, 12

come to rely increasingly on a party's label and policy platform in voting.⁴³ Finally, the norms of government formation dictate that any party that can retain the support of a majority of votes in the House becomes the governing party.⁴⁴ In fact, Franks argues that Canadian political culture is such that the electorate expects one party government, and that this is desired by the public due to the higher likelihood of producing coherent policies.⁴⁵ These electoral and normative factors largely determine the type of government operative in a given nation. In particular, for Britain and Canada this means the retention of a parliamentary system distinguished by dominant party governments.

With the government and regime types having been defined briefly, the diagram turns to an examination of the internal factors of the institution that determine what policy choices can be made and how effective they can be implemented. This, for Weaver and Rockman, and for neo-institutionalists in general, is the crux of government power. If a government is operating within an institution which awards them control over policy resources and parliamentary processes, then that government should have the ability to control policy outcomes.

The factors in box 1 and box 2 represent those that ultimately affect a government's decision making capabilities. Box 1 is comprised of the institutional factors that affect the extent to which party controls the legislative process. In parliamentary systems, such as those of Britain and Canada, these factors are dictated by

⁴³ Another result of the SMP system of elections is its discouragement of factionism and the formation of alternative parties by disgruntled party members, as the chance of electoral success by such groups would be slim.

⁴⁴ See for further elaboration of the electoral system, its effects on representation in the House and the norms of government formation, Hogg Constitutional Law in Canada (3rd ed.), Toronto: Carswell Thomas Publishing, 1992; C.E.S. Franks The Parliament in Canada, Toronto: University of Toronto Press, 1987; Alan C. Cairns "The Electoral System and the Party System in Canada" in Cairns Constitution, Society and Government in Canada, Toronto: McClelland and Stewart, 1988, 111-38; and Ian Stewart "Of Customs and Coalitions: The Formation of Canadian Federal Parliamentary Alliances" *Canadian Journal of Political Science*, September 1980, 451-479

⁴⁵ Franks the Parliament of Canada, 27

the constitution. For example, as was demonstrated in the Introduction, the principle of responsible government dictates centralisation of accountability in the executive, an executive whose members are chosen from the majority party, thus placing the legislative decision making power with this executive. Box 2 represents institutional factors which affect the stability and cohesion of the political executive. These factors are prone to be more variable as they are, to a large degree, determined by the political environment of any temporal period. However, a number of hypotheses may be made. First, the cohesion of political elites in party government systems is expected to be strong, for they are drawn from a single party which represents a particular ideological position on the political spectrum; or as Weaver and Rockman note, the elite members are drawn from a relatively narrow spectrum of issue opinion.⁴⁶ Second, the short-term autonomy of elites from electoral and constituency pressures in party government systems can be rated as high. It is widely accepted by political scientists that members of the political executive are expected to be electorally stable as they run in 'safe seats' thus increasing their probability of re-election.⁴⁷ Furthermore, there are no substantial veto points through which constituency associations can affect elites in parliament --such as measures of recall. Therefore, while there may be substantial individual circulation among posts in Cabinet, and at the polls, a particular party's executive can be expected to remain stable.

Such stability in elites, in the presence of an institutional design that centralises power in these elites, should greatly enhance the policy making capabilities of a government. If the elite is in a position within the institutions of parliament to make

⁴⁶ Rockman and Weaver *Do Institutions Matter?*, 24

⁴⁷ As Franks notes, however, the concept of the 'safe seat' is a little more elusive in Canada, as the electorate have demonstrated themselves to be more volatile. In Britain, on the other hand, the 'safe seat' is a much accepted and studied fact of political life, adding to the overall continuity of party elite in the House over time. See Franks *The Parliament of Canada*, 75-6; Edward Crowe "The Web of Authority: Party Loyalty and Social Control in the British House of Commons" *Legislative Studies Quarterly*, XI:2, 1986, 162-3; and Philip Norton *The British Polity* (4th Ed), Oxford: Basil Blackwell, 1992, chpt. 3

policy decisions, direct resources toward the implementation of decisions, and have little in the way of veto points to worry about, then they can be expected to have great success in affecting policy outcomes. This Weaver and Rockman note, is true for parliamentary government because:

- it centralises responsibility and accountability in the executive (i.e. due to the constitutional dictates of Responsible Government);
- this executive hold the power to form public policy, thus setting priorities ;
- this executive has the ability to effectively allocate bureaucratic resources; and
- this executive has the ability to manipulate its environment --within parliament due to its control of the 'rules of the game' and outside parliament because of its control of the bureaucratic resources.⁴⁸

In sum, parliamentary government places the majority of institutional capabilities within the reach of a select number of MPs who sit in Cabinet, somewhat insulated from the volatilities of the external political environment. This concentration of power allows for a notable consistency between policy inputs and policy outputs, and therefore produces “effective government”.

The above brief explanation of policy making capabilities illustrates some general factors in the institutional framework through which party government operates, and how factors exogenous to a government, such as the electoral system, may act to reinforce an institution’s capabilities. Having defined the constitutional framework of party government we can now turn to a greater elucidation of the party government model, one which looks closer at the institutional constraints and opportunities upon the legislative behaviour of governments, oppositions and members of parliament.

Table 2.1 below outlines the prominent elements of party government which can be extrapolated from the major literature on the legislative process in the Canadian and

⁴⁸ Ibid., 12-16

Table 2.1
Seven Elements of the Party Government Model

1. Party controls recruitment to the legislature and promotion within it. That is, party controls electoral financing, support and policy within election campaigns, as well as all promotion into the executive/frontbenches, special committees, standing committees, etc. Furthermore, Party controls all extra-parliamentary benefits that members may seek to gain from parliament, such as travel and constituency support services.
2. Party Discipline/Loyalty maintains the government's control over the legislative process, and the opposition's adversarial role toward it. What dissent is evident occurs as a result of a weakening of party leadership,⁴⁹ is often voiced in committee, is extremely rare and not disruptive to the government.⁵⁰
3. Party controls the legislative agenda by devising an electoral programme (mandate), which is used to fashion *its own* legislative agenda. This legislative agenda will be committed to parliament and will command the support of a majority of party members.
4. Party government ultimately controls the legislative process, since it sets the boundary rules on parliamentary action and access points for policy influence. In essence, party controls the 'rules of the legislative game'.
5. The government party will pass all of the legislation it introduces into parliament, will accept very few amendments and when it does they will be those endorsed by party members. Thus, parliament acts to support government as a 'consent mobilizer'.
6. Legislation is typically contested by the opposition party which styles itself as a "government-in-waiting". As such the opposition will resist the governing party at every opportunity.
7. As Party Government is not shielded from reality, and as government will be held responsible through party by the electorate, it may modify its legislative agenda in response to public pressure, crises, and other events. However, such modification depends largely on the Party's own perception of the political event at hand, thus the legislative agenda will be modified accordingly.

British Parliaments. From this table it is possible to delineate two general aspects of party government: first, the intra-party benefits and discipline imposed on individual MPs (elements 1 and 2); and second, party control both the electoral platform and the legislative process (elements 3 to 6). These two aspects are not mutually exclusive. On

⁴⁹See for example Philip Norton Parliament in the 1980s, Oxford: Basil Blackwell, 1985, 143-144

⁵⁰See Richard Rose "Still in the Era of Party Government" Parliamentary Affairs, 36, 3, 1983, 292; and Paul G. Thomas "Parliamentary Reform Through Political Parties" in John C. Courtney ed. The Canadian House of Commons: Essays in Honour of Norman Ward, Calgary: University of Calgary Press, 1985, 46

Furthermore, Gary W. Cox and Mathew D. McCubbins argue that majority governments are not compatible with strong partisan committees. The reason is that since governments have no fear of losing support for their agenda in the House committee members are given greater scope for personal opinion / dissent. However, if the government sees its agenda threatened in committee it will intervene through party discipline. See Legislative Leviathan: Party Government in the House, Berkeley: University of California Press, 1993, 254-273

the contrary, they complement one another as elements one and two are actually antecedent to the latter elements, and necessarily so for 'effective governance'. These elements of party government will be dealt with in order.

Elements One and Two. If it were not for party discipline in the House then the effective implementation of programmes, or effective governance would be virtually impossible. Likewise, effective opposition would be hampered by looser party discipline, adversely affecting coherent strategies to influence government, and/or to project the image of a 'government in waiting'. Conversely, one may note that if it were not for members of parliament devolving their individual constitutional rights of action within the House to party, then party government and party opposition would be impossible. While this example of circular logic may seem purely pedantic, academic banter of the 'chicken and egg' variety, it is not. Rather, it is more fundamental to the study of the party government model than it first appears because it presents one with an interesting problem. That is, why have parliamentary parties been able to usurp members' power to legislate and restrain their ability to act in a self-maximizing, individualistic manner which their congressional counterparts take for granted? In sum, the question can be phrased, why party?

This question has, until recently, been neglected by American rational choice literature, while at the same time has been taken for granted among scholars of parliamentary systems. Answering this question is, however, the first step in constructing a party government model for parliamentary systems, because without party (or more particularly, without MPs' deference to party) this model collapses. In the literature dealing with the American Congress, the dominant justification for party outside of Congress is 're-election'. That is, a member (candidate) will be motivated to follow a party line during an election because this member's (candidate's) own utility is

maximised by so doing. The party, in sum, provides (a) financial support; and (b) informational resources, such as a party platform from which the electorate can judge the candidate. These resources enhance the member's (candidate's) propensity for re-election.⁵¹ In the form of a utility function, the benefit of party to a member (candidate) seeking re-election can be defined as: (*Function 1.1*)

$$U = f\{R_e, P_p, I_r\}$$

Where in U is an individual member's utility,

R_e is the overall potential for re-election, with special emphasis on the party's image/record as judged by the electorate;

P_p is the electoral benefit the member gains through the use of party identification, especially due to the ready identification of the policy space which the candidate stands for, by the electorate;

I_r is the informational resource party provides for a member.⁵²

The rationale given for the existence of party within Congress is more complex.

The literature explaining party within Congress is based upon the Principal-Agent relationship which seeks to overcome 'collective action dilemmas'. The actions of individual legislators in Congress are viewed as independent and competitive. Thus action is potentially disruptive for any given equilibrium, such as an agreement on policy, in the House. Cox and McCubbins present a theory explaining why equilibriums in the House have been, and can be stable. At the centre of their explanation is party. Party, for these authors, is seen as a cartel of legislators which seeks to dominate the procedures and processes of Congress, with some purposive action in mind. However, this cartel must overcome potential collective action problems. Party achieves this through the concept of political entrepreneurs --party leaders, who are selected by members of that party and to whom these party members defer their individual goals and prerogatives. The political entrepreneurs are then expected to seek control of, or influence over, the procedures of the House, and to coordinate members activities. The end sought is a greater influence

⁵¹ Cox and McCubbins *Legislative Leviathan*, 109-10

⁵² This utility function has been adopted from that which Cox and McCubbins present. *Ibid.*, 110

over policy choices and outcomes by that party's members. In sum, legislators' power is given up to political entrepreneurs for the achievement of mutually beneficial goals --i.e. the control of the legislative agenda and the implementation of policy choices. So long as a legislator's utility is served by party, he or she will continue to be deferential.

The resultant utility function for members' of Congress can be hypothesised as:

(Function 1.2)

$$U = f\{R_e, P_i, I_r, L, A_p, O_p\}$$

Where R_e , P_i , and I_r , are the same as function 1.1, above;

L is the benefit of transferring costs of action --such as the time and resources needed to seek out points of influence and co-ordinating collective action-- gained by deferring such activities to a political entrepreneur;

A_p is the access points available available to members in seeking policy influence; and

O_p is the expected gain in a member's effect on the policy choices and outcomes of congress.⁵³

Such purposive definitions of actions by legislators are not, however, as illuminating for the understanding of party government. As Thomas notes, "most legislative behaviour by individuals must be understood as, in fact, being party behaviour. Cabinet-parliamentary systems like Canada's produce an arrangement of resources and incentives which elevate parties over individual political entrepreneurs."⁵⁴ Legislative behaviour in Canada, then, must be seen as structural action. That is, action which is largely predetermined by the structures under which it occurs.

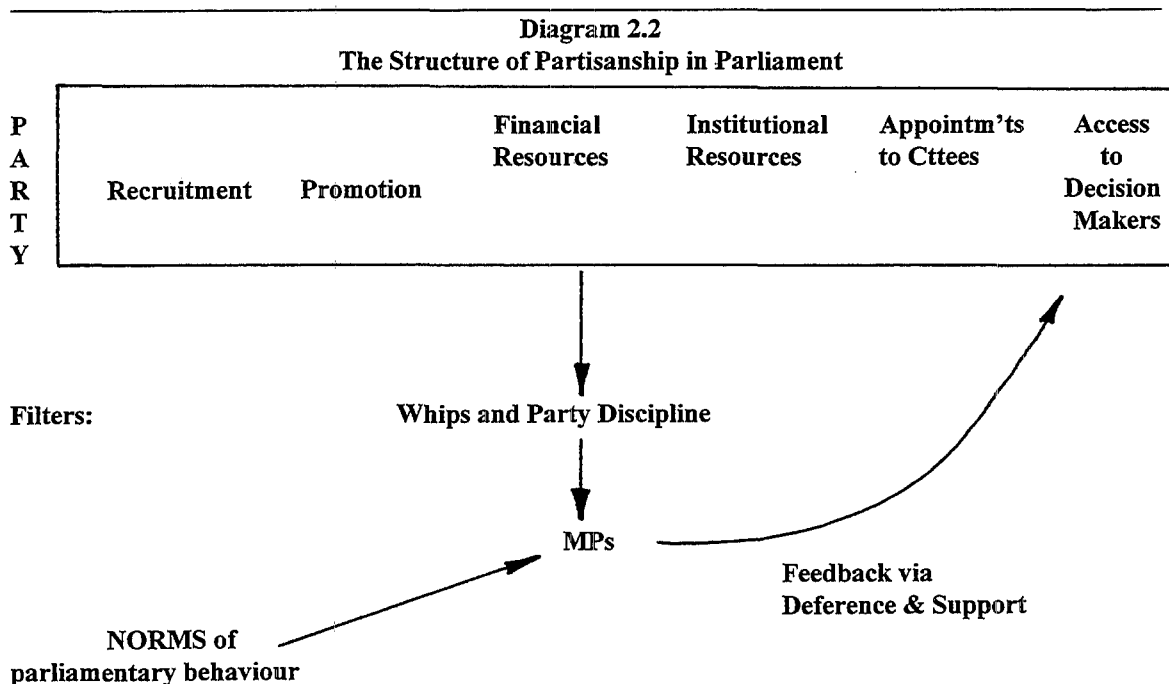
To a great extent this was discussed in the above sections, under the auspices of parliament's power differential: the constitution dictates a system of responsible government, whereby the Cabinet is free to exercise control over a majority of

⁵³ Furthermore, party can be seen as a repository of policy resources and ideas. Thus, the policy space occupied by a party, and an individual candidate or member, can be seen clearly through party images and directives. This impacts upon voters, and also helps to coordinate party members in the House, as they have a common ideological tie.

See K. Shepsle and B. Weingast "The Institutional Foundations of Committee Power" *American Political Science Review* 81, 1, March 1981, 101-102

⁵⁴ Paul G. Thomas "The Role of House Leaders in the Canadian House of Commons", *Canadian Journal of Political Science*, XV:I, March 1982, 125

institutional capabilities under the scrutiny of the House. This was demonstrated by diagram 2.1 as Weaver and Rockman suggest that since parliament's structures are such that Cabinet controls the boundary rules of the House, they can direct the behaviour of a majority of MPs. The costs incurred by individual MPs that attempt to act against the dictates of this structure are high. Such structural dictates of behaviour are termed 'Obligatory Actions', by March and Olsen. These authors suggest that in setting bounds, through both normative and procedural rules, an institution can direct people's actions 'even when such action is not a rational consequential calculation'.⁵⁵



The concept of obligatory action in party government can be understood as the embedding of a party identity within MPs: when MPs are in the House, they see themselves as 'party actors', not as 'individual actors'. In essence, the individual MP's

⁵⁵ March and Olsen *Rediscovering Institutions*, 22

utility function can be seen as similar to that outlined in function 1.2. However, it is so strongly embedded in the MP's identity and role that it overrides his or her 'purely rational calculation',⁵⁶ replacing rational choice with affective ties or 'we identities'.⁵⁷ This goes far in explaining why MPs' succumb to party discipline.

Diagram 2.2 illustrates some of the opportunities and constraints structured by parliament, and party government, which direct MPs' behaviour. The diagram need not be thought of as a linear, top to bottom, process. Rather, this process should be seen as one which is in constant cycle, thus denoting a reciprocal, perpetuating, relationship between the MP and Party. The upper section of the schematic illustrates party's control over the benefits an MP can expect to gain from deference, benefits which are highly rated in the MPs utility function (see function 1.2, above). The second stage, the filter, is where an MP's past loyalty and present worth to the party is judged, and benefits are dispensed accordingly. Filtration is an activity within the purview of the Party Whip. Next is the feedback mechanism, that being the degree to which the MP acts in a deferential manner, toeing the party line. This feedback, by its very nature, supports (or conversely, weakens) the hold party has over the MP. Finally, one element diagrammed is the institutional norms of behaviour acting upon the MP. These norms help perpetuate party dominance through the process of socialisation.

From the above explanation of elements one and two, one can understand why party is dominant in parliamentary systems. Further, this explanation helps to elucidate how the institution constrains individual action, thus enhancing the control of party government in the following five elements.

⁵⁶ For a discussion of MPs self-perceived roles in the House, and in party, see Donald Searing Westminster's World

⁵⁷ Michael M. Atkinson "Public Policy and the New Institutionalism", in Atkinson (ed.) Governing Canada, 39

Element 3. If there is one thing that voters would possibly agree on in a democratic system, it is that governments ought to do what they say they are going to during the election period. After all, an “elected government has been mandated by the sovereign people to do certain things.”⁵⁸ Element three deals with this expectation positing that,

- the party platform should present the electorate with a clear difference between its salient policy issues and that of other parties.⁵⁹ Thus, a rational choice can be made by the electorate; and
- the party mandate should embody those issues which the party believes to be salient, or that the electorate believe to be salient, and thus should be transferred to the government’s legislative package.

However, electoral mandates are vague, and are designed to be that way. As Ronald Walters points out, the purpose of the party platform is to communicate the party position to the electorate in “a short, thematic manner that avoids specifics.”⁶⁰ Walters offers three reasons for a platform’s vague nature: first, a platform is an attempt to define a “party’s personality; second, platforms are a representation of those issues which party activists believe to be salient, and thus act to bind membership; and finally, they are meant to mobilise constituent groups’ votes in a certain direction.”⁶¹ The vagueness of party platforms in Canada has further been noted by Peter Aucoin, and by the Absent Mandate Study Group.⁶² These authors suggest that Canadian parties emphasise no more than three main issues which are believed to be salient among the electorate. Party

⁵⁸Richard Hofferbert and Ian Budge “Party Mandate and the Westminster Model”, *British Journal of Political Science*, 22, 152

⁵⁹ Ian Budge and Hans Keman Parties and Democracy: Coalition Formation and Government Functioning in Twenty States, Oxford: Oxford University Press, 1990, 5

⁶⁰ Ronald W. Walters “Party Platforms as Political Process”, *American Journal of Political Science*, 23, 1990, 436

⁶¹ *Ibid.*, 438

⁶² These authors attribute lack of precision in party platforms to the nature of brokerage politics in general. See Peter Aucoin (ed.) Institutional Reforms for Representative Government, Toronto: University of Toronto Press, 1985; and Harold D. Clarke, Jane Jenson, Lawrence LeDuc, and Jon Pammett Absent Mandate: Interpreting Change in Canadian Elections, (2nd ed.), Toronto: Gage Educational Publishing Co., 1991, 8-14

platforms in Canada, then, are tools for directing votes, and for the general representation of a party's particular policy space --not for setting out particular policies if elected.

The corollary to this is that mandates can be viewed as the basis from which a party will produce its legislative programme when in government. However, the government has a degree of flexibility in the fashioning of this legislative programme, since specific intentions were not embodied in an election promise. Therefore, in studying the consistency between a government's electoral intent and its legislation, one can only expect a transfer in saliency. That is, those issue areas that were deemed to be salient during an election should be consistent with those emphasised in the party's legislative programme. (This line of argumentation has been utilised by the Manifesto Group⁶³ in their examination of the correlation between party platforms and government expenditures. These studies, however, neglect the actual legislative programme of government, thus leaving to speculation the effect that the nature of institutional processes may have on policy outcomes.)

Element 4. Party government ultimately controls the legislative process, because it has control over the procedural 'rules of the game'. That is, government can define the institutional boundary rules and the access points to government resources and decision-making. This concept has received much study in literature on the US Congress, as the House Leader has disproportionate control over procedures such as scheduling, committee reports, and voting.⁶⁴ In this literature it is suggested that control of House

⁶³ See for example, Budge and Keman Parties and Democracy: Coalition Formation and Government Functioning in Twenty States.

⁶⁴ See John Aldrich "A Model of a Legislature with Two Parties and a Committee System", *Legislative Studies Quarterly*, August 1994, 313-39; Gary W. Cox and Matthew McCubbins "Bonding, Structure, and the Stability of Political Parties: Party Government in the House", *Legislative Studies Quarterly*, 19:2 May 1994, 215-31; D.R. Kiewiet and Matthew McCubbins The Logic of Delegation, Chicago: Chicago University Press, 1991; and Kenneth A. Shepsle and Barry R. Weingast "Positive Theories of Congressional Institutions", *Legislative Studies Quarterly*, 19:2 May 1994, 110-77

procedures act as (1) a gatekeeping device to actions and decision-making structures; and (2) means to resolve possible collective dilemma problems, such as 'free-riding'. It was noted in factors one and two above, that the latter role is fundamental to the creation and perpetuation of political parties. Party allows for the maximisation of both individual and collective policy goals. Party control of the procedures of the House further maximise these goals, as it is through these procedures that 'in' and 'out' groups are defined.

Defining groups 'in' or 'out' of the legislative process is the general thrust of gatekeeping. The logic of the argument can be presented as follows: if the procedures of the House are viewed as institutional rules defining the boundaries of legitimate political action, and the party in government controls these boundaries, then that party has the ability to define legitimate political action. To paraphrase March and Olsen, the government has the ability to define what actions and which actors are 'political'.⁶⁵ More precisely, as John Aldrich suggests, when one examines the governing party's use of House procedures, one finds that "these institutionalized procedures encourage Party-Individual congruence, and allow the collective to overcome opposition and get its preferences [implemented]."⁶⁶ Therefore, the control of the institutional rules of the legislative process by a particular party can be expected to steer that process in a direction favourable to its goals and objectives.

In Canada and Britain, the control of House procedures is retained by the parliamentary party leadership. This control of the House is, in theory, similar to that exerted in the US Congress. However, as party is more entrenched in Britain and Canada than in the USA, its control over the procedures affecting the legislative system can be seen as *a priori* 'institutionalised'. Thus, for members of parliament, the acceptance of

⁶⁵ March and Olsen *Rediscovering Institutions*, 48

⁶⁶ John Aldrich "A Model of a Legislature with Two Parties and a Committee System", *Legislative Studies Quarterly*, August 1994, 317

party control on these matters is a fact of their political life, and is a marginal factor in their individual utility functions.⁶⁷ The most impressive elements of procedural control in parliament are the government's ability to choose bills for debate; the type and composition of committees to scrutinise; and the timetabling of a bill's introduction, debates and votes. These procedures, in conjunction with the exercise of party discipline under the direction of a ubiquitous Party Whip, produce a situation wherein government can get its business accomplished.

Thomas notes that government control of these procedures occurs in Canada.⁶⁸ The scheduling of all business in the House of Commons is the responsibility of the Government House Leader. This scheduling is not, however, achieved arbitrarily or singly by government. Rather, Thomas notes that for the most part the government will consult with the House Leaders of the Opposition parties, and thus a bartering for floor time commences.⁶⁹ Although such consultation is not institutionalised in a formal sense, it does represent a normative structure of the House that cannot be overlooked. The fact that such a consultative process happens at all has impressive consequences for the way one views party control of the legislative process. That is, the existence of such a norm illustrates that government is restrained in its ability to act authoritatively in the House. Furthermore, one might wonder whether the Opposition has more power than the party government model seems to suggest. One plausible answer to this question is that the extent of a government's consultation is minor, and more dictatorial than it appears; thus,

⁶⁷ Donald Searing and Chris Game "Horses for Course: The Recruitment of Whips in the British House of Commons", *British Journal of Political Science*, 7, 361-2; and Edward Crowe "The Web of Authority: Party Loyalty and Social Control in the British House of Commons", *Legislative Studies Quarterly*, XI:2 May 1986, 162

⁶⁸ See for an analysis of the scheduling, or House management, function in Westminster Donald Searing *Westminster's World*, chpt. 7

⁶⁹ Paul G. Thomas "The Role of House Leaders in the Canadian House of Commons", *Canadian Journal of Political Science*, XV:I, 1982, 126-7

the institutional rules are kept firmly in the grasp of the governing party. The alternative explanation is that the Opposition parties can effectively diminish government control of House business. This point will be dealt with in more detail in factor 6, below.

One final element of note here is similar to that examined in Weaver and Rockman's model of policy capabilities above. That is, the Cabinet in a parliamentary system is the dominant body in making policy choices and exercising resources to these ends. Enhancing this control of institutional resources is the Cabinet's power to decide what legislation will be dealt with on the floor of the House, and which can be implemented by Order in Council. It must be acknowledged that this discretionary power is limited by institutional constraints --such as, the procedures dictating which types of legislation must be dealt with on the floor of the House. There is, however, an amount of flexibility in these rules which tends to favour government control of the legislative process.⁷⁰

Element 5. The government party will be able to pass all the legislation it introduces into parliament, and will accept very few amendments to its legislation. Weaver and Rockman suggest that this element (which they call 'effective governance') is evident in parliamentary governments. The logic behind this factor is rather simple as its strength is dependent on the strength of the prior four elements. If party controls the resources within the institution of parliament, controls access points into policy and the scheduling of business, all of which are factors in a legislator's utility function which account for party discipline, then party ought to be able to get its business through. Furthermore, as party discipline prevails and the institutions of parliament are controlled by the governing party, one can expect parliament to act as a "consent mobilizer". That is, parliament can be expected to act in such a manner as to legitimize government

⁷⁰ Ryle and Griffith Parliament, 7-9

legislation without offering much opposition. In sum, this element is the result of “[a] power structure [that] gives MPs a subordinate role... and assigns government the role of benevolent paternalism.”⁷¹

Element 6. This element recognises that the Opposition members are at a severe disadvantage because of government’s institutionalised control of parliament. In relation to Diagram 2.1 above, opposition parties do not have access to boxes 1 and 2, thus have little policy capability. Opposition parties are denied access to information and resources that are essential for the formation of coherent policy choices, and are further limited in their power to affect policy through denial of input into policy making and institutional channels of influence. While government backbenchers have some input into government through caucus, access to Ministers and senior bureaucrats, and dominant positions in committees, the Opposition does not. Thus, the policy power of Opposition parties is minimal.

Opposition parties do, however, have the ability to contest government decisions and to present themselves as a ‘government-in-waiting’. Although the contestation for government in an election campaign may be seen as a zero-sum game, the inter-election struggle by Opposition to present itself as a competent alternative to government is not. Rather, an Opposition party can be expected to act in such a manner that attempts to maximise its election utility among the public. Three routes to maximisation can be suggested. The first route the Opposition may take is through the parliamentary process. The effective use of debates and Question period can produce a clear differentiation between its position and that of the government. This means that one can expect parties to stake-out a position on the ideological spectrum and within policy space, giving the voter an indication of what the salient issues are for any given party.

⁷¹ Franks The Parliament of Canada, 218

The second approach is the use of theatrics directed at embarrassing government. It has been suggested that this is the dominant approach Opposition parties take in their use of the House's parliamentary procedures,⁷² leaving the more substantial attempts to influence policy through amendments to committee proceedings.⁷³ The most effective weapon of the Opposition is the power to delay proceedings. Delay acts to embarrass government: if government cannot effectively implement its business it is prone to be seen as ineffectual by the public and media, thus opening up an avenue for the opposition to propose its alternate view of policy. While governments do control various institutional defenses to an Opposition's delay tactics, such as closure (or guillotine) and motions for time limitations, the political costs entailed in the use of these defenses is high. For example, a government employing closure on debate can be effectively portrayed by the Opposition as a government that is (a) authoritarian, or (b) ineffective. Such an observation leads Ryle and Griffith to note that one can predict the general nature of the legislative process by the theatrical nature of opposition: e.g. the more theatrical the Opposition is, the more difficult it will be for the government to get its legislation through the House of Commons.⁷⁴

The third route an Opposition party may take in presenting itself as a 'government-in-waiting' is the attempt to influence government legislation via amendments and motions. This route is weak, and can be masked by the parliamentary process, thus playing in the government's favour. There are many points in the legislative process at which Opposition members can propose amendments to legislation, the most effective point being the committee. Ryle and Griffith support this view noting

⁷² Ibid., 31

⁷³ Paul G. Thomas "The Influence of Standing Committees of Parliament on Government Legislation" *Legislative Studies Quarterly*, III:4, 1978, 703-4; and Michael Jogerst Reform in the House of Commons: The Select Committee System, Indianapolis: Indiana University Press, 1995, 31

⁷⁴ Michael Ryle and J.A.G. Griffith Parliament, 297

that the most contentious bills can be discerned by the amount of time they spend in committee: the more contentious the bill the longer it spends under the scrutiny of a committee.⁷⁵ Theoretically, however, since the government party hold a plurality of seats in committee and party discipline is often maintained, the actual effect the Opposition can expect to have is minimalised. Furthermore, any amendment to a government bill at any stage can be claimed by the government. That is, conceivably the government party could vote down a given opposition amendment only to have a government member propose the same measure, thus effectively diffusing the Opposition's ability to claim a victory. It can be noted, then, that this route would be minimally effective, and cannot therefore be expected to be prominent among the strategies adopted by Opposition parties.

Element 7. Little need be noted here as it is largely self-explanatory. While neo-institutional models do not accept that political institutions are simply mirrors of social forces, and they do not deny the importance of societal contexts.⁷⁶ The external environment can affect an institution's capacity, in both positive and negative ways. In essence, the model must allow for two factors: first, there must be a feedback loop for every institution, which allows them to (a) assess a policy's effects, and (b) correct for any mistakes in the policy. This, simply put, is the role of institutional learning.⁷⁷ Second, one must allow for the effect society may have on policy choices in general. For example, society may cause a government to modify its policy choices through public pressure, or through crises. However, such modification depends largely on the party's own perception of the event at hand, and thus will be modified accordingly.⁷⁸ In sum,

⁷⁵ Ibid., 309

⁷⁶ March and Olsen Rediscovering Institutions, 17

⁷⁷ Ibid., 59

⁷⁸ Ibid., 58-60

institutions cannot be thought of as static, unresponsive, entities. Rather, institutions respond to signals given by their external environments, and it is largely through adapting to change that these institutions remain stable over time.

Conclusion

The examination of how party government operates in both Britain and Canada demonstrates that there are many questions which have yet been unanswered. Answers to such questions will be aided by the theoretical model outlined at the beginning of this chapter. This model, built on neo-institutional premises, recognises that parliament institutionalises the power of one collective over another collective. And the power which party government wields is institutionalised in the sense that (a) the governing party controls the political agenda and this control is legitimised by the rules and procedures of parliament; and (b) party is able to direct what is to be defined as ‘political’, structuring relations between different sets of actors --both parliamentary and among the general public-- through use of institutional capabilities.⁷⁹ The remainder of this study seeks to elucidate the institutional capabilities of parliament in relation to elements three through seven of the party government model outlined in Table 2.1 via a systematic empirical examination of government legislation.

⁷⁹ March and Olsen Rediscovering Institutions, 17-19

Chapter Three: Mandates, Throne Speeches, and the Party Agenda

It has been noted that Canadian politics is characterised by 'absent mandates'¹ and limited policy initiatives by governments in broad functional policy areas. Policy, as Bakvis and MacDonald note, has been dominated by spatial decision-making, characterised by a concern for regional and local issues and mutual logrolling in cabinet.² In sum, from such analyses of Canadian government one is led to believe that policy is not a direct result of a party's electoral mandate, nor is it 'rational' in its creation; rather, it approximates a 'garbage can model of decision-making'.³

The two periods under study here are not exceptions to this characterisation. The 1974 and 1988 elections did not produce a clear policy mandate for their respective governments, nor did the ensuing governments pursue more than three broad areas of policy. The initial purpose of this chapter is to examine element three of the party government model. This element is the premise that specific policy issues will not be dealt with in election campaigns. On the contrary, parties will seek out broad issues they believe to be salient among their supporters and the general electorate. Saliency, not specific policies, is to be seen as the driving force of party politics, since the party seeks its own policy space. Second, it was noted that such an emphasis on salient issues, broadly defined, allow parties a greater flexibility in interpreting their electoral mandate

¹ Harold D. Clarke, Jane Jenson, Lawrence Le Duc, and Jon H. Pammett Absent Mandate: Interpreting Change in Canadian General Elections (2nd Ed.), Toronto: Gage Publishing, 1991

² Herman Bakvis and David MacDonald "The Canadian Cabinet: Organisation, Decision-Rules, and Policy Impact" in Michael M. Atkinson Governing Canada: Institutions and Public Policy, Toronto: Harcourt Brace & Co., 1993, 64-5

³ Here 'rational' policy-making is meant in the same sense as that outlined by Doern and Phidd: "the model depicts a decision-maker who decides on a course of action to maximize the achievement of an objective... by: (1) identifying the problem; (2) examining the alternative means, costs, and benefits involved in solving the problem; (3) selecting the best way; (4) implementing the decision; and (5) evaluating the degree of success and then changing one's behaviour to correct errors." Canadian Public Policy: Ideas, Structure, Process, (2nd Ed.), Scarborough: Nelson Canada, 1992, 4-5

--a result of what Clark et al. call the 'absent mandate'.⁴ Or, in other words, any analysis of whether a government does in office what it says it will do during an election campaign can, in reality, only be expected to test the consistency between the salient issues emphasised at the respective points in time.

This chapter will begin by outlining the political environments during the elections of 1974 and 1988, and during the ensuing governments. This will be complemented by a brief overview of the decision-making approaches employed by the respective governments. The stage being set, the salient issues employed in the respective governing parties' mandates, and whether these issues were transferred to the legislative packages of these governments will be examined. Having traced the transfer of saliency to answer the ubiquitous question of whether 'governments do what they say they are going to do', the chapter will then turn to a closer examination of the respective governments' legislative packages. Upon examination it will be seen that there are a number of institutional factors that constrain a government's legislative package, dictating which bills will go to the floor of the House and under which sponsoring minister. While this may at first sight seem a far cry from the study of a mandate's saliency, it is not. In fact, it will be suggested that the very existence of institutional constraints on a government's legislative package is one explanation for why parties are so reluctant to commit to specifics in their electoral platforms.

⁴ François Pétry further elaborates this point, noting that in his "Agenda Model" of party government behaviour a government will seek flexibility in policy through the adoption of a broad policy agenda that is amenable to compromise and convergence with demands made by opposition parties. See François Pétry "Election Programmes and Government Spending in Canada" *Canadian Journal of Political Science*, XXVIII:1, 1995, 55-59

Where Promises and Politics Meet: The Political Environment

Two broad issues were at the centre of debate in both the 1974 and 1988 elections: the state of the economy and the unity of the nation, particularly between Québec and the rest of Canada. These issues, it can be said, have become so commonplace to Canadian politics that none are surprised at their inclusion in a party's platform. Furthermore, when taken as general themes these issues do not tend to differentiate the parties in terms of policy space when competing for the votes of the electorate. Brodie and Jenson have argued that this is simply a defining factor of the Canadian 'brokerage system', whereby parties attempt to appeal to as broad a segment of the electorate as possible, often by utilising the party leader's image rather than a set of coherent policy objectives.⁵

The 1974 election campaign came on the heels of the Liberal government's budget defeat in the House of Commons. This defeat, Trudeau notes, was carefully engineered as the polls showed that support for Trudeau and the Liberal party was at its height,⁶ and as strategists suggested that if the party was going to gain a majority they had to act now.⁷ Furthermore, in engineering the defeat of their own government the Liberals were able to posture themselves in an offensive position, dictating which issues would be debated. Trudeau notes that this offensive was not difficult to achieve for two reasons: first, since the NDP had supported the minority Liberals since 1972, the Liberals could effectively displace all attacks from the left simply by noting this group's compliance with Liberal government policy between 1972 and 1974. Second, due to "a tactical error

⁵ Janine Brodie and Jane Jenson "Piercing the Smoke Screen: Brokerage Parties and Class Politics" in A.G. Garnon and A.B. Tanguay (eds.) Canadian Parties in Transition: Discourse, Organisation, Representation, Toronto: Nelson Canada, 1989, 31-32; and Clarke et al. Absent Mandate, 8-10

⁶ According to Gallop, when asked who would make the best prime minister, 46% of all Canadians pointed to Pierre Trudeau. Furthermore, Trudeau's 1974 personal approval rate among Canadians was 48%, a remarkable increase from the 34% rating attained in 1972. In fact his approval seemed to be common across all regions of Canada, ranging from 51% in Ontario to 37% in the Western provinces.

⁷ Pierre Elliot Trudeau Memoirs, Toronto: McClelland & Stewart, 1993, 176-78

[that of introducing Wage and Price Controls]... and the media's dislike of Bob Stanfield" the Liberals held an advantage in setting out broad policy goals and courting the media.⁸

The first, and major, issue was the state of the economy. The 'Oil Shocks' of 1973 created great uncertainty about Canada's position as an exporting nation, and drove inflation upwards at a greater rate than heretofore experienced. This was also a period in which the concept of 'stagflation' --a simultaneous increase in inflation rates and unemployment-- was discovered. "Uncertainty", therefore, seems to be the word most apt to capture the political and economic environment at this time. This is clearly indicated in Gallup Polls, as 46 percent of the Canadian public feared an impending economic depression.⁹

The public fear set the tone of the election campaign, as 'what type of government intervention into the economy is needed?' became the question to be answered by contending parties. Clarke et al. note that the public's economic concerns had not linked themselves with any particular party, contrary to predictions that hard economic times bode poorly for incumbent parties.¹⁰ The Wage and Price Control issue, however, was clearly attached to the Progressive Conservative Party (PC). The PC's introduced the concept of a ninety-day wage and price freeze as a means of combating inflation. However, such a specific policy allowed the Liberals an attack based on the simplicity of

⁸ Ibid., 179-82.

Furthermore, Trudeau likened his party's electoral tactic to that of Napoleon at the Battle of Austerlitz, noting that Napoleon "...Divided the enemy. [And] if you can't do that when you're in a minority government, you shouldn't be in politics. If it's call manipulative, then so be it." Ibid., 177

⁹Institute for Canadian Public Research, *Gallup Poll*, "Canadians' fear depression", February 27, 1974.

Further evidence of this "crisis mentality" can be noted in the editorials of the *Globe and Mail*. A quick review of these editorials reveals a call for "desperate attention to the economy". See for example, *The Globe and Mail*, July 1, 1974, A17

¹⁰ Clarke et al. *Absent Mandate*, 135; see for an examination of the effects of economic downturns on incumbency during elections, J.R. Happy "The Effect of Economic and Fiscal Performance on Incumbency Voting: The Canadian Case" *British Journal of Political Science*, v22, January 1992, 117-30

this proposed solution, or an 'anti-controls' policy, while adhering to the general theme of economic growth and inflation control.¹¹

The 1974 election victory by the Liberal party, which saw the party returned to the House with a majority of 30 seats,¹² did not put to rest the period of economic uncertainty. In fact, economic issues dominated the government's period in office, eclipsed slightly only by the National Unity Crisis of 1976 to 1979. Inflation and unemployment continued to edge upward during the government's term. This fact, compounded by the resignation of Finance Minister Turner in 1975, fostered an image of economic crisis. The government's response to this crisis was outlined in the party's white paper, *The Way Ahead*. This paper called for the adoption of wage and price controls, the nationalisation of Petro-Canada, and the creation of the Foreign Investment Review Agency. Later in the party's term, their policies can be seen to take on a greater neo-liberal approach to the management of the economy, as deficit and debt reduction became issues. Furthermore, there was a definite movement toward diversification of international trade, with the rebirth of Mitchell Sharp's 'Third Option', a policy designed to complement FIRA by diverting Canadian trade patterns away from the USA, focusing relations upon Europe and Asia.¹³

The second issue of the 1974 campaign, national unity, was much less divisive. It was after the election that this issue raised its head: first in the fall of 1974, when the Québec Liberal government introduced Bill 22, and again in 1976 during the now infamous Air Traffic Controllers' Dispute, and the election of Lévesque's Parti Québécois.

¹¹ Robert Bothwell, Ian Drummond, and John English *Canada Since 1945: Power, Politics and Provincialism*, Toronto: University of Toronto Press, 1993, 324-26 and esp. Chpt.27

¹² The 1974 election saw the return of 141 Liberal, 95 Conservative, 16 NDP seats. *Ibid.*, 324

¹³ *Ibid.*, 425

This situation was further exacerbated by the Parti Québécois's introduction of Bill 101, in 1977. In response to this Trudeau struck the Pépin-Robarts Task Force on National Unity, 1978, which promoted the idea of distinct status for Québec, and the decentralisation of federal powers;¹⁴ sponsored Bill C-60, a proposal to renew the Senate as a "House of the Federation"; and arguably helped set in motion the events leading up to the eventual patriation of the constitution in 1982.

The unity problem was not as Québec dominant as one might suspect. Rather, the Western provinces provided formidable obstacles for Trudeau's government, as there was a notable lack of western representation in the Liberal caucus after the 1974 election. This lack of representation added to disputes over the Official Languages Act, federal-provincial funding, federal proposals to change the freight rates, and federal control of energy and natural resource policy (which was epitomised by the Lougheed-Trudeau debates throughout this period). In sum, the period of Canada's 30th Parliament can be said to be characterised by turbulent federal-provincial relations and economic crisis.

The Mulroney period did not differ much from the Liberal era in the approach to election campaigning, its responses to the external political environment, nor in the general character of that political environment. Nor was the reason for entering into the election much different: in 1974 Trudeau's government engineered their own defeat in the House of Commons through a budget vote. In 1988 the Mulroney government entered into the election principally because the passage of the *Canada-US Free Trade Agreement* (FTA) legislation was being stalled by the Liberal dominated Senate. It is no wonder then, that the general public came to refer to the 1988 election as the 'Free Trade

¹⁴ Ibid., 440

Election', especially since the issue seemingly dominated public discussion, among the public, the political elite and the mass media.¹⁵

Regardless of general assumptions, free trade was not the only election issue in 1988. Rather, three broad policy domains can be delineated: (1) economic renewal; (2) national reconciliation; and (3) social justice. It is notable that these three themes are the same as those of Mulroney's 1984 election campaign --the result of which was the election of the largest majority government in Canadian history. The social justice platform drew largely from the Conservative's promise not to derogate Canada's 'scared trusts' --Medicare, pension programmes and the federal commitment to the social safety net. However, it also included *The Green Plan*, a federal government commitment to environmental preservation and sustainable development, which was successfully passed by the House in 1990.

The government's commitment to national reconciliation had been demonstrated after the 1984 election, with the dismantling of the Liberals' National Energy Programme (NEP) and the Department of Regional Industrial Expansion (DRIE), replacing them with the Atlantic Canada Opportunities Agency and the Western Diversification Initiative. Furthermore, unlike Trudeau's government of 1974, Mulroney's 1984 government was based upon representation from all regions, including an alliance with some Québec nationalists, such as Robert Bourassa, within the party. This element of broad spatial representation facilitated a popular image of the party as pan-Canadian, and one which would 'go to bat' for regional issues. This image was arguably a strength in the negotiating of the Meech Lake Accord, in 1987, which provided another plank in the PC's national reconciliation theme for the 1988 election. The third, and final theme, of the 1988 election was also the most contentious: that of economic renewal. Included here

¹⁵ Clarke et al. *Absent Mandate*, 145-7

was the FTA, an overall commitment to trade liberalisation in-line with the GATT, deficit and debt reduction, continued privatisation of Crown Corporations, and a revamping of taxation.

Upon regaining office with 169 seats, the Conservatives set about implementing the FTA.¹⁶ In fact, the first session of the 34th Parliament was dedicated wholly to this end. While this event passed with relatively little trouble for the government, the rest of Mulroney's second term was as turbulent as that of Trudeau's 30th Parliament. On the economic front, the late 1980s saw a massive down-turn in the economy of all western nations as recession set in. Canada's general public anxiety toward recessionary times was compounded by the PCs introduction of the Goods and Services Tax (GST). The GST was designed as a value-added general consumption tax, and was part of the government's commitment to revamping tax policy. It was also, as political events would show, one of the most publicly contentious policies that the PCs introduced during their nine years in office. Like the FTA before it, the GST was way-laid in the Liberal dominated Senate. To counter this opposition Mulroney utilised his power as prime minister to appoint additional Senators in times of emergency. The result was both a 'stacking' of the Senate with Conservative supporters to see to the passage of the act, and public outcries and disgust with the apparent abuse of patronage powers.

Finally, a discussion of the Mulroney period would not be complete without mention of the extended federal-provincial relations, or more precisely, the constitutional negotiations of the 1990s. After its acceptance by all provincial premiers in 1987, the Meech Lake Accord set a period of three years for introduction, debate and passage by all

¹⁶ While Mulroney's Conservatives regained a majority government, it is worth noting that the Liberal Party came back from the obscurity they had been rendered to in the 1984 election. Internal divisions and leadership disputes caused them to fall from the governing party to the position of the Official Opposition in 1984, with an election result of only 30 seats. In 1988, largely due to the divisive debate over the FTA, the Liberals managed to garner 83 seats with 32% of the popular vote.

provincial assemblies. This was, however, its failing. As the Accord neared the completion of this period, agreement was becoming increasingly difficult to attain, especially since a number of premiers who were party to its signing in 1987 had since experienced electoral defeat.¹⁷ The culmination of the Accord's uncertain future came in June 1990, when the premiers met with the prime minister in Hull, Québec, for a final effort to ratify the Accord. This was Mulroney's infamous attempt to "roll the dice" for Canada's future --an analogy which Canadians across the country came to resent.

The failure to ratify the Meech Lake Accord caused a sense of anger in Québec, as it appeared as if the rest of Canada had repudiated Quebec's demands for 'distinct society' and constitutional provisions. In response, therefore, the Québec Liberal government struck a Special Commission on the Constitution (the Bélanger-Campeau Commission) to define the province's political future in confederation, which worked in parallel to the province's Liberal Party Allaire Commission. Upon reporting, both commissions recommended large transfers of federal powers, a constitutional veto, and a referendum on sovereignty association for the province of Québec. In response, and to diffuse the attention Quebec's commissions were receiving, the federal government initiated a number of 'citizen forums' to gauge the demands for a renewed constitution across Canada. In brief, three committees can be cited: the Spicer Commission, 1991; the Beaudoin-Edwards Committee (to examine possible amending processes), 1991; and the National Unity or Beaudoin-Dobbie Committee, 1992.

The result of these committees was a plethora of grievances about government as well as hundreds of pages of suggested constitutional reforms. The culmination of these documents was the Charlottetown Accord and Referendum in late 1992. Once again the

¹⁷ There were three changes to the composition of the premiers: Frank McKenna (L) replaced Premier Hatfield (PC) in New Brunswick; Gary Filmon (PC) replaced the NDP's Howard Pawley in Manitoba; and Clyde Wells (L) replaced Brian Peckford (PC) in New Brunswick.

federal government was making history with its all party support for the Accord, and for its willingness to put the question to the people in a national referendum. Despite the consensus on the Accord among the political parties, the Canadian public was deeply divided on many of the issues surrounding the document. The debate came to a head in October 1992, when the Accord was rejected by a national majority (53%). This closed the door on constitutional debates for the remainder of the Conservatives' government. In the spring of 1993, Brian Mulroney resigned as party leader, as polls showed that he was the 'most unpopular prime minister in Canada's history'. Replaced by Kim Campbell the party entered into the 1993 election high in the polls, but this was to no avail. History demonstrated itself as a harsh teacher, as the party was reduced to 2 seats.

The above brief outline of the election issues and subsequent political events during the respective governments' terms illustrates a number of things. First, it can be seen that the election platforms presented by the winning parties consist mainly of thematic sketches of policy, rather than specific policy proposals. In fact, it has been noted that the only specific policy presented during the 1974 election was a causal factor in the failure of that party at the polls: i.e. the Conservatives' commitment to wage and price controls. The presentation of such a specific policy provided a readily identifiable target for the Liberal Party in its electoral attack. Second, it can be seen that the political environment is volatile, and that this volatility can send even the best laid plans of a government into a tail-spin. For example, while the Liberal Party's commitment to national unity was always present, this issue was little stressed between 1974 and 1976, when stagflation was the major concern, but it took centre stage after the 1976 victory of the Parti Québécois. The same change in focus can be said about the constitutional negotiations of 1990 to 1992. This demonstrates that the garbage-can model of policy-

making does operate in Canada, and will likely continue to operate because of such environmental volatility.

Finally, the above description of the periods underline great similarities between the two regimes, especially in the main concerns of these governments. Both the Liberal and Conservative governments began their terms of office with legislative majorities, and with a deep commitment to 'liberal' economic policy. This commitment entailed cutting government spending to reduce the annual deficits, as well as public debt, a concern about inflation, and a commitment to increasing employment rates across Canada. The two regimes differed in how they intended to achieve these goals. however: the Liberals' looked toward expanding international trade links; the Conservatives to closer ties with the USA. Finally, as has been noted, both governments were affected by the issue of national unity --an issue that came late in the parties terms and that consumed much of their political resources.

Democracy at Work? Transferring Saliency from Mandates to Legislative Action

So far it has been shown that the political environments were volatile in the two periods under study, and the political agendas of the respective governing parties encompassed broad themes. Furthermore, it can be noted that a government's policy objectives within these themes were often impinged upon by unforeseen political events, thus causing changes to occur in both the themes and objectives emphasised. This section will examine the transfer of these broad themes, or salient issues, from electoral mandates to legislative action, with a view to answering the question, 'Does a government do what it says it will do?'

Budge and Hofferbert have suggested that in Westminster-styled governments there are no constraints on what a government can achieve.¹⁸ While this statement seems too general, it does allow these authors to suggest that since the power of the governing party is assured there should be a clear correlation between what a government says it is going to do, and that which it does. The Manifesto Group, of which Budge and Hofferbert are members, study this assumption with a view to party mandates and government expenditures. Their approach is flawed, however. There are a number of reasons for expecting the institutions of parliament to have an independent impact on policy outputs, and thus for including them in any analysis. A number of these reasons were already discussed (such as the effect of federalism and the composition of the Cabinet on policy formation) and will not be revisited here.¹⁹

To view the priorities of a government one need only look to the Speech from the Throne given at the opening of each parliamentary session. These throne speeches are effectively outlines of those issues that a government will address during the parliamentary session, usually through legislation. As such, the throne speeches can be viewed as the institutional tools that outline a government's legislative package. Secondly, these speeches, given at separate points in time, can also reflect changes in a government's priorities. For example, due to changes in the political environment the governing party's policy priorities may alter.

¹⁸ Richard Hofferbert and Ian Budge "Party Mandate and the Westminster Model", *British Journal of Political Science*, 22, 152

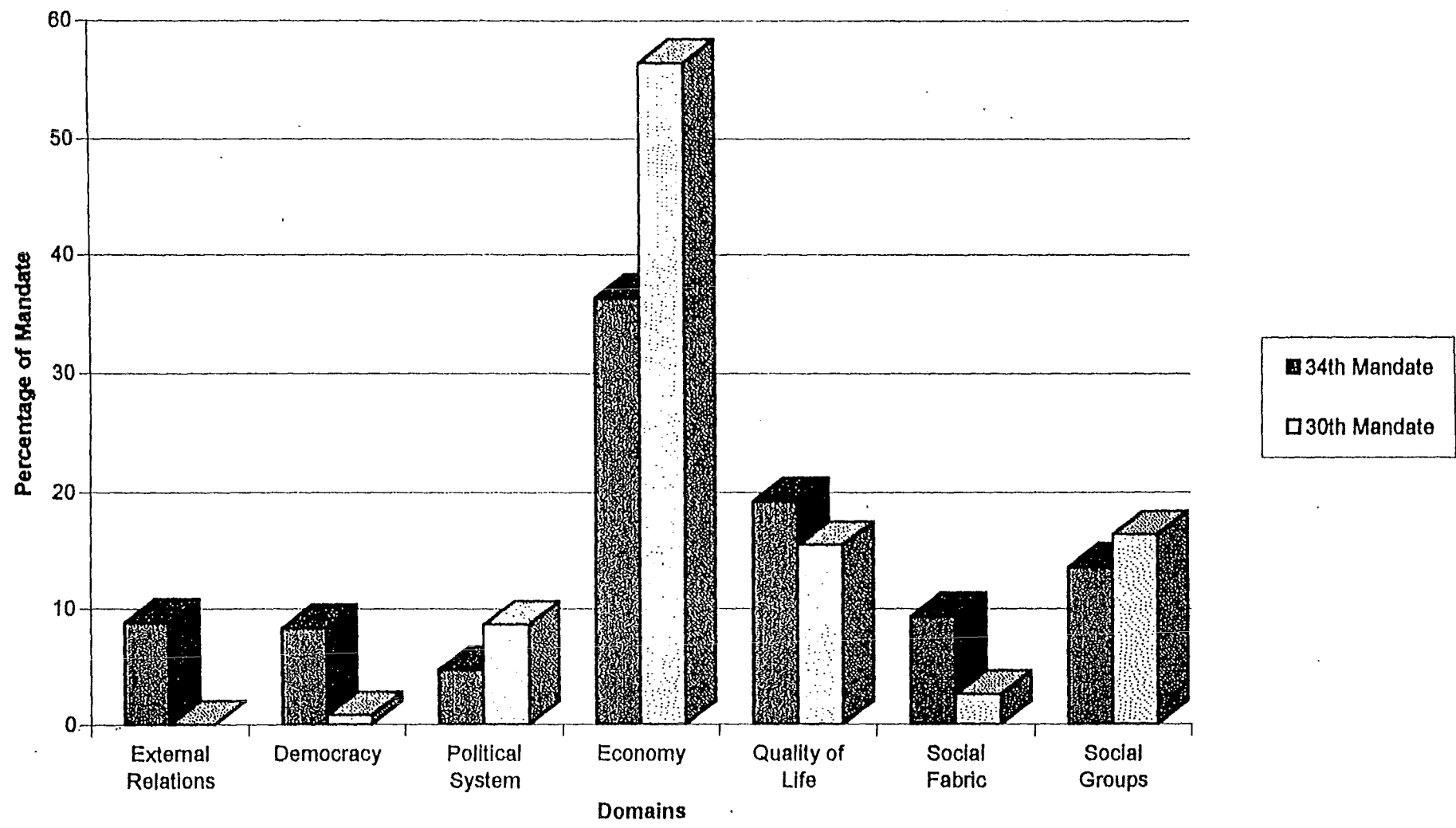
¹⁹ For a comprehensive discussion on Cabinet as a policy-making body, see Herman Bakvis and David MacDonald "The Canadian Cabinet: Organisation, Decision-Rules, and Policy Impact" in Michael M. Atkinson (ed.) *Governing Canada*, 47-80; Peter Aucoin "Prime Ministerial Leadership: Position, Power, and Politics" in Maureen Mancuso, Richard G. Price and Ronald Wagenberg (eds.) *Leaders and Leadership in Canada*, 106-15; and Bakvis "Cabinet Ministers: Leaders or Followers?" in Mancuso et al. (eds.) *Leaders and Leadership*, 132-53

Whether such changes do occur is one element that shall be explored in the following analysis. However, the analysis will begin with an examination of the salient issues represented in the party mandates, during the 1974 and 1988 election campaigns. These data are taken directly from that collected by the Manifesto Group. These researchers delineate seven policy domains, and code each sentence of a party's written election mandate accordingly (see Appendix 2). As a party's emphasis on any particular policy domain increases, its saliency as an election issue can be said to increase. The result is the representation of election promises in terms of possible salient policy domains, measured as a percentage of a party's overall mandate. To provide for consistency this technique has been applied to throne speeches, and to their respective legislative packages. The coding of legislative packages, it should be noted, is somewhat cursory. Due to the limited scope of this thesis a content analysis of the legislation is not feasible; thus, each bill has been coded according to its title, preamble and sponsoring ministry. These cursory data inform the reader about the intent of the bill, which socio-economic group will be most immediately affected by the bill, and often the means by which the bill will achieve its objectives. It is to an examination of these data that we now turn.

Mandates and Saliency Domains

The domain emphasis in each governing party's electoral mandate can be found in chart 3.1 below. Each domain is represented as a percentage of the total mandate, and thus can be compared easily across the two parliaments. It is striking that for both the Liberal and the Conservative governments, the main electoral emphasis is placed upon economic issues, followed closely by the 'quality of life' and 'social groups' domains. Upon further examination, however, the emphasis given to such domains by each governing

Chart 3.1
Governing Party Mandates



party do differ. For example, the PCs' score on the quality of life variable, which includes such commitments to environmental protection, welfare state expansion, social equity and education, is much higher than that of the Liberal Party. However, this difference is one of kind as well as quantity, for while the Liberals' score is premised solely on a commitment to expanding the welfare state (15%), the bulk of the PCs' score in this area states a commitment to environmental preservation (1.5%), improved provisions for education (2.5%) and a commitment to individual equality and social justice (6%). Similarly, the respective governing parties commitments to social groups differ, as the Liberals' favourably identify agricultural groups (9.2%) and non-economic demographic groups (4.2%) as recipients of policy objectives; while the PCs' have a broader electoral message appealing almost equally to agriculturists (3%), the underprivileged minorities (3%), and non-economic groups such as women (4%). Furthermore, the PCs' favourably identify middle-class and professional groups (1.5%) in their election mandate, which the Liberals' do not. This latter point can be seen to be indicative of the difference between the PCs' and Liberals' economic emphasis: 20.5 percent of the 1988 Conservative mandate emphasised free trade, free markets, the importance of productivity in the private sector and the need for economic orthodoxy. The Liberal Party's mandate is only one tenth, or 2.5 percent, of the Conservatives' emphasis on these issues, since the Liberals' mandate focuses on the need for fair wage and tax policies to induce enterprise (24.5%), protective tariffs for internal markets (3.3%), and the overall development of technology and infrastructure (16.7%).

Finally, the differences in the respective mandates' emphasis on external relations should be noted. The Liberals' are conspicuous by their absence in the foreign relations domain, as no space was given over to any discussion of foreign affairs in the Liberals' 1974 election material. The PCs, on the other hand, gave favourable mentions to

international relations, especially in the area of international co-operation, the pursuit of peace and the need for a modern armed forces. A conceivable explanation for this difference is the PCs' emphasis on free trade. Furthermore, the 1980s saw the resurgent usage of international co-operation in environmental matters, starting with the Brundtland World Commission on the Environment and Development in 1986 and followed by the Rio Conference in 1992. Also, in economic matters this period witnessed much movement toward an agreement in the Uruguay round of GATT negotiations, as the western world embraced the 'globalisation' of trade and commerce during the 1988 World Economic Summit of G7 nations.²⁰ Thus, the outward focus by other western nations within the international political environment can be said to have played a helping hand in the Tory's concern with international affairs and free trade policies.

The Transfer of Saliency into the Speech from the Throne

Having outlined the parties electoral mandates, the extent to which the issues are translated into legislative priorities by the respective parties can be examined. Charts 3.2 and 3.3 compare graphically the respective parties' mandates, throne speeches and legislative packages, in terms of policy domains. The first thing that is striking about charts 3.2 and 3.3 is the variability between the policy domains coded for each parliament's mandate, throne speech, and legislative package. In fact, this variability is evident across all policy domains, leading one to ask why this would be so? A closer examination of the throne speeches may shed light on this question, for it is here that government concerns and priorities are outlined.

²⁰ For a discussion of the international system's effect on Canada's environmental policy, see Robert Boardman "The Multilateral Dimension: Canada in the International System" in Robert Boardman (ed.) Canadian Environmental Policy: Ecosystems, Politics, and Process, Toronto: Oxford University Press, 1992, chpt.12

Chart 3.2

30th Parliament: Government Priorities

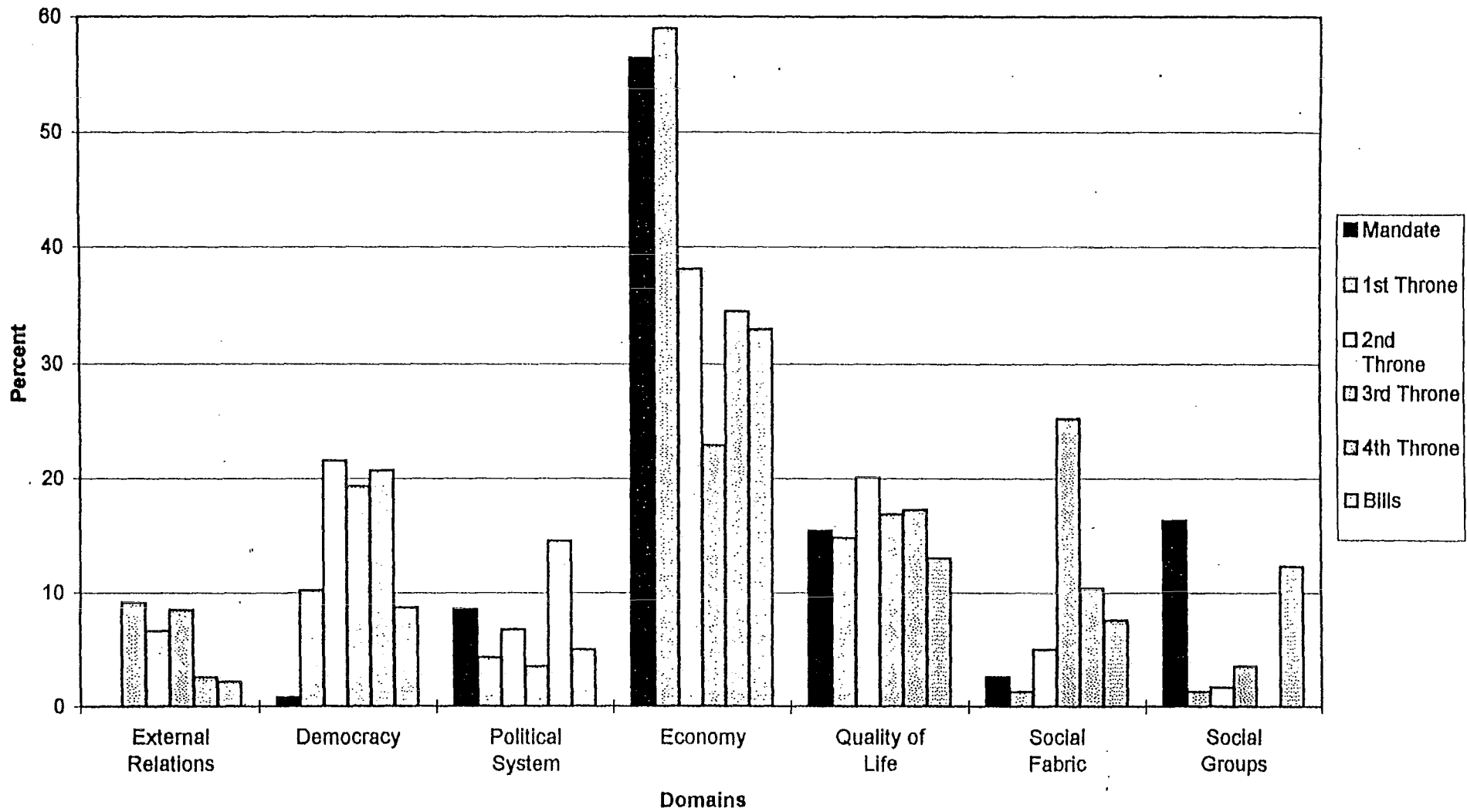
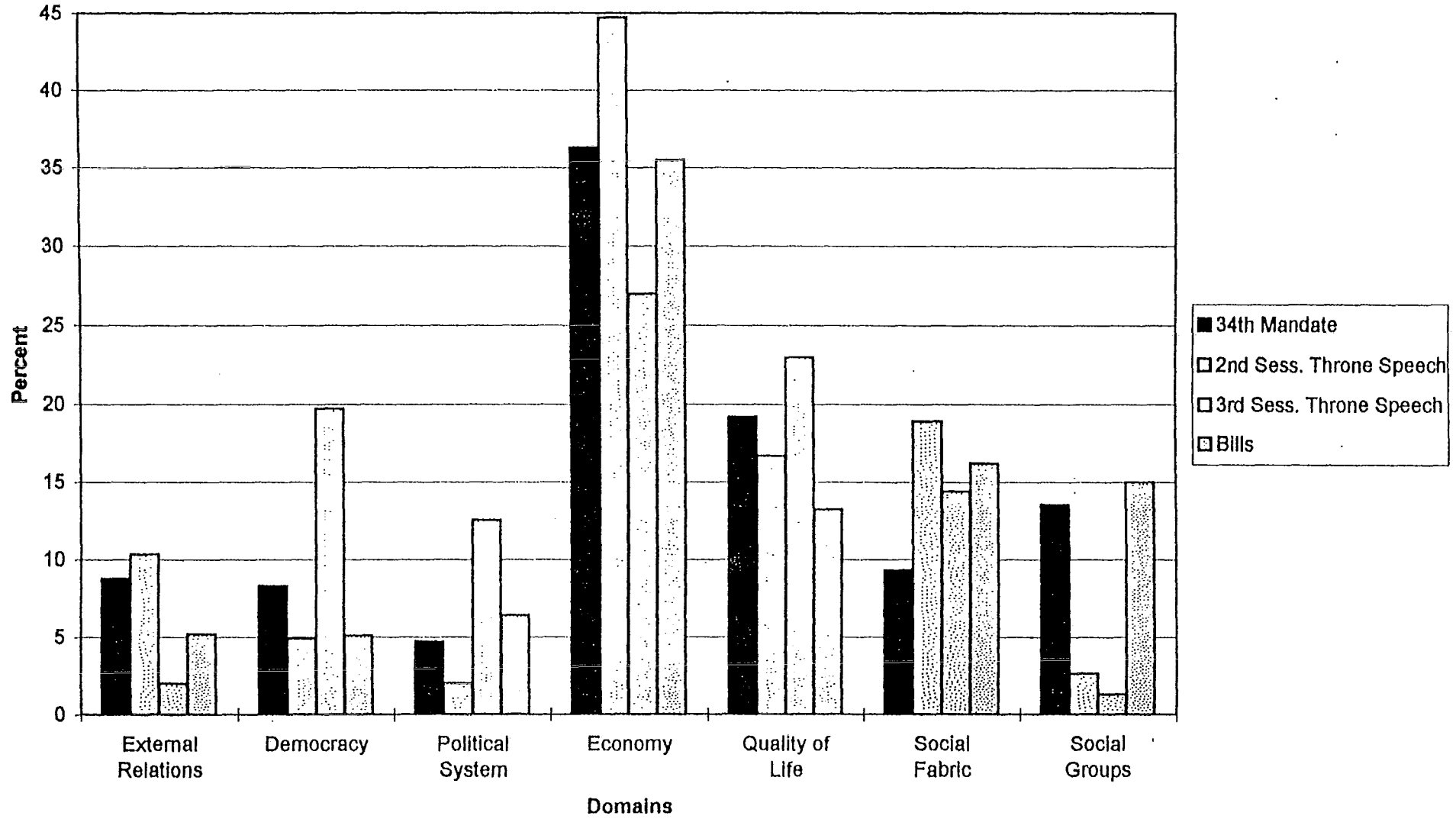


Chart 3.3

34th Parliament: Government Priorities



Four throne speeches were presented by the Trudeau government: the first on September 30, 1974; the second on October 12, 1976; the third on October 18, 1977; and the final one on October 11, 1978. Taken as a whole, these speeches can be said to revolve around three main themes similar to those emphasised in the 1974 election campaign: economic crisis, government restraint, and national unity. The economic crisis involved primarily the after effects of the 1973 oil shocks, rampant inflation and unemployment. This theme is clearly stated in the government's first throne speech, which denotes a sense of crisis both domestically and internationally:

The international economic situation is serious with its high rate of inflation, balance of payments problems, lower growth rates and rapid accumulation of large currency reserves by a few countries... New adversities have fallen upon crops in Canada, oil prices are high, industrial commodities have not fallen in price, international interest rates have been pushed to record levels and financial markets have been seriously disturbed.²¹

This sense of economic crisis is further apparent when one examines the government's priorities in this session, which were

- ◆ “restraining government expenditures... and improving the effectiveness and efficiency of government services”;
- ◆ payments to equalise prices of petroleum products in Canada;
- ◆ increase in economic productivity through financial support to small business, regional development and manpower employment schemes;
- ◆ “...to enhance Canada's independence and sense of identity through extending the scope of the Foreign Investment Review Agency to cultural enterprises...”;
- ◆ “...to protect those hard hit by inflation your government will monitor food prices...”; and
- ◆ “...take such specific initiatives into the economy as are required in order to deal with unjustified increases in incomes, prices, and profits...”

²¹ Canada, House of Commons, *Debates*, 30th Parliament, 1st Session, 1974, 2

These priorities target areas of economic policy that seek to enhance Canada's productivity through direct government action into the private sphere, thereby improving regional competition and infrastructure. In the final two points there is a notable allusion to wage and price controls. This, as was noted above, is contrary to the Liberals' election mandate. In fact, the Absent Mandate Group suggest that the issue of wage and price controls in 1974 was the only notable area of policy in which Liberal policy can be differentiated from Conservative policy, as the bulk of the electors' choice stemmed from their perceived image of the respective party leaders.²² These authors are further supported by former prime minister Trudeau, who also notes that this was by far the greatest area of difference between the Liberal and Conservative parties, and that the Liberals managed to take the lead in the election by attacking the Conservatives' proposals for wage and price controls. Clearly, then, this is one area where the government was not following its election mandate. More generally, however, the Liberal government's commitment to fighting inflation and unemployment through government intervention into the private sector, and to the protection of those in need through the expansion of the welfare state was largely emphasised by the Liberal party during the 1974 election. Thus, one can suggest that in the area of economic policy the throne speech does represent a transfer of saliency from its electoral mandate. This is further evident upon examination of which table 3.1, below.

The subsequent throne speeches also place emphasis on the economic situation which confronted Canada. For example, the government maintains its stance on the 'fight against inflation' through the use of fiscal restraint, the encouragement of small business development, regional development programmes and increasing industrial productivity with the goal of creating greater international competition. However, one is

²² Clarke et al. *Absent Mandate*, 136

struck by the fact that the Liberals increasingly present a neo-liberal approach to economic management, despite government claims that they “prefer a middle of the road approach”²³ to government intervention and economic policy-making. From the second throne speech through to the fourth the government’s “primary objective is to establish an economic climate that is conducive to private sector growth”²⁴ by means of limiting government expenditure while contracting bureaucratic structures.²⁵ The goal of this government reduction is “to increased opportunities in the private sector”.²⁶ The variability in the

Table 3.1
The Economic Domain: Issue Saliency Transfer from Mandate to Throne Speech in the 30th Parliament

<u>Variable</u>	<u>% emphasis in Mandate</u>	<u>Ave. % emphasis in Throne Speeches</u>
Free Enterprise	0.8	1.5
Incentives	24.2	22.7
Market Regulation	0.8	3.4
Eco. Planning	0	2.6
Corporatism	0.8	4.3
Free Trade	0	0
Eco. Goals	2.5	4.3
Keynsianism	0	1.0
Productivity	1.7	1.3
Infrastructure	16.7	5.7 ^a
Nationalisation	0	0.5
Eco. Orthodoxy	0	3.6 ^b

Notes: Supply and Appropriations Bills are excluded, thus columns do not total 100%; mandate data is drawn from Manifesto Group

a Nationalisation varies greatly between each throne speech. (e.g. in the first speech this variable scores 15% and then decreases in each following case)

b This variable also varies greatly ranging from 10.3 (in the final speech) to 0%

²³ Canada, House of Commons, *Debates*, 30th Parliament, 2nd Session, 1976, 2-3

²⁴ Canada, House of Commons, *Debates*, 30th Parliament, 4th Session, 1978, 3

²⁵ The fourth throne speech explicitly directs all government departments to reduce their budgets by \$1B, as well as projecting a reduction in government spending between 1978 and 1979 by \$500m and \$2B, respectively.

²⁵ Canada, House of Commons, *Debates*, 30th Parliament, 4th Session, 1978, 4

²⁶ Canada, House of Commons, *Debates*, 30th Parliament, 2nd Session, 1976, 2

saliency of both the infrastructure and economic orthodoxy indicators in table 3.1 further notes this shift --a policy shift which can be said to approximate that of a neo-liberal party. It is only through the government's recognition that "social services are essential to closing the gap of rich and poor, and ensuring a standard of living for those in adversity" that this shift toward neo-liberalism is tempered.

National unity is the final area that is covered in the throne speeches. It is notable that while this issue does appear in the second throne speech under the auspices of a reaffirmation of the equality of the English and French languages, it is not until the final speech that unity is seen as being of major importance. In fact, in the fourth speech national unity joins the government's goal of strengthening the economy as one needing "urgent action",²⁷ and raises the issue saliency of the democracy domain from 1 percent in the mandate to over 20 percent in this speech. Under the heading of the 'Renewal of the Federation' the government outlines four basic principles of renewal and two fundamental requirements of this renewal. The former is characterised by "the pre-eminence of citizens and their freedoms; full respect of native rights; development of Canada's two linguistic communities; and the enhancement of our mosaic cultures. The latter requirements are embodied in the call for a "new constitution [that] must include a genuine federation and a Charter of Rights and Freedoms..."²⁸ Furthermore, the government stresses that "it is essential that clear important progress be made before Quebeckers are asked by their provincial government to vote in a referendum about their future [sovereignty from Canada]."²⁹

This stress on renewed national unity illustrates the impact political events can have on a government's agenda, as it was only after the election of the Parti Québécois to

²⁷ Canada, House of Commons, *Debates*, 30th Parliament, 4th Session, 1978, 1

²⁸ *Ibid.*, 3

²⁹ *Ibid.*, 3

the government of Quebec and their introduction of Bill 101 in 1977, which followed on the heels of the air traffic controllers' dispute, that a national concern for the future of Canada's federation was renewed. Arguably, these four political events opened up debate on bilingualism and the future of Quebec, and were responsible for the sense of 'urgency'

Table 3.2
The Economic Domain: Issue Saliency Transfer from Mandate to Throne Speech in the 34th Parliament

<u>Variable</u>	<u>% emphasis in Mandate</u>	<u>Ave. % emphasis in Throne Speeches</u>
Free Enterprise	4.5	3.1
Incentives	3.5	3.7
Market Regulation	1.5	0.5
Eco. Planning	0	0
Corporatism	0	1.0
Free Trade	6.0	8.3
Eco. Goals	2.5	3.7
Keynsianism	1.0	0
Productivity	5.0	3.5
Infrastructure	6.0	3.8
Nationalisation	0	0
Eco. Orthodoxy	5.0	0

Note: Columns do not total 100%; mandate data is drawn from Manifesto Group

or crisis noted in the fourth throne speech. More particularly, this sense of urgency and crisis can be said to denote two aspects of political decision-making: first, this change in the government's policy emphasis demonstrates that despite the best laid plans (or issues stressed in electoral mandates), unexpected political events can drive government priorities in a new direction. One can suggest, however, that since governments in a parliamentary system have the right to govern, especially for the stability of the nation, this shift in saliency is justified. Second, to invoke the 'garbage can model of decision-making' seems apt. Atkinson and Powers explain that in this model

...an opportunity for choice is viewed as a garbage can into which problems, solutions and decision-makers are dumped as they become available. But goals and choices are uncoupled, and the meanings

attached to a choice can change over time. In that event it is only in the taking of decisions on a particular issue that the goals become clear. Thus where no goals are enunciated, or where they lack political and bureaucratic support, an unexpected set of outcomes can be expected...³⁰

Conversely, one may suggest that where a political event raises an issue in the face of bureaucratic and political structures that have only weakly anticipated such an event, the event may invoke a response that is unexpected or that is seen to require crisis management.

The Mulroney government's throne speeches do not differ greatly from those of the Trudeau government in terms of policy emphasis. That is, both the second and third speeches of the 34th Parliament stress the importance of a strong economy, social justice, and national unity.³¹ The government approaches economic policy with a view to consolidation, noting that

[s]ince 1984, federal spending on programs has grown less rapidly than inflation... In the last four years, the annual government deficit has declined... [and] over the same period, Canadians have enjoyed extraordinarily strong income growth and job creation. Indeed, Canada's economic performance has outpaced virtually all of the world's major industrialized nations. Today our challenge is to maintain that expansion in a world environment...³²

The second speech then goes on to suggest that in order to ensure these goals the government will pursue a policy of deficit and debt reduction through the control of government spending, the privatisation of Crown Corporations, comprehensive tax reform, decentralised decision-making in regional development, and an "outward-looking trade policy". One is immediately reminded of the Liberal government's pledge to fight

³⁰ Michael M. Atkinson and Richard A. Powers "Inside the Industrial Policy Garbage Can: Selective Subsidies to Business in Canada" *Canadian Public Policy* XIII:2, 1987, 209

³¹ The first session's Speech from the Throne will not be dealt with here, as this speech simply outlined the government's intention to pass the Canada-USA Free Trade Agreement and was, as Doern and Phidd note, the shortest speech in Canada's legislative history. Doern and Phidd *Canadian Public Policy*, 149

³² Canada, House of Commons, *Debates*, 34th Parliament, 2nd Session, 1989, 2

the debt and deficit, and its commitment to regional development. However, differences are notable in the Conservatives' emphasis on outward-looking trade, which is contrary to the Trudeau government's protectionism embodied in the 'Third Option' and establishment of FIRA, and also in the Conservatives' explicit commitment to the privatisation of Crown Corporations. The third session's throne speech reiterates these policy goals, while adding to them the removal of provincial trade barriers and the negotiation of a North American Free Trade Agreement.³³ The Conservative government, much like its Liberal predecessor, clearly sets out its broad policy priorities in the economic domain. In fact, table 3.2 notes that these priorities closely correspond to those in the party mandate, thus giving the sense that the government does intend to do those things that it said it would do.

Two other issues covered by the throne speeches involve environmental protection and the preservation of Canada's social services (or what the Liberal government termed 'social justice'). These issues demonstrate a balance to the government's neo-liberal ideology in economic policy, and one which is often overlooked by critics of this period. The environment took on a particular importance in the second throne speech (and in legislation, as will be noted below), accounting for approximately 80 percent of the quality of life domain. This is not surprising as sustainability was placed on the international agenda in the mid- to late-1980s. As such, the second speech commits the Conservatives to the preservation of Arctic integrity, renewed Great Lakes Agreements with the USA, a Water Protection Act and an Environmental Protection Act. The 'caring nation' theme makes up the other 20 percent of the quality of life domain, setting as a government priority the continuation of "Canada's social goals and programs... in conformity and harmony with [the] values Canadians have historically

³³ Canada, House of Commons, Debates, 34th Parliament, 3rd Session, 1991, 3

nurtured.”³⁴ Furthermore, the government commits to the pursuit of a national daycare policy, continued support for the elderly and those with low incomes, and to “reducing violence in the family and against children.”³⁵

It can be seen from an examination of the mandate and throne speech data that there is a close correspondence between the saliency that the Conservatives place upon the quality of life domain at each point in time. The mandate data suggest that 18.5 percent of the total party platform emphasised quality of life issues, while the total percentage of the throne speech emphasising this issue stands at 18 percent. A closer look at the kind of emphasis placed on this issue domain reveals some key differences. In the throne speech the environment was by far the largest issue stressed in this category. In the mandate the environment accounts for only 1.5 percent of the total package; that is, less than one tenth of the emphasis this issue receives in the throne speech. Instead of the environment, the mandate places far more emphasis on the preservation of Canadian culture (2.5%), social justice issues (6%) and the protection of Canada’s ‘sacred trusts’ -- medicare, education, and the welfare state’s safety net (6.5%). This discrepancy in the kind of issue saliency emphasised at the different points in time may be accounted for by the nature of parliament; that is, the parliamentary rules governing what types of government action must be presented to the House for debate, in the form of public bills, and what can be done through Order-in-Council. This hypothesis will be returned to below in the examination of the government’s legislative packages.

National unity is also emphasised in the throne speeches of the second and third sessions. Here one can note a definite shift in the democracy domain’s emphasis between the second and third sessions, in chart 3.2. In fact, the emphasis placed on this domain

³⁴ Canada, *Debates*, 34th Parliament, 2nd Session, 1989, 4

³⁵ *Ibid.*, 4

more than doubles that of the mandate, and almost triples that of the second throne speech. The magnitude of this shift is caused primarily by the political events surrounding the demise of the Meech Lake Accord and pursuant efforts at constitutional renewal. In particular, the second session's throne speech identifies passage of the Meech Lake Accord as a priority, with slight emphasis on revamping the Citizenship Act, reforming electoral law, and encouraging racial harmony. In the third session's speech from the throne, the government notes that "...we must overcome the acrimony, apathy and incomprehension that currently undermines [national unity]."³⁶ This goal is sought through the use of Special Committees that are established in order to

"...formulate new proposals to focus public discussion on the goal of a more united and prosperous Canada... guided by a number of principles: that the Government of Canada represents all Canadians; [and] that Quebec's unique character must be affirmed and the particular interests of the West, the Atlantic provinces, Ontario, the North and aboriginal Canadians must be recognized..."³⁷

To achieve these principles the government explains that it shall "propose a plan for a renewed Canada for consideration by the people of Canada."³⁸ Thus, a number of government initiatives are noted, ranging from the striking of constitutional committees to 'consideration by the people', or a referendum on the proposals for Canada future. Finally, it is noteworthy that while the Conservative government's third throne speech does place a large emphasis on national unity issues, it is not presented as a 'crisis'. This is contrary to that of the Trudeau Liberals, who made it explicitly so.

Did the Liberal and Conservative governments set out to do what they say they would do? This has been the guiding question of this chapter, thus far. It has been noted that there is a notable difference between the issue saliency in mandates and throne

³⁶ Canada, *Debates*, 34th Parliament, 3rd Session, 1991, 2

³⁷ *Ibid.*, 2

³⁸ *Ibid.*, 3

speeches in certain domains. This is especially evident in the democracy domain in both the 30th and 34th parliaments, and is caused primarily by political events affecting national unity and the integrity of the constitution. This leaves the reader with an appreciation for the effects political events can have on a government's agenda. In economic matters both parties are more consistent in the transfer of issue saliency, as tables 3.1 and 3.2 show. However, it was also noted that in some respects the Liberal government shifted its economic policy from one centred on state intervention to one removing the state from the private sphere. Arguably, this shift in Liberal policy was due to perceived structural crises in the economy, caused by inflationary pressures across the western world. Once again events (in this case international and domestic economic events) managed to change the priorities of a government.

Furthermore, there is some difference in the kind of emphasis each domain receives from mandate to throne speech, and also between each speech. Two hypotheses can be made as to why this is so. The first reason finds its roots in the party government model's third element, outlined in chapter two. In this element it was noted that electoral mandates are designed to be vague and thematic. This allows parties to both mobilise the electoral consent of a diverse populace, while once in government leaving the party a degree of flexibility in the fashioning of their legislation programme. Second, the amount of variability between throne speeches can be accounted for by differences in government priorities across time. That is, a government's legislative package will reflect a prioritisation of policy objectives, with those of higher concern being dealt with in the first session and so on. Presumably, this principle will also hold true for the order in which bills are presented to the House of Commons. This prioritisation is particularly evident in the 34th Parliament, as the government's first session is reserved solely for the passage of the Canada-USA Free Trade Agreement.

Saliency and the Legislative Packages

To complete this examination of the saliency transfer between government mandates and policy objectives the composition of government legislative packages must be explored. This exploration will suggest whether the saliency transfer in policy objectives, which has been noted thus far, continues into a government's legislative action. Prior to analysing these data a methodological note should be made.

Table 3.3
Saliency Transfer by Domain: The 30th and 34th Parliaments'
Throne Speeches and Legislative Packages by Session

A. 30th Parliament

<u>Domain</u>	<u>1st Session</u>	<u>2nd Session</u>	<u>3rd Session</u>	<u>4th Session</u>
External	0 (8.3)	5 (6.3)	2 (8.2)	4 (2.6)
Democracy	8 (9.3)	6 (20.5)	12 (18.7)	8 (20.7)
Political Sys	3 (4)	5 (6.4)	6 (3.5)	8 (14.5)
Economy	35 (53)	35 (36.1)	34 (22.2)	25 (34.4)
Quality of Life	13 (13.5)	16 (19)	9 (16.4)	13 (17.2)
Social Fabric	7 (1.2)	3 (4.8)	11 (24.4)	10 (10.4)
Social Groups	14 (1.2)	15 (1.6)	8 (3.5)	12 (0)

B. 34th Parliament

<u>Domain</u>	<u>2nd Session</u>	<u>3rd Session</u>
External	5 (10.3)	5 (1.9)
Democracy	2 (4.9)	7 (19.1)
Political Sys	7 (2)	6 (12.1)
Economy	36 (44.7)	35 (26.2)
Quality of Life	11 (16.7)	15 (22.3)
Social Fabric	18 (18.9)	15 (14)
Social Groups	10 (2.6)	19 (1.3)

Note: The value accorded to the domain in the throne speech data is shown in parentheses. All values shown are percentages of total legislation and throne speech, respectively. Values do not sum to 100%.

Since a piece of legislation can have a scope which affects more than one segment of society, the coding of the policy domains for government bills has been modified. Each bill has been coded according to the procedures outlined by the Manifesto Group. This allows each governments' bill data to be compared with that of their throne speeches

and electoral mandates. However, to reflect the reality that some legislation may have a broad scope, the coding of each case was not limited to one domain. This results in a data set where the total percentages of each domain, when taken as a whole, do not sum to one hundred percent. This does not present a problem for this research because the coding was consistent and one is looking simply to corresponding trends in domain emphasis over time.³⁹ An example provides clarification: in the second session of the 34th Parliament Bill C-32, 'An Act to Amend the Advance Payments for Crops and Prairie Grain Advance Payments Act', was presented. Essentially, this bill provided for the allocation of subsidies to farmers to assist in the production of grains. This bill, then, placed emphasis on government intervention into the economics of farm production, and subsequently acknowledges the needs of a particular socio-economic group --i.e. agriculturist. The resulting coding of this bill falls into two domains: (1) economics, for the government intervention to encourage production; and (2) social groups, for the favourable mention of farmers.

Do speeches from the throne indicate government policy? The party government model suggests that the answer to this question should be a clear and resounding yes.⁴⁰ Simply put, the throne speech is the instrument which embodies a government's policy agenda and therefore can be seen as a necessary antecedent to action. Charts 3.2 and 3.3 above, illustrate the total emphasis placed on each domain in the respective governments' legislative package. These charts show that the total legislative package for each government does approximate its respective electoral mandate. This is even more

³⁹ The coding was kept to a maximum of three policy domains for each case. This ceiling ensures that the data set is comprehensible and focused. Often, this ceiling was not met, as most bills fell clearly into a single domain.

⁴⁰ Fraser, Alistair and W.F Dawson and John Holtby Beauchesne's Rules and Forms of the House of Commons, (6th ed.), Toronto: Carswell Company Canada, 1989, 81; and Doern and Phidd Canadian Public Policy, 134

pronounced if one places the domain data in rank order, and then compares the mandates to their respective legislative packages. The result of such an exercise reveals that the economy domain receives the greatest stress at both points in time, followed by the social group and quality of life domains. Overall, it is the Progressive Conservative government which demonstrates the closest correspondence in policy emphasis between mandates and government legislation. Moreover, table 3.3 outlines the degree of consistency between each governments' throne speech and legislative package for each session. These data suggest that for the most part the expectation that a throne speech predicts a government's legislative action, holds true in both the 30th and 34th Parliaments.

As the domain scores in table 3.3 indicate, the economy, social fabric, quality of life and social group domains receive a proponderance of emphasis under both governing parties. The other domains --external relations, democracy and the political system-- receive very little recognition through legislation. In fact, these domains also receive the least recognition in the throne speeches. One may suggest that the reason for this lack of emphasis in the throne speeches stem from the government's willingness to preserve an amount of flexibility in their policy-making process. Thus, in the same manner that governments attempt to keep election mandates vague, the objectives outlined in the throne speech are open-ended --albeit less so than mandates. However, the examination of the throne speeches given above would suggest that while a set time-line for priorities is not given, specifics on government intent are.

An alternate, and more readily comprehensible, explanation for the ranking of these domains can be suggested. This explanation involves the recognition that an institution's decision-rules, or procedures, constrain government by dictating what types of policies must go before parliament for approval, in the form of bills. In particular, the following government business must be presented before parliament:

1. Public Expenditures;
2. Taxation Measures;
3. Statute Law;
4. Regulatory Measures that revise the Customs and Excise Acts;
5. Issue of Licences; and
6. Provision of Social and Economic Services and Programmes (new or amended).⁴¹

That such government business must be presented to parliament for approval is a constitutional rule, “premised on the ancient parliamentary maxim of grievence before supply”.⁴² Furthermore, the discrepancy within the external relations and democracy domains noted in table 3.3, can be explained in relation to these decision-rules. Since striking Special Committees to examine constitutional reform, or the government’s negotiations with a foreign power over fishing boundaries, do not fall into the above list then, even when such decisions are taken, they will not appear in government bills.

Conversely, for every rule denoting the type of government action that must be debated and passed upon the floor of the House there is an action that can be taken without its formal approval. These decisions are covered by rules governing secondary and delegated legislation, and include Orders-in-Council, schedules and regulations, and codes of practice. These are all different forms of making detailed provision for implementing the principles and requirements of the law, as set out in government bills (or primary legislation). While these decision types are not the focus of this study, their existence suggests another reason for the variation within and between the domains. In fact, a number of political scientists suggest that the use of such ‘statutory instruments’ by Canadian government has been increasing. Jackson and Atkinson note that in 1975 approximately 3000 Orders-in-Council were approved by Cabinet --a number representing 3125 percent of the government’s legislative package. This, Franks argues,

⁴¹ Michael Ryle and J.A.G. Griffith Parliament, 7-8; Robert J. Jackson and Doreen Jackson Politics in Canada, Toronto: Prentice-Hall, 1990, 331-2; and Gerald L. Gall The Canadian Legal System, (3rd Ed.), Toronto: Carswell Press, 1990, 44-6

⁴² Mallory, J.R. The Structure of Canadian Government, Toronto: MacMillan Canada, 1971, 243

is an indication of a governments willingness to avoid the House whenever possible in order to minimise any delay that may incur as a result of opposition to their goals.⁴³

Conclusion

In conclusion, some discrepancy in emphasis between the throne speeches and legislative packages of both Parliaments is understandable. This is largely due to institutional decision-rules and procedures which direct a government to fashion its legislation in a particular manner, while at the same time presenting some opportunities to avoid the House. It has been demonstrated that a transfer of saliency, from electoral mandates through to legislative packages, is evident in both the 30th and 34th Parliaments. That the correspondence between these points in time reveal an amount of variation can be explained by the nature of mandates, and the institutional procedures which define the legislative process. Therefore these data demonstrate that governments do, to a large degree, act on what they say they are going to do. Having examined element three of the party government model, a closer examination of the legislative packages of the Trudeau and Mulroney governments can be explored.

⁴³ Franks The Parliament of Canada, 130

Chapter Four: Government Legislation Under the Microscope

It was noted in the previous chapter that there is a notable consistency between salient issue areas stressed in party mandates and the occurrence of these same issue areas in the governing party's legislative packages. The discrepancy that occurs between the election platform and the legislative package was explained by the institutional rules and procedures that constrain legislative activity: i.e. the types of bills that a government must present before parliament, and the type of business that government may proceed with via orders-in-council. These data, then, lend support to element three of the party government model, which states that a government will fashion its legislative package via its electoral programme. Having seen that governments do intend to do in office what they said they would do during the election, we now turn to an examination of governments' control over the legislative process. If governments do seem to control the legislative process in Canada, then we may apply Rose and Mechelen's suggestion that party government is "close to the ideal type of political system in which the government of the day is free from any institutional constraint upon its power to legislate..."¹

The purpose of the following chapter is to examine in greater depth the legislative packages introduced by both the Trudeau and Mulroney governments, in the 30th and 34th Parliaments. This examination will not only provide the necessary background information needed for chapters five and six to analyse the opposition and time constraints experienced by government. It will provide insight into the factors acting upon government legislation that shape its complexity, process, and outcome. Furthermore, we will be able to explore the similarities and differences evident between

¹ Richard Rose and Denis Van Mechelen Patterns of Parliamentary Legislation, Aldershot, UK: Gower Publishing Co., 1986, 24

the two Canadian Parliaments, and between these Parliaments and that of the U.K. In sum, this chapter's examination allows for the traits of party government legislation to be explored, and for hypotheses to be posited regarding the effects the design of parliamentary institutions have on this legislation.

To achieve this goal, the data presented below have been collected for every piece of government legislation in the 30th and 34th Parliaments. The examination of these data will proceed first through a general overview of the legislation presented in each parliament. Second, an examination of the most active sponsoring departments' (MASDs') legislation will be contrasted with those of the other departments/ministries. Third, the traits and outcomes for 'money bills' (i.e. supply and appropriation bills) will be examined. Furthermore, in order to give greater depth to this examination comparisons to the United Kingdom's legislative process will be made where applicable.

The Traits of Government Bills

The traits of government legislation in the two parliaments show great similarities. There was a decline in the amount of legislation introduced during the 30th Parliament, with 35 percent (N=97) introduced in the first session declining to 23 percent (N=63), 24 percent (N=66), and 18 percent (N=52) in the remaining two sessions. This contrasts with the increase in legislation introduced between sessions in the 34th Parliament, as 42 percent (N=99) was introduced in the second session and 57.7 percent (N=135) was introduced in the third session. While the Trudeau and Mulroney governments clearly differed in this respect, however the total number of bills introduced into each parliament does not differ greatly. In fact the 30th Parliament saw only 35 more government bills introduced, than did the 34th Parliament. Overall, the total number of bills introduced for each parliament was 269 and 234 bills, respectively.

The average number of bills introduced per parliamentary sitting day for each parliament are as follows: one bill for every 2.6 sitting days under the Liberal government; and one bill for every 3.1 sitting days during the Progressive Conservative government. These averages approximate those presented by Jackson and Atkinson.² Using the data compiled by these authors one is able to note that, between 1966 and 1979 there was an average of 1 bill introduced per 3.7 sitting days.³ The similarity between the 30th and 34th parliaments' data and those of the entire 1966-79 period demonstrates principally that the two time periods under study are not variations from the norm. In fact, one is left with the impression that, underlying these data, there is an institutional explanation for the data's consistency over time.

Other areas where the 30th and 34th Parliaments' bills show similarities are the number that introduce new, as opposed to amending, legislation, and the number of bills that are reintroduced from one parliamentary session to another. Here the data show that 45.3 and 52.1 percent of all government bills in the respective parliaments can be classified as new acts. Furthermore, the data collected on the repeal of prior Acts of Parliament by the 30th and 34th Parliaments are similar to those compiled by Rose and Mechelen. Rose and Mechelen's data reveal that between 1945 and 1978 governments repealed only fourteen acts.⁴ In Canada, the 30th Parliament saw seven government bills to repeal a previous government's legislation, while the 34th Parliament had no such government bills. These data, then, suggest that while there is some attempt to introduce

² Robert Jackson and Michael M. Atkinson The Canadian Legislative System: Politicians and Policymaking, Toronto: The MacMillan Co. of Canada, 1980, 179-80

³ These data can be calculated using table 8-3 'Legislative Activity' in Jackson and Atkinson The Canadian Legislative System, 180

⁴ Richard Rose and Denis Van Mechelen Patterns of Parliamentary Legislation, Alton: Gower Publishing Co., 1986, 22

new and repeal old acts of parliament, “governments spend a large amount of their time administering services along the lines laid by previous governments.”⁵

Jackson and Atkinson suggest that ‘time’ is possibly the greatest obstacle that a government must face when seeking to implement its legislative package.⁶ In particular, a government faced with a limited amount of time in each parliamentary session must be very adept at timetabling its business in order to achieve efficiency in the passage of bills. If timetabling is problematic for governments in the passage of their legislative packages, as many studies seem to suggest,⁷ then one would expect to witness a large number of government bills being reintroduced from one session to another as they seek House approval. The 30th and 34th Parliaments’ data do reveal that a substantial number of government bills die on the order paper. Under the Trudeau government, 98 bills, representing 35.5 percent of the total legislative package died on the order paper. Whereas, under Mulroney 32 bills, representing 13.7 percent of the entire government package faced the same fate. While the impact of these data is tempered by the fact that 27 and 13 government bills in the respective parliaments, representing policy on a diverse spectrum of topics from the Status of Artists to the Bank Act, were subsequently revived and reintroduced in following sessions, it does suggest the existence of problems in the scheduling of business. Whether these problems in the completion of government business are caused by institutional constraints on governments, and by the effectiveness of the opposition parties’ use of parliament’s procedures for their own advantage, will be explored in chapters five and six, below.

⁵ Michael Ryle and J.A.G. Griffith Parliament: Functions, Practices, Procedures, London: Sweet & Maxwell, 1989, 4

⁶ Jackson and Atkinson The Canadian Legislative System, 176

⁷ See for example, Franks Parliament in Canada, esp. 128-142; Paul G. Thomas “The Role of House Leaders in the Canadian House of Commons” *Canadian Journal of Political Science*, XV:I, 1982, 126-7; and Thomas “Parliamentary Reform Through Political Parties” in John C. Courtney ed. The Canadian House of Commons: Essays in Honour of Norman Ward, Calgary: University of Calgary Press, 1985, 62-3

Complexity of Government Bills

The indicators for bill complexity have been adopted from Rose and Mechelen's British study, *Patterns of Parliamentary Legislation*.⁸ These indicators are given more depth in the current study as these data have been collected on both pre-passage legislation, and on the legislation as passed by the House of Commons. Thus a comparison between pre- and post-passage complexity of government bills can take place, allowing for insight into the average amount of transformation that takes place during the legislative process.

Table 4.1
Mean Bill Complexity in the 30th and 34th Parliaments:
Pre- and Post-Passage

<i>A. The 30th Parliament</i>		
<u>Indicator</u>	<u>Pre-Passage</u>	<u>Post-Passage</u>
<i>Page Length</i>	22.6 (45.39)	16.9 (35.3)
<i>No. of Legal Sections</i>	28.8(51.2)	16.9 (35.3)
<i>No. of Schedules</i>	0.88 (2.46)	0.8 (1.43)
<i>Total Pages for Schedules</i>	4.6 (14.5)	5.18 (30.0)
<i>B. The 34th Parliament</i>		
<u>Indicator</u>	<u>Pre-Passage</u>	<u>Post-Passage</u>
<i>Page Length</i>	34.12 (70.0)	30.48 (67.7)
<i>No. of Legal Sections</i>	51.37 (105.9)	43.7 (93.5)
<i>No. of Schedules</i>	0.43 (1.22)	0.637 (1.4)
<i>Total Pages for Schedules</i>	4.24 (23.9)	5.761(24.7)

Note: The value in parentheses is the standard deviation. The Post-passage values are available only for legislation which receives Royal Assent. Thus, 103 cases are not represented in the 30th Parliament's 'Post-Passage' column; while in the 34th Parliament 33 cases are not represented in this column.

Table 4.1 compares the mean complexity for the total number of government bills introduced with the mean complexity of all government bills passed, by parliament. Comparing the pre- and post-passage data for each parliament illustrates that the mean complexity of bills at the time of passage is lower than the mean complexity of bills at the time of their introduction into the House. While part of the explanation for this

⁸ Rose and Mechelen *Patterns of Parliamentary Legislation*, 35

discrepancy in complexity can be placed on the printing format for post-passage bills, one is struck by the large standard deviations for each indicator across both Parliaments.

Despite the amount of variability that is present, a rank ordering of all complexity indicators reveals a trend. That is, the 30th and 34th Parliaments are remarkably similar in the ordering of each indicator: the number of legal sections, followed by the number of pages, total pages for schedules and finally, the number of schedules. This observation also holds true for the magnitude of decrease in complexity each bill undergoes when moving from pre- to post-passage. Moreover, the average complexity of government legislation does not seem to differ greatly from that reported in Britain. The mean complexity of government legislation in the U.K., for the period between 1945 and 1983, was 23 pages and 20.5 legal sections. The data for the 30th and 34th Canadian Parliaments are 16.9 pages and 16.9 legal sections, and 30.5 pages and 43.7 legal sections, respectively. While the 34th Parliament's data suggest a more complex legislative package, this is mainly a result of a twenty two outlying bills introduced. The discussion of table 4.5 below, illustrates these bills and suggests that once such outliers are removed the 34th Parliament's data are similar to the 30th Parliament's and U.K.'s data, as one would expect.

It would be instructive to compare these data with the average complexity of all Canadian government bills during the post-WWII era, but no such data exists. However, as a substitute to these missing data, one can utilise the data presented by Jackson and Atkinson on lawmaking performance. These authors outline the number of pages of enacted legislation between 1945 and 1974, for both minority and majority governments. Moreover, using these data, a rough estimate of the average number of pages comprising

each enacted bill can be made.⁹ The result of such a procedure reveals that an average of 9.5 pages of legislation were enacted by majority governments in this time period. While this result is clearly lower than the complexity score given to the 30th and 34th Parliaments' data, Jackson and Atkinson do note that the overall number of pages of enacted legislation have been increasing.¹⁰ Furthermore, as this observation corresponds to that given by Ryle and Griffith regarding British legislation,¹¹ the Jackson and Atkinson data should be seen to be complementary, not contradictory, to the results presented above.

Process and Outcome of Government Bills

To this point, these data suggest that there are no great differences between the 30th and 34th Parliaments' legislative packages. The data examining the outcome and process of government bills in these parliaments, presented in table 4.2, do not break this

Table 4.2
Outcome and Process: What happens to the government's bills?

1. Process: What Type of Committee Deals With Government Legislation?^a

	<u>30th Parliament</u>	<u>34th Parliament</u>
<i>Legislative Committee</i>	<i>N/A</i>	<i>49.1% (n=115)</i>
<i>Standing Committee</i>	<i>42.8% (n=118)</i>	<i>15.8% (n=37)</i>
<i>Committee of the Whole</i>	<i>25.7% (n=71)</i>	<i>22.2% (n=52)</i>
<i>Special/Joint Committee</i>	<i>0.0% (n=0)</i>	<i>2.1% (n=5)</i>

2. Outcome: What was the outcome of the bills?^b

<i>Declared Null and Void</i>	<i>0%</i>	<i>0%</i>
<i>Withdrawn at 2nd Reading</i>	<i>0.4% (n=1)</i>	<i>0.4% (n=1)</i>
<i>Defeated in the House</i>	<i>0%</i>	<i>0%</i>
<i>Died on the Order Paper</i>	<i>35.5% (n=98)</i>	<i>13.7% (n=32)</i>
<i>Rejected by the Senate</i>	<i>0%</i>	<i>0.4% (n=1)</i>
<i>To Statutes of Canada (passage)</i>	<i>64.1% (n=117)</i>	<i>85.5% (n=200)</i>

⁹ This result was calculated from table 8-2 in Jackson and Atkinson *The Canadian Legislative System*, 179. The calculation was as follows: the total of the column 'Average number of pages of enacted legislation' was divided by the column total for the 'Average number of public bills enacted'.

¹⁰ *Ibid.*, 178

¹¹ Ryle and Griffith *Parliament*, 308-9

3. For Those Bills Which Died, At What Stage Did This Happen?^c

<i>Bill Declared Null and Void.....</i>	0.0%	3.0% (n=1)
<i>Prior to 2nd Reading.....</i>	74.8% (n=78)	60.6% (n=20)
<i>Prior to Committee, But Had 2nd Reading</i>	2.2% (n=6)	9.1% (n=3)
<i>Never Emerged From Committee.....</i>	2.5% (n=7)	6.1% (n=2)
<i>Had Committee Report But Not 3rd Reading..</i>	0.7% (n=2)	12.1% (n=4)
<i>Died in the Senate.....</i>	1.4% (n=4)	6.1% (n=2)
<i>Other.....</i>	0.4% (n=1)	0.4% (n=1)

^aPercentages do not add up to 100% as 87 bills (31.5%) in the 30th Parliament were not dealt with in Committee, and in the 34th Parliament 25 bills (10.7%) were not dealt with in Committee. The 30th Parliament did not use legislative committees, thus N/A.

^bPercentages add up to 100%.

^cPercentages shown represent those bills which died on the order paper only.

trend. The process variable indicates what type of committees government bills are processed through in each Parliament. It must be noted that the Trudeau government scrapped legislative committees for the 30th Parliament, after experimenting with them from 1968 to 1974. However, even after one takes this into consideration one is struck by the similar processing of government legislation. The percentage of legislation that is dealt with by committee of the whole is significantly alike in both Parliaments. One plausible explanation for this result is the similar number of supply and appropriations bills which were introduced in each Parliament, as such bills are mainly dealt with by committee of the whole. Under Trudeau, the government introduced 22 bills, representing 8.2 percent of the legislative package, which by parliamentary procedure were forced to be examined in committee of the whole; the Mulroney government introduced 34 such bills, representing 14.5 percent of its legislative package. Thus, a large proportion of those bills going to committee of the whole in table 4.2, and those bills that must, by procedure, be examined by this committee suggests that the institutional rules do constrain a government's choices in the legislative process, at least to some degree.

There are two areas in the outcome data that begin to differentiate the two Parliaments, albeit slightly. The first of these is the success rates of government legislation. The Mulroney government clearly had more success in passing its legislative package, with an 85.5 percent success rate; the Trudeau government, saw only 64.1 percent of all government bills reach the statute books. This does not imply, however, that the Mulroney government experienced any less opposition and constraints on its legislation than Trudeau's. In fact, it will be shown in chapter five that quite the contrary is true, as Mulroney's government faced greater struggles with the Senate, with time constraints, and with opposition amendments and division votes.

A closer examination of the success rates of government bills in each Parliament and of which stage in the legislative process these bills die, is enlightening. Paul Thomas has suggested that those bills which die do so primarily as a result of the government's lack of interest in such measures. In fact, such bills are often "trial balloons" for policy ideas, have not received the support of government party members or outside interests, and simply are "deviations from the norm".¹² Section three of table 4.2 lends support to Thomas's argument. In this section one can note that a disproportionate amount of legislation that dies does so prior to second reading. In the scope of the legislative process these bills never pass from the order paper into the hands of members of parliament.¹³

This observation leads one to ask, is there anything unique about these bills which die prior to second reading? An analysis of the complexity of these bills suggests not. In both Parliaments the mean page length and number of legal sections of these bills are not

¹² Paul G. Thomas "Parliamentary Reform Through Political Parties" in John C. Courtney (ed.) The Canadian House of Commons: Essays in Honour of Norman Ward, Calgary: Calgary University Press, 1985, 46

¹³ One should recall that first reading of all government legislation is *pro forma*, and as such consent is given to all bills noted on the order paper at the beginning of each parliamentary session.

dissimilar from the results reported in table 4.1. In the 30th Parliament the mean scores on these two indicators were 22.8 pages and 36.6 sections; while the scores for the 34th Parliament were 34.6 pages and 61.9 sections. Thus, one can suggest that, based upon complexity scores, those bills that died prior to second reading do not demonstrate any particular unique qualities that may lend themselves to an explanation as to why these bills meet with a premature demise.

Second, table 4.3 outlines the coding of mandate saliency for these bills. The question can be put, do these bills demonstrate specific mandate saliency areas? If they do, then one might suggest that these areas were not of a high priority for governments, or conversely lacked the support required by government party members, thus lending support for Thomas's argument. The results are not conclusive. Although a plurality of these bills fall into the economic domain, the domain distribution of bills is fairly equal. Examining the domain distribution further, one can note that these bills represent a substantial percentage of both governments' total commitment to each domain. It is notable that the domains which are most heavily emphasised by governments in their

Table 4.3
Mandate Domain Saliency Of Those Bills That Died Prior to 2nd Reading

Domain	30th Parliament	34th Parliament
External	3 (50%)	0
Democracy	8 (33%)	2 (16%)
Political System	7 (50%)	5 (33%)
Economic	19 (20%)	8 (9%)
Quality of Life	12 (33%)	3 (9%)
Social Fabric	8 (38%)	3 (8%)
Social Groups	9 (26%)	1 (29%)

Note: A description of these domains can be found in Appendix 2, and chpt. 3.
Numbers in parentheses represents these bills as a % of the total emphasis in the legislative package's domain.

election mandates, throne speeches, and legislative packages --that is, economic and quality of life-- are the least present in table 4.3. From this, one can infer that a government might ensure the support of party for such heavily emphasised measures, through the mechanisms of party discipline. Conversely, those bills which meet an untimely demise, prior to second reading, may be simply as Thomas suggests, trial balloons upon which the support of party was not present, nor enforced. Or, finally, time constraints may be a great obstacle to these legislation --an obstacle which plagues the House Leader's capacity to schedule business.¹⁴

Table 4.4 presents the adjusted success rates for those government bills which receive the attention of the House post-first reading. The adjusted success and failure rate was calculated by the removal of those bills which did not receive second reading.

Table 4.4
Adjusted Success Rates for those bills which receive second reading
in the 30th and 34th Parliaments

	<u>30th Parliament</u>	<u>34th Parliament</u>
<i>Die on Order Paper</i>		
<i>(excluding those prior to 2r).....</i>	7.4%	4.7%
<i>To Statutes of Canada.....</i>	92.2%	94.5%

This is justifiable as these bills never entered the legislative process, and as such never received any formal discussion and debate in the House of Commons. As the party government model is interested primarily with the process of government legislation in the House of Commons, the adjusted success rate serves to demonstrate the amount of constraint governments' experience on their ability to pass their legislative packages. The results reported in table 4.4 are impressive. Both Parliaments saw success rates on government bills that approximate that of the parliament in Great Britain: a parliament

¹⁴ See Paul G. Thomas "The Role of House Leaders in the Canadian House of Commons", 126-7

Most Active Sponsoring Departments: Canada

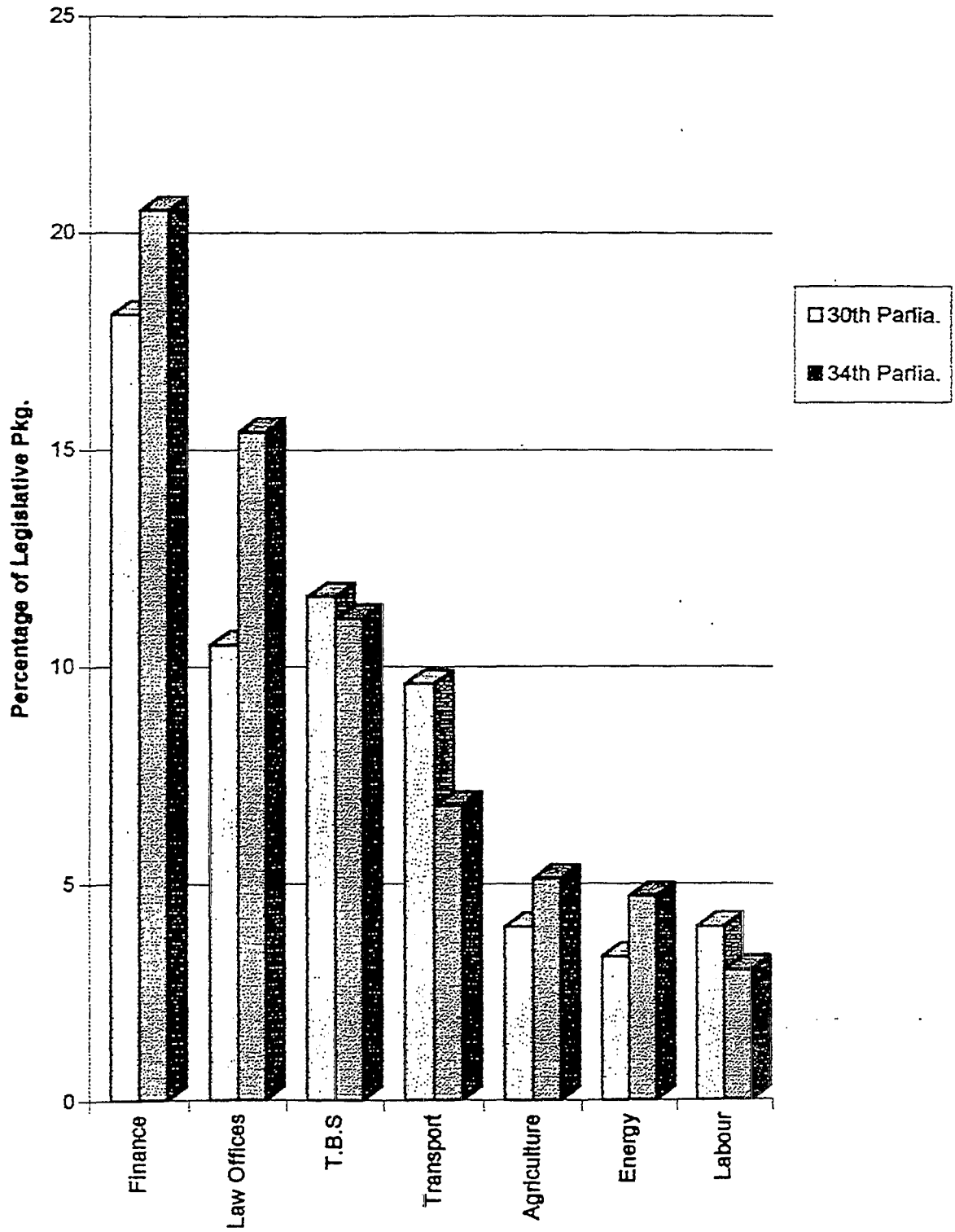
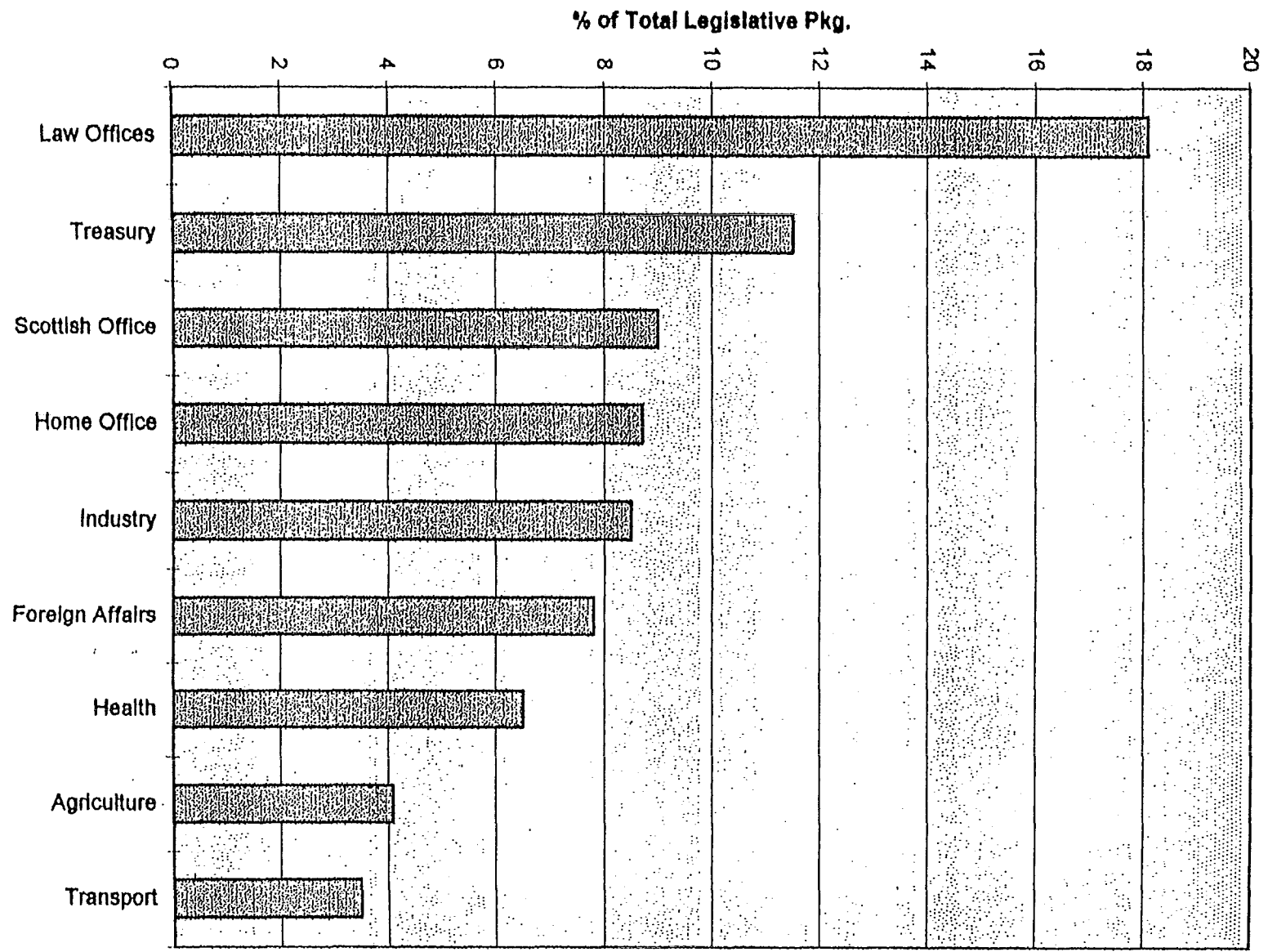


Chart 4.1

MASDs: Great Britain, 1945-80



that led Rose to note that “party [government] is king”.¹⁵ Party government in Canada also appears to be “king” in the sense that it is able to implement over 90 percent of its business. In chapter five, I examine the extent to which these successful legislation are transformed by amendments and opposition within the legislative process.

Most Active Sponsoring Departments

Charts 4.1 and 4.2 present the ministries and departments most active in sponsoring legislation in the House of Commons during the 30th and 34th Parliaments, and in the UK between 1945 and 1983, respectively. Here the Law Offices consist of both the Department of Justice and the Solicitor General's Office. And where applicable the coding for other ministries/departments combine all legislation introduced by their respective Ministers and Ministers of State. It is noteworthy that the ranking of ministries does not change significantly between the two Parliaments: the only exceptions to the ranking being the position of the Law Offices and the Treasury Board Secretariat, and the position of Energy, Mines and Resources with Labour. The former shift may be explainable with reference to the increased number of appropriation, expenditure restraint, and borrowing authority acts in the 34th Parliament, the latter shift is possibly a reflection of the neo-liberal "pro-business" philosophy held by the Mulroney government.

The ranking of these most active sponsoring departments in Canada is similar to that found in the United Kingdom. This similarity in ranking is not unexpected. In parliamentary systems in which the power to legislate is highly centralised in Cabinet, it is not uncommon to find a division of power between Cabinet portfolios. This division of power is expected to parallel the relative importance of the respective portfolios, in terms

¹⁵ Rose “Still in the Era of Party Government” *Parliamentary Affairs* 36, 6, 282

of prestige, complexity, and procedural and bureaucratic activities.¹⁶ Furthermore, as government involves the regulation of trade and economics, societal management, and expenditure and taxation, the skewed distribution in charts 4.1 and 4.2 is not surprising. For example, the British treasury and the Canadian finance ministry and treasury board deal primarily in money bills, as they seek to tax and spend for the continuation or implementation of programmes. Since taxation and expenditure must be dealt with by parliament, much of the action taken by these ministries must be in the form of

Table 4.5
Mean Pre-Passage Complexity:
Comparing MASDs and Non-MASDs in the 30th and 34th Parliaments

A. 30th Parliament

	MASDs (N=142)	Non-MASDs (N=134)
Page Length.....	18.7 (41.1)	14.6 (25.0)
Legal Sections.....	20.4 (27.8)	20.8 (35.0)
No. of Schedules....	0.9 (1.6)	0.6 (1.3)

B. 34th Parliament

	MASDs (N=117)	Non-MASDs (N=94)
Page Length.....	44.8 (89.0)	20.5 (29.8)
Legal Sections.....	63.7 (135.0)	35.5 (43.0)
No. of Schedules....	0.4 (1.4)	0.4 (0.9)

Note: Values in parentheses are standard deviations.

government legislation. In sum, as the passing of statutes and the amending of these statutes require parliamentary approval and Royal Assent, it is only logical that these Offices are included as one of the MASDs.

If the above logic holds true then one may expect that the MASDs not only produce the largest amount of legislation, but they might also produce the most complex. Table 4.5 compares the mean complexity of pre-passage bills for MASDs and non-MASDs across both the 30th and 34th Parliaments. The data for the 30th Parliament

¹⁶ See Doern and Phidd *Canadian Public Policy*, 59-61

show a considerable similarity between the complexity of those bills introduced by MASDs and those introduced by the other ministries. The 34th Parliament's data, on the other hand, demonstrates a large variation between table 4.5's two categories. The MASDs' pre-passage legislation in this parliament has a mean complexity that is approximately twice that of those bills introduced by non-MASDs.

What accounts for this variation within the 34th Parliament, and why does it not occur in the 30th Parliament? The answer to this question is two-fold. First, when one examines the mean complexity of legislation by each individual department, one is struck by the amount of variation in complexity that exists in the 30th parliament. In particular, the average page length of bills introduced by the Ministry of Finance in both parliaments was notably larger than the mean for the total government legislative package. (i.e. in the 30th Parliament the average page length of bills introduced by the ministry of finance was 42.2 pages, or 19.6 pages greater than the mean complexity of the total pre-passage legislative package. In the 34th Parliament the average page length of bills introduced by the ministry of finance was 79.4 pages --exactly 43.5 pages greater than the arithmetic mean for the total government legislative package, pre-passage.) These results are further supported by the Law Offices' data, as these departments' average complexity stands at 19.9 and 10.0 legal sections higher than the mean for the entire package, respectively.

Furthermore, these data for the 30th and 34th Parliaments correspond to those reported by Rose and Mechelen. In their analysis, the Law Offices and the Treasury in Westminster produce a preponderance of complex bills.¹⁷ In fact, 27.4 percent of the Law Offices' legislation is above the mean complexity for all government bills, while 10.6 percent of all Treasury bills are beyond this mean. Rose and Mechelen suggest that these data are simply a product of the greater activity in producing legislation these

¹⁷ Rose and Mechelen *Patterns of Parliamentary Legislation*, 54

Table 4.6: Outliers in Bill Complexity by Origin, Size and Topic

Ministry	Bill No.	Pgs.	Sections	Title	
30th Parliament					
Finance	C-49 (1)	286	142	Income Tax Act *	
	C-18 (2)	102	116	Bretton Woods Agreement*	
	C-22 (2)	105	87	Income Tax*	
	C-11 (3)	210	116	Income Tax*	
	C-44 (3)	83	141	Customs Act*	
	C-15 (4)	358	403	Banks & Banking Law*	
TBS	C-52 (1)	89	106	Superannuation Amdt.*	
Consumer	C-29 (1)	76	169	Business Corporations	
	C-60 (1)	197	145	Bankruptcy Act	
Justice	C-51 (3)	358	167	Criminal Law Amdt.*	
	C-21 (4)	77	169	Criminal Law Amdt.*	
Health	C-35 (2)	118	---	Old Age Security Act*	
34th parliament					
Finance	C-62 (2)	293	204	Excise Tax, Criminal Code Amdt., Customs Tarrif, Excise Act, Income Tax Act, Statistics Act	
	C-83 (2)	279	552	Trust & Loan Co. Act	
	C-95 (2)	332	606	Bank Act	
	C-18 (3)	397	259	Income Tax, Pension Plan, Cultural Property, Exportation & Importation Act, Income Tax Convention, Unemployment Insurance Act... *	
	C-19 (3)	342	605	Bank Act	
	C-28 (3)	406	762	Insurance Co. Act	
	C-34 (3)	249	500	Cooperative Credit Act	
	C-83 (3)	279	---	Carriage of Goods Act	
	C-92 (3)	273	159	Income Tax, Pension Plan, Tax Rebate Discounting *	
	C-112 (3)	349	229	Excise Tax, Customs Act, Access to Information Act, Federal Court, Income Tax*	
	TBS	C-26 (3)	---	109	Public Service Reform Act
		C-55 (3)	127	109	Pensions Act *
	Justice	C-34 (3)	---	162	Misc. Statute Law*
C-125 (3)		---	153	Misc. Statute Law*	
International	C-115 (3)	194	247	NAFTA	
Communications	C-62 (3)	67	138	Telecommunications Act*	
Gov't. Leader	C-114 (3)	113	127	Canada Elections Act*	

Note: Number in parentheses indicates the parliamentary session. * denotes amendment to existing legislation.

departments experience, and in the nature of that legislation for which they are responsible (i.e. statute law and money bills, respectively). Thus, the extent to which variation does exist in the 30th Parliament is masked in the results outlined in table 4.5; and the variation within the two Parliaments can be seen as a result of the type of activities which are undertaken by MASDs, much in the same manner as that of Westminster.

Second, the variation demonstrated in table 4.5 can be accounted for by the amount and origin of those bills that can be considered highly complex. The indicator for high complexity which is utilised here is simply those bills that have page lengths and legal sections three-times the mean presented in table 4.1, above. This indicator was chosen since the bills which fall into such a grouping can be clearly considered outliers, or deviations from the norm. Table 4.6 lists those bills that can be considered highly complex, and the topics covered by these bills. Once again, the origins for the most complex bills is predominantly the MASDs, and in particular the ministry of finance and the TBS, followed by the department of justice. Of the twenty-one most complex bills evident in the 34th Parliament, fourteen (67%) were sponsored by these departments; of twelve such bills in the 30th Parliament, nine (75%) were sponsored by these three departments. Moreover, the topics covered in these bills are diverse, ranging from the income tax act through to omnibus bills and the North American Free Trade Agreement, and cover both amendments to existing legislation as well as new initiatives by government. In sum, a high degree of concentration of highly complex legislation in a small number of departments, along with the degree of complexity, goes far in explaining the variation presented in table 4.4.

The Outcome of a MASDs' Bill

Having examined the mean complexity of MASD and non-MASD legislation in both parliaments, the process and outcome of these bills can now be explored. We are interested in exploring these two sets of government bills because one may hypothesise, as Rose and Mechelen do, that those bills which originate with MASDs will experience less constraints in the legislative process, due to greater government control, and

Table 4.7
Comparing Outcome and Process Data: MASD's and Non-MASD's Legislation

	30th Parliament		34th Parliament	
	MASDs	Non-MASDs	MASDs	Non-MASDs
1. Process: Committee Type?^a				
<i>Legislative Committee</i>	<i>N/A</i>	<i>N/A</i>	49%	64%
<i>Standing Committee</i>	50%	79%	24%	8%
<i>Committee of the Whole</i>	50%	21%	26%	23%
<i>Special/Joint Committee</i>	---	---	1%	1%
2. Outcome: What was the Outcome of the bills?^b				
<i>Withdrawn at 2nd Reading</i>	1 (1%)	---	1 (1%)	---
<i>Defeated in the House</i>	---	---	---	---
<i>Died on the Order Paper</i>	40 (28%)	58 (43%)	18(13%)	14(15%)
<i>Rejected by the Senate</i>	---	---	---	---
<i>To Statutes of Canada (passage)</i>	101 (71%)	76 (57%)	120 (86%)	80(85%)
3. For Those Bills Which Died, At What Stage Did This Happen?^c				
<i>Prior to 2nd Reading.....</i>	32 (80%)	46 (79%)	13(68%)	7(50%)
<i>Prior to Committee, After 2r</i>	3 (8%)	3 (5%)	1(5%)	---
<i>Never Emerged From Committee....</i>	2 (5%)	5 (9%)	1(5%)	2(14%)
<i>Prior to 3rd Reading.....</i>	1 (3%)	3 (5%)	1(5%)	3(21%)
<i>Died in the Senate.....</i>	---	---	---	---
<i>Other.....</i>	---	1 (2%)	1(5%)	---

^aThe 30th Parliament did not use legislative committees, thus N/A.

^bPercentages add up to 100%.

^cPercentages shown represent those bills which died on the order paper only.

therefore will demonstrate higher success rates. For example, one may suspect that since much of the legislation sponsored by the MASDs originates from the TBS and Finance ministry (see chart 4.1), and often deals with the spending and raising of monies, this legislation will experience greater success rates than the legislation sponsored by non-MASDs. This logic is based purely upon the assumption that money bills are (1) treated as issues of confidence when voting in the House, and therefore demonstrate a high degree of party discipline; and (2) are central to a government's goals, as the allocation of such funds represent a government's primary resource.

Table 4.7 outlines the process and outcome data for all legislation in each category, by parliament. An examination of the process data indicates that, with two exceptions, there is not a great difference in the type of committee which deals with legislation, regardless of the departmental origins of this legislation. The two exceptions to this observation are the contrasts between the amount of non-MASD legislation dealt with by standing committees in the 30th Parliament and in the 34th Parliament. In fact, this contrast not only occurs between the two Parliaments' non-MASD categories, but also within these Parliaments between non-MASD and MASD legislation.

The variation evident in the 30th Parliament's 'process' data in section one of table 4.7, can be attributed to the supply and appropriation bills. Fifty percent of the bills introduced by the MASDs were financial in nature, and account for the total number of bills dealt with by committee of the whole in this category. Second, the volume of non-MASD bills dealt with by standing committees can be explained by an examination of the committee system which was operating at this time --a system which had been in operation since 1968, and consisted of both standing committees and committee of the whole.

The 30th Parliament's committee system was based upon the recommendations for reform by the Standing Committee on Procedure.¹⁸ The purpose of these 1968 reforms was to alleviate the use of committee of the whole, which was viewed as increasingly cumbersome and time consuming.¹⁹ To achieve this task standing committees were to provide multiple services: (1) clause-by-clause review of bills after second reading; (2) the review of departmental estimates; (3) investigations into departments, within specific terms of reference; and (4) to provide the House with reports of the committees findings and recommendations.²⁰ In sum, the new standing committee structures were charged with the task of scrutinising government, but this task was to be achieved outside of the House thereby increasing the efficiency of the legislative process. It is understandable, therefore, that 79 percent of all non-MASD bills were dealt with by this institutional structure, compared with 50 percent in the 30th parliament.

Furthermore, the variation between the 34th and 30th Parliaments' data may also be most readily explained through an examination of the committee system. This Parliament's committee system was based upon the 1985 and 1987 McGrath Committee reforms which, while accepting the ideal of keeping the legislative process efficient, also sought to increase the effectiveness of parliament's scrutiny function. To do so, the House adopted a three-fold committee system: first, the use of committee of the whole would be restricted to financial or money bills, and those matters which the House deemed of such importance that they be dealt with by the whole House. Second, legislative committees were introduced which were to examine proposed legislation post-

¹⁸ Canada, House of Commons, Special Committee on Procedure, 1968, *Third Report*, para 12

¹⁹ Michael Rush "Parliamentary Reform and Parliamentary Government: The British and Canadian Experiences" in Ronald Landes (ed) *Canadian Politics: A Comparative Reader*, Toronto: Prentice-Hall, 1985, 202

²⁰ The functions of the standing committees are adapted from Richard J. Van Loon and Michael S. Whittington *The Canadian Political System: Environment, Structure and Process*, (3rd ed.), Toronto: McGraw-Hill Ryerson, 1987, 617-23

second reading. Finally, standing committees were reformed such that they paralleled (or shadowed) specific departments, and scrutinised the estimates, reports and papers relating to governmental activities in these particular departments.²¹

Therefore, both the 30th and 34th Parliaments had unique institutional structures which sought to enhance the efficiency of the legislative process. This efficiency was sought through dealing with different types of legislation in different ways. And this fact can be posited as a reason for the variation between the 30th and 34th Parliament's 'process' data presented in table 4.7, and is especially noteworthy when considering the difference between MASD and non-MASD bills in this regard.

Finally, the outcome data presented in table 4.6 also demonstrate a great amount of similarity between the two Parliaments, and within the these Parliaments. In both the 30th and 34th Parliaments there is no evidence of any great differentiation between the success rates of the MASDs' legislation and those bills sponsored by others, nor between these data and that reported for the entire legislative package in table 4.2, above. While this similarity is clearly more pronounced in the 34th Parliament, the adjusted success rates for the two categories in each parliament demonstrate an extremely high rate of passage. In fact, 91 and 85 percent passage rates between the MASD and non-MASD bills in the 30th Parliament, and a 95 and 92 percent rate of passage for the respective categories in the 34th Parliament, lead one to infer that party government is clearly in control of its legislation.

²¹ Canada, House of Commons, Report of the Special Committee on Reform of the House of Commons (McGrath Report), 1987, 15-27; and Magnus Gunther "Reform of the Committee System" in Magnus Gunther (ed.) House of Commons Reform, Ottawa: Parliamentary Internship Programme, 1990, 218-19

Money Bills: Appropriations and Supply

It was noted in the previous chapter that certain types of government action must be tabled in Parliament. Two such actions are the raising and spending of moneys by

Table 4.8
Mean Complexity of Bills:
Supply and Appropriation Bills in the 30th and 34th Parliaments

	Complexity of Bills Pre-Passage	
	30th Parliament	34th Parliament*
Page Length.....	2.9 (0.5)	9.6 (18)
Legal Sections.....	5.7 (1.6)	22.0 (50.8)
No. of Schedules...	2.1 (2.2)	0.1 (0.0)
	Complexity of Bills Post-Passage	
	30th Parliament	34th Parliament*
Page Length.....	2.8 (0.6)	5.8 (13)
Legal Sections.....	5.7 (1.1)	13.3 (35.3)
No. of Schedules...	2.1 (2.1)	1.4 (1.9)

Values in parentheses are standard deviations.

* Much of the variance demonstrated in the 34th Parliament's data can be accounted for by the existence of an extreme outliers. For example, table 4.5 illustrates that many of the most complex bills introduced in the 34th Parliament dealt with Tax, Excise and Customs, and other financial issues.

government. It was further noted that this practice is as old as parliamentary systems themselves, and operates on the basis of "grievance before supply". The following data examine briefly these "money bills" for the 30th and 34th Parliaments. However, prior to discussing these data it is important to explain why 'money bills' are worth examining as a separate category of government legislation. The rationale for this decision is three-fold. First, these bills embody a distinct set of legislation as it is only through debate in the House on such bills that government can gain the authority to raise and spend the monies essential for governance. Furthermore, these bills have a distinct and defined process of examination in the House, laid out in parliamentary rules and practice. This rationale is predominant in the UK studies on government legislation, many of which

make a clear distinction between money bills and the rest of the legislative package.²² Second, these bills can be expected to be closely guarded by the governing party, while being rigorously opposed by the other parties, if for no other reason than the dictates of “grievance before supply” and symbolic posturing by a government-in-waiting. The latter assumptions will be tested in chapter five. Finally, it will be seen that these bills have a very low complexity. These money bills represent outliers on the opposite extreme to the MASDs’ highly complex legislation, noted in table 4.6. In fact, the majority of this legislation involved between 1 and 4 pages. Therefore, being both statistical outliers and unique in their usage of the parliamentary process, a separate examination is justified.

In the 30th Parliament 20 bills were introduced by the TBS, whereas 2 were introduced by the Finance Minister. The distribution between these two departments was more equal in the 34th Parliament, as the TBS sponsored 19 bills while Finance backed 15 bills. Such dominance by the two departments is to be expected, as parliamentary procedure dictates that all money bills must be introduced solely by the government. Owing to the division of labour within Cabinet, and the norms and expectations of parliament, the task of laying out all financial matters of government falls to both the Treasury Board Secretariat and the Ministry of Finance.

Table 4.8 illustrates the mean complexity of the total number of supply and appropriation bills for each Parliament. It is striking that the mean complexity of such bills is so low. The one exception to this observation is the reported mean number of legal sections of money bills in the 34th Parliament. However, this exception is explainable with reference to table 4.6, above, as a number of bills amending income tax,

²² See Ivor Burton and Gavin Drewry Legislation and Public Policy: Public Bills in the 1970-74 Parliament, London: Macmillan Press Ltd., 1981, 111-12

and excise and custom acts serve as outliers for the entire Parliament, and thus skew the data presented in table 4.8.

Finally, the process and outcome data for these money bills should be noted. Once again there is a great similarity in these data across the two Parliaments, as well as with the rest of the government legislation in these Parliaments. The money bills in the 30th Parliament all received consideration by Committee of the Whole, and all were successful in reaching the statutes of Canada. The 34th Parliament saw a lower success rate of its money bills, with a score of 92 percent. However, this result corresponds closely with the adjusted success rate of the entire Parliament. Furthermore, 5 of the 34 supply and appropriation bills in the Mulroney Parliament were processed through legislative or standing committees. These bills included an act to amend the excise tax (C-20), two acts regarding government expenditure constraint (C-56 and C-69), and a borrowing authority act.

As a content analysis is beyond the scope of this thesis, the significance of these bills is unclear, especially as all these bills received a very low complexity score. One plausible explanation for the difference in the processing of these money bills is a result of the 1987 McGrath Committee recommendations. As was noted above, the McGrath Committee recommended that standing committees be employed in the examination of departmental estimates, in order to enhance parliament's scrutiny of government activity. This assumption is supported by the fact that four of the five bills involved financial resources necessary for the operation of government, through expenditure restraint and the borrowing of monies. However, it should be reiterated that bills receiving consideration from standing committees in the 34th Parliament are few in number, and as such the similarity between the 30th and 34th Parliaments' processing of legislation is retained.

Conclusion

This chapter has illustrated the traits, process, and outcome of all bills introduced in the 30th and 34th Parliaments. In so doing, a number of points became evident. First, the inertia argument presented by Rose seems to hold true for Canadian governments.²³ The evidence suggests that approximately 50 percent of all bills, in both parliaments, were amendments to existing legislation. In fact, table 4.6 demonstrates that 10 of 12 highly complex bills introduced into the 30th Parliament, and 18 of 29 such bills introduced into the 34th Parliament are amendments to existing legislation. Second, the data reveal that there is a large degree of similarity between the two Canadian Parliaments, between Canadian and British parliaments, and between the types of bills which are dealt with in the House of Commons. This is evidenced by a similar number of bills which were sponsored by those departments and ministries deemed to be 'most active', by the median complexity of a government's legislative package, and by the process and outcomes of these bills.

The similarity in these data suggest that there is something about the institutions of parliament which operate upon government legislation, constraining and directing choices of process and scope of action. One such reason has been alluded to throughout this chapter: the existence of institutional rules and procedures that direct certain types of bills (such as financial bills) through a certain process (such as consideration by committees of the whole). Furthermore, these explicit 'rules of the parliamentary game' predetermine who the major players in the introduction of government bills shall be, and are supported by long standing institutional norms.

²³ See Richard Rose *Understanding Big Government*, London: Sage Publishing, 1984, 25

Third, this chapter began with the suggestion that “party government is close to the ideal type of political system in which the government of the day is free from any institutional constraint upon its power to legislate...”²⁴ This suggestion is central to the party government model developed in chapter two, as element four proposes that a government will implement successfully its legislative package. The evidence presented throughout this chapter supports this proposition, as the adjusted success rate for active government legislation in both parliaments is over 90 percent (see table 4.4). This high success rate should not, however, be taken to mean that there are no institutional constraints upon government capabilities. On the contrary, the fact that a significant number of government bills never made it to second reading lends itself to the inference that time constraints are a great obstacle to legislation --an obstacle which plagues the House Leader’s capacity to schedule business.²⁵ Furthermore, the data presented in this chapter have not explored the amount of opposition which successful legislation encounters, nor the amount of transformation via amendments which occurs on this legislation. An examination of the opposition, amendments and time constraints acting upon government legislation is the topic of the remaining two chapters, to which we now turn.

²⁴ Rose and Mechelen Patterns of Parliamentary Legislation, 24

²⁵ See Paul G. Thomas “The Role of House Leaders in the Canadian House of Commons”, 126-7

Chapter Five

Applying the Brakes: Opposition and Constraints on Government Legislation

Richard Rose notes that there are primarily two models of legislative behaviour in party government systems: those of adversarial relations and consensus bargaining.¹ He further argues that, “the realities of office force the government to propose bills after agreement with the affected interest groups and opposition party... therefore adversarial acts of parliament are ineffectual and remain the exception, not the rule.”² In fact, when opposition is operationalised as division votes, his research shows that over 80 percent of government bills do not encounter opposition. These data are echoed in Jackson and Atkinson’s study of the Canadian parliament, as they suggest that the real opposition to government business in the House is not the Opposition party, but rather time constraints.³ Contrasting these authors’ impressions is that offered by Franks, who suggests that while effective opposition is a pillar of parliamentary systems of government, this opposition turned sour during the 1970s and 1980s. In fact, Franks argues that today’s governments face “the pigheadedness of a chronic opposition”.⁴

The principle of responsible government requires opposition in the form of the scrutiny of government activity which, Leo Amery notes, is the main task of parliament.⁵ *Prima facie*, the two accounts noted above leave doubt as to the existence and operation

¹ Richard Rose Do Parties Make a Difference?, (2nd Ed.), London: Macmillan, 1985, xxvi

² *Ibid.*, xxvii

³ Robert Jackson and Michael M. Atkinson The Canadian Legislative System (2nd ed.), Toronto: Macmillan, 1980, 115

⁴ C.E.S. Franks The Parliament of Canada, Toronto: University of Toronto Press, 1987, 218
Despite the excessive nature of such comments by Franks, when one considers the 1981 ‘bell ringing’ incident and the increasing use of media resources by opposition parties, it is clear that the nature of opposition in Canada has become less willing to be restricted within the walls of parliament and to traditional interpretations of parliamentary rules and procedures.

⁵ L.S. Amery Thoughts on the Constitution, Publisher Unknown, 1947, quoted in Michael Ryle and J.A.G. Griffith Parliament: Functions, Practice and Procedure, London; Sweet and Maxwell, 1989, 6

of this main task of parliament as Rose, and Jackson and Atkinson, seem to suggest that scrutiny does not materialise readily on the House floor. This account runs counter to popular impressions of parliamentary government, as the media portray the House in its most theatrical mode. Furthermore, the impression Professor Franks' argument leaves can be characterised as somewhat cynical, as one is drawn to ask whether the scrutiny function has gone too far? Are the Opposition parties simply obstructionist, characterised by a posturing for media attention?

While Jackson and Atkinson, and Rose provide data for their claims, unfortunately Franks does not. Thus one is left wondering what elements and criteria his characterisation of the Canadian parliament refer to. On one hand, we can imagine an Opposition that uses such opportunities as question period to badger government ministers, posturing itself for maximum exposure in the nightly news. On the other hand, we are lead to an image of the legislative process in which the Opposition parties offer amendments and division votes on every piece of government legislation, and engage in extended debates in order to restrict the government's ability to get its business through the House. Upon reflection, however, such opposition is unrealistic as at worst it would produce a state of ungovernability, and at best would quickly exhaust the Opposition parties resources. What is needed then is a measure by which to judge Franks's characterisation with the two Parliaments understudy here. As a rough measure, the existence of a 'chronic pigheaded opposition' in the legislative process will be operationalised here as, between one-third and one-half of all government bills receiving both Opposition sponsored amendments and division votes at all stages of the legislative process. This proportion of activity on government bills allows for the reality that resources for such action may be limited, and that some opposition may occur beyond the scope of this chapter --that is, in question period, supply days and debates. Utilising a

measure such as this one, we are now able to test the two contending points of view on parliament's operation: that is, whether parliament's scrutiny function operates such that governments are left omnipotent, or whether the Opposition does nothing but provide obstacles to the achievement of government goals.

In sum, the purpose of this chapter is to examine the constraints acting upon government legislation. In essence, this chapter sets the party government model against itself, as it seeks to answer the following questions. First, do the Opposition parties act as a government-in-waiting, resisting the government at every opportunity (i.e. element six)? Second, do governments closely guard their legislative packages, accepting only those amendments put forth by their own members, and passing these packages relatively unscathed by any forces of change (i.e. elements four and five)?

This analysis will proceed through an examination of the use of amendments and recorded and unrecorded division votes upon government legislation at the various points in the legislative process, and by whom these instruments are levied. From this analysis it will be demonstrated that governments experience more constraint on their legislative activities than Rose, and Jackson and Atkinson give credit for, but that these constraints are not as theatrical and constant as the media, and Professor Franks, would have us believe. Prior to embarking on this analysis, the institutional design of parliament will be outlined briefly. This outline will demonstrate that there exist a number of opportunity structures through which the Opposition parties can act to scrutinise government and constrain its actions.

Institutional Design: Constraints and Opportunity Structures

'Government has the right to govern, while the Opposition has the right to oppose.'
Franks argues that this is a central tenet of parliamentary systems --one which has

developed over four hundred years, and which lends legitimacy to the entire system via the constant scrutiny of government business.⁶ However, it was noted in chapter one that this tenet does not balance the rights of government and of Opposition. On the contrary, parliament has been portrayed as a power differential wherein governments hold the advantage. Jogerst notes that this power differential can be described simply as the government's control of the 'boundary rules' of the legislative process, much the same way that House Leaders in the US Congress control the rules of the game.⁷

In addition to controlling the policy resources and policy-making processes outside of parliament, party government controls the introduction, timing and length of debates on its legislation, when votes will be taken on these bills, together with the composition and type of committees which will examine this legislation.⁸ Moreover, by virtue of the mechanisms of party discipline it has been suggested that a governing party which is in a majority situation can ensure the outcome of its legislation through directing the voting behaviour of MPs, and deciding which amendments will be accepted and which will not. As Paul Thomas notes, this control is achieved predominantly through the office of the Whip and of the Government House Leader.⁹ The reality of parliament is such that over 80 percent of parliament's time is spent discussing government

⁶ Franks Parliament, 126-7

⁷ Michael Jogerst Reform in the House of Commons: The Select Committee System, Lexington, Kentucky: The University of Kentucky Press, 1993, 27

See also Gary W. Cox and Matthew D. McCubbins Legislative Leviathan: Party Government in the House, Berkeley: University of California Press, 1993, 254-273

⁸ It must be noted that certain types of legislation must, by virtue of parliamentary procedures and tradition, be dealt with by certain types of committees. For example, money and supply bills must be dealt with by Committee of the Whole House.

⁹ In his Parliament of Canada, Franks seems to suggest that the committee system operates in a collegial manner, and often acts freely from the party whip. However, the party government model constructed in chapter two suggests that as long as party is the important factor in determining the composition of committees, the committee members will be prone to toe the party line.

See Franks Parliament, 185; Paul G. Thomas "The Role of the House Leader in the Canadian House of Commons" *Canadian Journal of Political Science* XV:I March 1982, 126-44; and chapter two, below.

legislation and, as was noted in chapter four, a majority of this business reaches the Statutes of Canada. From such accounts of the operation of the House of Commons it is not difficult to understand why its function is characterised as being ‘supportive’.¹⁰ Moreover, judging from the accounts of government control and success rates, one could easily be led to the assumption that the party government is omnipotent, much as Hofferbert and Budge suggest.¹¹ Such an assumption would, however, be premature.

There are a number of opportunity structures available to the Opposition parties which can act as constraints on government business, and in some circumstances may even influence government business. These opportunity structures are entrenched in the formal procedures of the House, are recognised by the normative behaviour of this institution, and comprise the second pillar of parliament (i.e. the Opposition’s right to oppose and scrutinise government). Among the structures of normative behaviour is the government’s respect of the right of Opposition parties to oppose and question, thus playing out the political game. Also, as Thomas notes, there is an acceptance by the government party’s Whip and House Leader that their counterparts in the opposition should be consulted when scheduling House business, votes, and committee composition.¹² Moreover, Raymond Robertson has argued that the official Opposition party is consulted on many issues prior to debates and votes on the House floor. In fact, Robertson suggests that such consultation occurs more often than politicians and scholars

¹⁰ See Jackson and Atkinson *The Canadian Legislative System*, 159; Jogerst *Reform in the House of Commons*, 22; and Philip Norton “Parliament and Policy in Britain: The House of Commons as Policy Influencer” in Philip Norton (ed.) *Legislatures*, Oxford: Oxford University Press, 1990, 177

¹¹ These authors suggest that “...a government enjoying the confidence of parliament can do anything...” Richard Hofferbert and Ian Budge “The Party Mandate and the Westminster Model” *British Journal of Political Science*, 22:151

¹² Thomas “The Role of the House Leader” *CJPS*, 135;

See also Canadian Study of Parliament Seminar on Whips and Discipline, Ottawa: Canadian Study of Parliament Group, 1983; and Donald Searing and Chris Game “Horses for Courses: The Recruitment of Whips in the British House of Commons”, *British Journal of Political Science*, 7, 361-2

of parliament readily admit, and that consultation enables the government to govern effectively as it is able to anticipate potential conflicts on certain areas of policy.¹³ In sum, such normative behaviour allows the “government to govern with the opposition in mind.”¹⁴

Among the formal mechanisms opposition parties have for the scrutiny of government business are the Reply to the Throne Speech, Supply Days given each session, and Oral Question Period, which is conducted each sitting day.¹⁵ These three mechanisms provide time for the opposition parties to question ministers on matters of policy, general ideology and government activity. More often than not, the opposition seeks to pry into the governments business, request information, and generally embarrass and/or demonstrate failures in government policy.¹⁶ There are a number of reasons why an opposition party would wish to pursue these opportunities. First, simply because it is their duty under responsible government to keep a watchful eye over government. Second, and more realistically, the opposition parties are seeking to position themselves as ‘governments-in-waiting’. In order to do so, opposition parties seek to differentiate themselves from the government party by staking-out a distinct position on the ideological spectrum and within a number of salient policy areas. Through the use of media coverage of House debates, and alliances with interest groups, the opposition parties will posture for electoral appeal.

¹³ Raymond Robertson MP (Conservative, Aberdeen South, Scotland). Interview conducted by the author, May 22, 1995

¹⁴ Michael Ryle and J. A. G. Griffith Parliament: Functions, Practice and Procedure, London; Sweet & Maxwell, 1989, 297

¹⁵ See for a more substantial examination of these mechanisms, Jackson and Atkinson The Canadian Legislative System, 104-9; and Franks Parliament, esp. 119 and 153-60

¹⁶ Franks Parliament, 47-8. 154-60; and Ryle and Griffith Parliament: Functions, Practice and Procedure, 297

It must be noted, however, that this posturing does not often entail concrete policy alternatives to existing government policy but, as Franks notes, reveals the adversarial nature of debate in the House and all its theatrics.¹⁷ In fact, it is the existence of such symbolic posturing which leads Franks to suggest that “the right of parliament to examine and discuss parliamentary business is twisted by the opposition into the right to delay and obstruct...”¹⁸ This twisting of the right to oppose has, he goes on to argue, developed into an ‘opposition mentality’ in Canada --a mentality that has led to the weakening of parliament’s scrutiny function and overall credibility among the public.¹⁹ King, on the other hand, suggests that such theatrics are an integral part of the parliamentary process since “the House by definition is conflictual... as [the Opposition’s] aim is not accommodation, but conquest.”²⁰

Two other formal opportunity structures for ‘governments-in-waiting’ exist. In fact, these structures can be utilised at each stage of the legislative process, and can be considered to be the more ‘constructive’ means Opposition parties have when seeking to influence and constrain government action. These are the instruments of amendments and division votes. These two instruments have great appeal to the social scientist and the general observer of the legislative process since they are empirically tractable. However, as political instruments for an Opposition party they hold two major disadvantage: first, the party government model suggests that only those amendments offered by members of the governing party will be accepted. If amendments offered by opposition parties are accepted they can be expected to be of little consequence, altering

¹⁷ Franks Parliament, 31

See also Anthony King “Modes of Executive-Legislative Relations” in Philip Norton (ed.) Legislatures, Oxford: Oxford University Press, 1990, 217

¹⁸ Franks Parliament, 128

¹⁹ Franks Parliament, 131

²⁰ Anthony King “Modes of Executive-Legislature Relations”, 217

the legislation only marginally. Second, and as a corollary, the use of amendments as a tool of opposition is weak since such instruments are not commonly portrayed as news items by the media, and as such they do not maximise the party's image as a 'government-in-waiting'.

The division vote holds more promise as a tool of opposition, as it has the effect of countering the government's desire for expedient votes and proceedings. Furthermore, the recording of names in the parliamentary Hansard of those MPs opposing and accepting certain measures can have a symbolic effect, denoting the positions of certain parties on certain issues of policy. Thus, in one sense a recorded division vote can be seen in much the same light as the theatrics of parliament. However, here the parliamentary procedure which demonstrates a differentiation between the parties is recorded by parliament itself, not the media, and seeks to constrain government business rather than immediate recognition among the electorate.

It should be noted that while amendments and divisions may, procedurally, occur at each stage of the legislative process, they are not expected to occur on all bills nor at all stages. Jackson and Atkinson suggest that "substantial" amendments will not be offered on bills prior to consideration by committee. While amendments at first and second reading are not barred by the procedures of parliament, the "opposition members recognise the government's responsibility to carry its business of governing and will lend their support to that end..."²¹ This norm of behaviour seemingly stems from the nature of first and second reading: the first reading is simply a recognition of the government's right to introduce a bill, while second reading entails debate over the broad principles of a particular bill. However, these authors do not expect the Opposition to refrain from proposing amendments at these stages. Rather, they expect less evidence of amendments

²¹ Jackson and Atkinson *Canadian Legislature*, 114

at these stages due to this norm. A plausible reason for amendments at these earlier stages is that debate over the principle of a bill would present a good opportunity for the opposition to symbolise its opposition through proposing amendments, regardless of the expected success rate. If the use of amendments in the early stages are, however, restrained by a parliamentary norm, the next weapon in the Opposition's arsenal is the division vote. Division votes on the passage of bills at these stages would certainly allow the opposition to symbolise their displeasure with the government's policy, on principle. The operation of this norm shall be tested below.

If amendments are few in the early stages of a bill's life, then one might expect the committee stage, committee report stage and third reading to be most active. In fact, Rose and Mechelen suggest that the Opposition's rationale behind accepting government legislation intact at first and second reading is the knowledge that their members will be more effective and influential in committee.²² This rationale is echoed in many accounts of the parliamentary process, and by those who wish to reform the House of Commons.²³ For example, students of parliament have suggested that the committee stage is the most consensual, and as a result the most effective, stage in the legislative process.²⁴ This is primarily because committees operate outside of the House away from rigid party discipline, are composed of a small number of MPs who hold a common interest in a specific policy domain, and are charged with examining the actual effectiveness of the legislation, not its value to the 'public interest'.²⁵ Thus, committees are often touted as being the least politicised stage of the legislative process, and as such they provide the greatest opportunity for Opposition parties to affect government legislation.

²² Rose and Mechelen *Patterns of Parliamentary Legislation*, Aldershot: Gower Publishing Co., 1986, 57

²³ See for example, Canada, House of Commons, *Report of the Special Committee on Reform of the House of Commons*, (McGrath Report), June 1985

²⁴ See for example, *Report of the Special Committee on Reform of the House of Commons*, *Op Cit.*

²⁵ For a more detailed examination of the committee system in Canada, see Franks *Parliament*, chpt. 8

It must be noted that there exists a contrary view to committees as “effective opportunity structures” for Opposition. For example, Paul Thomas argues that while the committee stage is the first point that Opposition can realistically expect to impact government legislation, the government retains tight control over its members and the nature and origin of amendments that are proposed. Thus according to his study the “most successful amendments originate with the government party.”²⁶ Franks further suggests that while committees do in theory provide a great opportunity for Opposition scrutiny and influence, in Canada this opportunity has constantly been diluted by the operation of party discipline,²⁷ and the government’s desire for an expedient processing of its legislation.²⁸ Therefore, for these authors, the committee stage is characterised as a post-factum consent mobiliser --consent being inherent in government business.

If debate, amendments and division votes are tightly controlled by government through to the end of the committee stage, then one might expect most opposition to occur in the last two stages of the legislative process, i.e. the committee report and third reading. Since these mechanisms are the last chance for the Opposition to voice its dissent and attempt to alter government legislation, a large proportion of amendments and divisions should be evident. If we use British data as a benchmark for Canada then such opposition is not forthcoming. In fact, Ryle and Griffith suggest that in Westminster these later stages are utilised more greatly by governments as they seek to “reverse any amendments made when the bill was in committee which the government is not willing to accept... [and] put forth its own amendments, having had time to re-consider earlier positions.”²⁹ Canadian data on these later two stages are sparse; however, Jackson and

²⁶ Paul Thomas “The Influence of Standing Committees of Parliament on Government Legislation” *Legislative Studies Quarterly*, III:4, 1978, 699

²⁷ Franks *Parliament*, 185

²⁸ *Ibid.*, 162-4

²⁹ Ryle and Griffith *Parliament: Function, Practice and Procedure*, 318-9

Atkinson do suggest that even here the government controls the scope of the Opposition's opportunity to oppose through the imposition of procedures to terminate debate.³⁰

To conclude this look at institutional opportunity structures, a note on the Senate should be made. The Canadian Senate is often billed as the chamber of 'sober second thought', where legislation is reviewed with the possible broad effects and regional and public interests in mind. Franks notes that this chamber, in theory, provides an effective scrutiny function even though it "comprises a small and not very visible part of the parliamentary legislative process."³¹ In recent years, however, the Senate has come under attack by politicians, media and publics alike for its overly partisan nature.³² The debate over the composition and activities aside, the Senate can, and has on occasion, operated as an opportunity structure for opposition parties in relation to government business.

Consider, for example, a situation in which the governing majority party in the House of Commons does not possess a majority in the Senate. If, in such a situation the Opposition party controls the Senate, then pitting the Senate against the House provides a strong and rare opportunity for the Opposition to scrutinise government. This situation occurred in the early part of the 34th Parliament, as the opposition Liberal party held most Senate seats, and as a result were able to effectively challenge a number of key government bills. While such a situation is rare, it has the potential to be a greatly effective constraint on a seemingly omnipotent government.

Contrasting the data for the 30th and 34th Parliaments acts to demonstrate this point. In both Parliaments a total of six bills were sent back to the House with amendments by the Senate. Trudeau's government accepted amendments on three of the six bills, which constituted a total of 104 legal sections. By contrast, the Mulroney

³⁰ Jackson and Atkinson *The Canadian Legislative System*, 114-5

³¹ Franks *Parliament*, 190

³² *Ibid.*, 187

government accepted all Senate amendments, which totalled 26 legal sections. From these data one may be inclined to suggest that it was the Trudeau government which experienced opposition from the Senate, not Mulroney's. These data are misleading, however. One can suggest that the Trudeau government endorsed the Senate amendments because it shared the same partisan stripe. In fact, Franks suggests this in his discussion of the Senate's role in amending the Bank Act (an act which received 76 Senate amendments).³³ More convincing data on Senate opposition is produced in the form of those bills which die or are rejected outright by the Senate. The Trudeau government received no such opposition from the Senate, while Mulroney's saw two bills die in the Senate and one bill rejected. Both of the bills that died in the Senate concerned controversial issues, C-43 concerning abortion and C-82 concerning banking policy. The one bill which was rejected by the Senate was C-62, the Goods and Services Act. In fact, it was the extent of opposition to this bill by the Senate which led to Mulroney's decision to appoint six Conservatives to the Senate, under the auspices of government emergency powers. These Senate appointments had the effect of displacing Liberal dominance, and removing all Senate opposition from this point onward.

Therefore, in the parliamentary process, defined by procedures and norms, there exist a number of opportunity structures and access points through which government proposals and legislation can be affected by non-government members of parliament. The rest of this chapter seeks to elucidate these institutional features which place the 'brakes on government omnipotence' in the 30th and 34th Parliaments. In particular, the use of amendments and division votes by the different parties in parliament will be examined at each point in the legislative process, and on a number of different types of bills.

³³ Franks Parliament, 190-1

A Note on Methodology

Prior to examining the institutional constraints on government business, a note on methodology is required. In chapter four a differentiation was made between those bills that survived second reading and those which died prior to this point. This allowed us to isolate and examine the process and success rates of 'active' legislation. The reason for this method was simply that the legislation which lay dormant on the Order Paper was likely not of high priority to the government. Secondly, since this legislation lay dormant and/or died early in the legislative process it does not lend itself to a discussion of the dynamics of the legislative process. In this chapter 'dormant' bills will not be discussed, primarily because they receive no empirically observable opposition on the floor of the House of Commons. To focus on those bills which do receive tractable opposition and amendments in the legislative process will enable us to fully test whether government holds a tight reign on its business, and whether the opposition does posture itself as a government-in-waiting as hypothesised in the party government model.

Amendment and division vote data were collected on all government bills in the 30th and 34th Parliaments, at each stage in the legislative process. The coding for these variables can be found in appendix 1, below. Furthermore, a distinction between the different parties offering amendments and division votes has been made. Thus, these data allow for an analysis that is both comprehensive and in depth.

A further note on division data should be made. Here division votes are operationalised as indicators of the amount of opposition which government legislation receives. This indicator was chosen both for reasons outlined above, and because this indicator allows a comparison to be made with UK data. The UK data, however, ignores unrecorded division votes in order to stress the partisan dimension of opposition. In the

current chapter all division votes (recorded and unrecorded) are utilised. For example, a bill which does not attract many recorded division votes may attract numerous unrecorded division votes on such questions as whether to pass the bill, send the bill back to committee, and on motions to table the bill, and to end or extend debate on the bill. Thus, use of both recorded and unrecorded division vote data allows us not only to explore the partisan dimension of opposition, but also to measure with more accuracy the actual amount of constraint acting upon government business. Where a differentiation between recorded or unrecorded division votes is necessary it will be noted in the tables, otherwise the measure used is the total number of both types of division votes.

Amendments and Division Votes in Two Parliaments

If the party government model is correct then we should expect few amendments on government legislation. We should also expect the Opposition parties to oppose government business at every possible stage as they attempt to present themselves as viable ‘governments-in-waiting’. Furthermore, as the institutional process of government legislation is the same in both Parliaments, and as no overarching reforms were made during either term, we can hypothesise that there will not be much difference between the activities of the 30th and 34th Parliaments.

There is, however, a notable discrepancy between the amount of amendments offered and division votes taken during the 30th Parliament and that of the 34th Parliament. The Trudeau government experienced division votes on 23 percent of its entire legislative package and had amendments offered on 53 percent of the legislation introduced; while the Mulroney government experienced divisions on 68 percent of its legislation and amendments on 64 percent. As the institutional structure was the same in both parliaments, one is left to infer that the increase in opposition was simply a factor of

the players in the parliamentary game. That is, the Opposition parties were more active in opposing and offering amendments on the Mulroney government's legislation than they had been under the Trudeau government. These data seem to support Franks's assumption that the opposition parties have increased their parliamentary activities over the last few decades. They also seem to support Franks's contention that the Opposition has become "chronic", if by this he means the Opposition offer amendments and division votes on between one-third and one-half of all government legislation. However, whether the Opposition parties in the two Parliaments became pure 'pigheadedness' such that "the legislative process became warfare",³⁴ and such that these forms of opposition occurred at every stage of the legislative process, will become clearer with further analysis.

More immediately, however, one is left wondering what accounts for the lower amount of opposition in the 30th Parliament than that of the 34th? A convincing answer to this question is offered by Strachan. Strachan argues that the organisational structure of the official Opposition, the Conservative Party, during the 30th Parliament was loose and lacked leadership.³⁵ A consequence of this was great instability in the composition of the Opposition's front bench and inefficient usage of institutional structures for opposition.³⁶ In contrast, the official Opposition during Mulroney's second majority parliament was highly effective, as the Liberal party front bench was organised such that key spokespersons shadowed government ministers, questioning and challenging them at every turn.³⁷ In sum, the opposition Liberal's were organised much more like a 'government-in-waiting'.

³⁴ Franks Parliament, 218

³⁵ Simon Philip Strachan Opposition-in-Waiting: The Organisation of the Progressive Conservative Caucus, 1968-1979, Unpublished MA Thesis, McMaster University, 1991, iii-iv

³⁶ *Ibid.*, 76

³⁷ Franks alludes to this increase effectiveness in opposition during the 34th parliament, suggesting that "[i]t is most unlikely that the Liberal opposition, once it finds its feet, will be more tractable and less obstructionist than the previous Conservative opposition." Franks Parliament, 219

Table 5.1 and 5.2 present the amendment and division vote data by stage and by

Stage	Party Id.	30th Parliament			34th Parliament		
		No. Offered	No. Acpt.	% Success	No. Offered	No. Acpt.	% Success
2r	Liberal	1	1100		13	0	0
	NDP	9	1 10		9	0	0
	PC	7	2 28		1	0	0
Cttee*	---	638	638	100	1255	1084	91
CR	Liberal	92	67	72	79	9	11
	NDP	75	4	5	62	4	6
	PC	142	11	7	41	37	90
3r	Liberal	3	3	100	6	1	16
	NDP	7	0	0	1	0	0
	PC	2	0	0	1	1	100

* Note: Partisan affiliation on these amendments is not available.

party. From these data a number of observations can be made. First, the success rates of those amendments offered on government legislation is much as predicted. The party

Table 5.2
Total No. of Division Votes (recorded and unrecorded) on Government Bills,
by Stage, in the 30th and 34th Parliaments

Stage	30th Parliament		34th Parliament	
	% of Bills	# of Divisions	% of Bills	# of Divisions
Total No.	23	129	68	319
1 reading	0	0	6	13
2 reading	14	31	47	97
Cttee Report	19	55	55	115
3 reading	22	41	45	94

government model suggests that a majority of amendments accepted by a government will be those which originate from its own party members. Here we find that 73 percent of all amendments accepted in the 34th Parliament originate with the governing party,

and 81 percent of all amendments accepted in the 30th Parliament originate with the government. These data are even more impressive when one considers that the governing party in each Parliament sponsored a minority of all amendments --39 percent and 25 percent, respectively. Moreover, government amendments experienced success rates between 72 and 100 percent, compared to the opposition parties 0 to 16 percent success rate.

The highest level of successful amendments were offered in committee. This observation can be hypothesised to be an effect of government control. As was noted above, Thomas's 1978 study of the committee system revealed that since the government holds a majority of seats on the committees one can expect committee amendments to be those endorsed by the government.³⁸ Furthermore, if an MP's utility function within party organisations does indeed operate as predicted by the party government model, such that an MP will act according to the party line in order to accrue personal and career related benefits, then we should not be surprised by this observation.

While the government seems to control the amount of amendments accepted on its legislative package there is no evidence of lax Opposition in either Parliament, whether measured by amendments offered or in terms of division votes received. In fact, it is interesting to note that in both Parliaments the official Opposition is the most active non-government party, in terms of offering amendments and in calling recorded division votes. The official Opposition is responsible for 44 percent of all amendments offered in the 30th Parliament, and 46 percent of these amendments in the 34th Parliament. Furthermore, when one considers the partisan identification of recorded division votes in

³⁸ Thomas "The Influence of Standing Committees of Parliament on Government Legislation" *Legislative Studies Quarterly*, III:4, 1978, 699

Moreover, it is impressive that 35 percent of all amendments offered on government bills in the 30th parliament were done in committee, and 75 percent of all amendments offered were done so in committee in the 34th parliament.

both parliaments it is readily noted that the number called by the official Opposition party outnumber those called by the other parties, at every stage in the process.

Once again, these results are compatible with the institutional design of parliament and the party government model. First, the official Opposition is formally recognised by the parliament and thus has more opportunity to voice its dissent in the House. Second, the official Opposition is expected to utilise these opportunity structures, thereby positioning themselves as a ‘government-in-waiting’. In other words, the official Opposition will utilise its ‘right to oppose’ in order to set itself apart from, and act as a restraint upon, the governing party regardless of its expected success at influencing government policies.

These data not only substantiate the party government model, they act to contradict those who would suggest that opposition on government bills is scarce, and does not occur in the early stages of the legislative process. According to Rose over 80 percent of the British government’s legislative package receives no division votes,³⁹ while Jackson and Atkinson suggest that parliamentary norms dictate that legislation will not often be opposed prior to consideration by committee. If Rose’s British data are used as a benchmark by which to measure and compare the amount of opposition in Canada’s parliaments we find that the 34th Parliament deviates greatly. In fact, while the 30th Parliament’s data corresponds to Westminster, the 34th Parliament demonstrates a three-fold increase in the occurrence of division votes. On its own this increase in opposition between the two Canadian Parliaments does not suggest that Rose’s conclusions about party government in Britain cannot be applied to Canada. However, when one considers the argument put forth by Strachan that the official Opposition in the 30th parliament was weak and lacked leadership, coupled with Franks’ concern with the growth of ‘chronic’

³⁹ Rose *Do Parties Make a Difference?*, xxvi

opposition, one is tempted to suggest that the 30th parliament illustrates an exception, not a rule.⁴⁰

Rose goes on to suggest that the amount of opposition experienced by government legislation actually decreases in the later stages of the legislative process. In fact, Rose and Mechelen have noted that only 12.7 percent of all government legislation, between 1945 and 1983, experienced division votes after second reading. The data on Canada's 30th and 34th Parliaments clearly run counter to those of Westminster. These Canadian data suggest that the number of division votes actually increases in the later stages of the legislative process.

The evidence presented by the 30th and 34th Parliaments, therefore, allows for three inferences. First, transferring hypotheses based in Westminster to Canada does not always hold. Second, the party government model infers that the government and Opposition seek conquest on matters of policy and principle. As such, the Opposition will utilise all opportunities in the legislative process that will allow them to fashion themselves as a government-in-waiting.⁴¹ Table 5.1 and 5.2 suggest that government bills do experience amendments and division votes at all stages in the legislative process. That the official Opposition offers the most amendments and divisions further suggests that there is an active attempt to transform and oppose government initiatives. This attempt is, we can note, limited in its success.

Third, examining the amount of amendments and division votes acting upon government bills during the early stages of the legislative process suggests that in a

⁴⁰ Unfortunately, to the knowledge of this author, there are no other data on the Canadian parliament that includes such a measure of opposition. Thus, based upon the anecdotal evidence and descriptive accounts of parliament, one is lead to the conclusion that the 30th parliament is an exception to the rule.

⁴¹ It must be noted that this inference is quite contrary to that made by Rose and Mechelen. These authors conclude that since there is a relative lack of opposition on government bills, at all stages in the process, parliamentary relations can be characterised as "consensual". The inference made for the Canadian parliaments under study here is more in line with that given by Franks, and by King. *Op Cit.*

number of cases the Opposition do not adhere strictly to the norm of parliament outlined by Jackson and Atkinson. In fact, in the 30th Parliament 14 percent of all government bills received division prior to passing second reading. In the 34th Parliament as 47 percent of all government bills received division in first and second reading. This finding suggests that the inherent adversarial nature of the party government model is more pronounced than Jackson and Atkinson's 1945-76 data suggest, and that their findings cannot be readily transferred to the Parliaments under study here.

Table 5.3
Amendments and Division Votes at Each Stage: A Bivariate Correlation Matrix
for the 30th and 34th Parliament

		30th Parliament			34th Parliament		
		DIVISION VOTES					
		2r	CR	3r	2r	CR	3r
AMENDMENTS	2r	.44*	.00	.03	.36*	.01	.26*
	Cttee	.02	.35*	.17*	.00	.19*	.23*
	CR	.17*	.62*	.23*	.16*	.42*	.19*
	3r	.02	.22*	.50*	.19*	.00	.18*

*Note: pearson r results are reported; * indicates significance at the 0.05 level*

Two questions arise from these data: first, is there a correlation between those bills which are attracting opposition and those receiving amendments? And if so, what are the characteristics of these bills? Bivariate analyses between amendments offered and division votes, at each parliamentary stage, are illustrated in table 5.3. In general, the results demonstrate three sets of relationships for both Parliaments. First, there are statistically significant correlations between amendments offered and division votes received at each particular stage in the legislative process. Second, many of those bills which have amendments offered during the committee report stage receive opposition throughout the legislative process, from second through to third reading. Third, a high proportion of those bills which are amended in committee seem to attract opposition in the later stages of the process, but those bills receiving opposition at second

reading do not have a statistically significant relationship with those which receive amendments in committee.

It may be hypothesised that the weakness of this latter relationship between amendments and divisions at second reading and in committee is due to the functioning of party discipline in committee. When a bill is reviewed by a government controlled committee, the opposition which was rendered in second reading cannot find a significant channel of expression --in other words, only government supported amendments are successful here. However, after these bills are amended by committee, they once again attract opposition within the House. Conversely, the opposition which was expressed on the government's legislation during second reading may have been purely symbolic in nature. Thus once in the 'collegial' setting of a committee this opposition fades only to be renewed upon re-entering the House.

While amendments received in committee do seem to indicate a significant relationship with the amount of divisions bills receive at the latter stages of the legislative process, this variable does not predict whether amendments will be offered at these later stages. Bivariate correlations between the amendment variables for both Parliaments reveal, that because a bill may have amendments offered at one stage in the legislative process does not mean it will have amendments offered elsewhere. The one exception to this finding is the relationship between amendments offered in committee and amendments offered at the committee report stage.⁴² Here we find that 35 percent and 49 percent of government bills, in each respective Parliament, have amendments offered during the committee report after they have received amendments in committee. This relationship is similar to that found in Westminster, which Ryle and Griffith explain as a result of government seeking to "reverse any amendments made when the bill was in

⁴² For the 30th parliament, $r = 0.35$ with $p = 0.000$; and for the 34th parliament, $r = 0.49$, $p = 0.000$

committee which it was not willing to accept...”⁴³ It is possible, therefore, that the government parties in Canada will act in a similar manner, putting forth their own amendments during the committee report stage as a result of re-considering earlier positions.

Even though data on division votes reveal the same statistically insignificant relationships as the amendment data, it is interesting to examine those bills that do receive opposition throughout the legislative process. There are 21 bills which receive opposition at each stage, from second through to third reading, in the 30th Parliament and 20 such bills in the 34th Parliament.⁴⁴ Upon examination a trend in the characteristics of these bills reveals itself. This trend is as follows: first, these bills number among those listed in chapter four’s table 4.6, as the most complex pieces of government legislation.⁴⁵ For example, in the 30th Parliament four of the twelve bills listed in table 4.6 re-emerge, including the amendments to the Income Tax Act and the Criminal Law. In the 34th Parliament we find that six of the sixteen acts listed in table 4.6 are among those bills which receive divisions at every stage in the legislative process, including the omnibus bill C-62, NAFTA, and the Public Service Reform Act. Second, these bills represent attempts by both governments to deal with the highly politicised and contentious issues noted in chapter three. In the 30th Parliament such bills include the Air Traffic Control Service Continuation Act, which dealt with the air traffic controllers’ dispute, and the James Bay and Northern Québec Natives Claim Act. While in the 34th Parliament the NAFTA, Canada Elections Act, Referendum Act, and Public Service Reform Act are all notable.

⁴³ Ryle and Griffith *Parliament: Function, Practice and Procedure*, 318-9

⁴⁴ It is because these bills comprise only 7 percent and 8.5 percent of the respective governments’ total legislative package that they do not have an effect on the statistical relationships noted above.

⁴⁵ Once again, statistically significant relationships between bills receiving constant opposition and complexity are not forthcoming, while the substantive significance is evident.

These 'outlying' bills which attract constant opposition lend support to the suppositions of the party government model, in the sense that they uphold beliefs about the nature of opposition in parliamentary systems. It was noted in chapter two that the Opposition will not be able to effectively oppose all matters of government legislation. As a corollary to this assumption, element seven of the party government model suggests that government is not shielded from the effects of the political environment, as events external to parliament can skew even the best laid plans. Such events which have or develop saliency among the Canadian electorate, such as the air traffic controllers' dispute and 1992 Referendum, can therefore be capitalised upon by the Opposition parties. In such cases one might expect to find the Opposition parties acting vigorously to constrain government action within parliament, and using adversarial rhetoric both inside and outside parliament. Through such actions the Opposition attempts to stake out their own position on the issues in question. This posturing and rhetoric is, as Professor King suggests, simply the nature of government-Opposition relations in parliamentary systems. In sum, controversial issues and events allow the Opposition parties an opportunity to present themselves to the electorate as 'governments-in-waiting'. These outlying bills, then, can be said to present themselves as such opportunities for the Opposition parties.

The above examination of the constraints acting upon government legislation in the two Parliaments suggests that governments are not as omnipotent, or shielded from opposition, as the success rates examined in chapter four would suggest. However, these data also reveal that the constraints on government are not as conflictual and omnipresent as implied by Professor Franks. In fact, constant opposition in the form of division votes occurs on only a minority of bills, and these bills often deal with issues that also have great saliency among the public at large. Rather than answering all questions related to

institutional constraints upon government, the above findings suggest more explanation is needed to flesh-out the nature of opposition in parliament. The remainder of this chapter seeks to explore whether there is a pattern to the types of bills which receive opposition in parliament?

Testing Bill Characteristics as Indicators of Opposition

Three categories of bills in both the 30th and 34th Parliaments can be utilised in order to test for relationships between mechanisms of constraint upon government bills. The three categories are Supply and Appropriation, Contentious Issue bills, and those bills introduced by MASDs. The first category, Supply and Appropriation bills, can be hypothesised to present the Opposition parties with the clearest opportunity to oppose government action. Simply put, money bills embody a government's right to govern, as the government controls the 'purse strings' of parliament. As such, the Opposition acts on its parliamentary right of "grievance before supply". Moreover, the nature of this category of legislation embodies a government's taxation and fiscal policies --two policy areas which may have a high saliency among the electorate, and a high degree of ideological division. Thus, these bills provide ground on which the Opposition can distinguish themselves on policy and ideological issues, allowing them to present themselves as a government-in-waiting.

The second category of bills which will be tested are those which are hypothesised to illustrate highly contentious issues. Government bills which involved the following seven issues were coded into the 'most contentious legislation' category:

- Borrowing Authority Acts
- Expenditure Restraint Acts
- Income Tax Amendments
- Excise and Customs Acts

- Federal-Provincial Fiscal Relations
- Election Law and Electoral Boundaries
- Omnibus Bills

Bills falling within these seven domains deal with issues which have regional, financial, and electoral implications. Such bills, therefore, affect interests which traditionally demonstrate great saliency among the public and politicians alike. In particular, regional and electoral issues can be hypothesised to be of great importance to MPs. For example, changes to the electoral boundaries may effect certain MPs' chances for election, while changes in the financial relations between Ottawa and the provinces almost invariably attract opposition from those MPs who represent the regions which are affected negatively. On the whole, all these types of bills can be hypothesised to be salient among both the electorate and parties, and therefore can be capitalised upon by those parties which seek to position themselves as 'governments-in-waiting'.

The third of these categories, the 'Most Active Sponsoring Departments', is the same as that discussed in chapter four, above. This category, Rose and Mechelen suggest, is apt to attract a great amount of opposition in the House due to the symbolic prominence of these ministries and the scope of their legislative actions in the modern state.⁴⁶ Furthermore, as bills introduced by these departments often involve the creation and implementation of new policies they can be hypothesised to be those which the Opposition parties will oppose as they seek to position themselves as a 'government-in-waiting', distinguishing themselves in policy space.

In all three categories of bills the use and success rates of amendment and division votes on government legislation follows the same pattern as that outlined in Table 5.1 and 5.2, above. That is, a majority of amendments and division votes occur at the later stages of the legislative process. Also, a majority of these amendments and division votes taken

⁴⁶ Rose and Mechelen Patterns of Parliamentary Legislation, 59 and 61

at each stage were sponsored by the Opposition parties. And all these Opposition amendments had a success rate of between 0 to 10 percent.

Table 5.4
Total Amendments and Opposition Acting Upon
Three Categories of Government Bills, in Two Parliaments

A. 30th Parliament

	Supply	Contentious	MASD
No. Amdts by All Opp. Parties	1 (0.5%)	46 (19%)	95 (41%)
No. Amdts by Official Opposition	1 (0.7%)	29 (20%)	66 (47%)
No. of Divisions, All Opp. Parties	1 (1.6%)	11 (20%)	39 (63%)
No. of Divisions, Official Opposition	1 (2.7%)	5 (15%)	26 (72%)

B. 34th Parliament

	Supply	Contentious	MASD
No. Amdts by All Opp. Parties	17 (4%)	54 (13%)	210 (50%)
No. Amdts by Official Opposition	7 (3%)	23 (9%)	124 (51%)
No. of Divisions, All Opp. Parties	24 (7%)	51 (14%)	171 (75%)
No. of Divisions, Official Opposition	8 (5%)	18 (10%)	75 (42%)

Note: Numbers in parentheses represent the percentage of the total number of amendments/division votes offered by the respective party groupings.

Table 5.4 lists the total number of amendments and division votes (recorded and unrecorded) upon the three categories of government legislation, levied by all Opposition parties and by the official Opposition. Most immediately, one can note that there is less use of the instruments of opposition in the 30th Parliament than in the 34th. This is to be

expected, as it was noted above that the Conservative opposition of the 30th Parliament demonstrates less activity than its Liberal counterparts in Mulroney's Parliament. This aside, however, there is a relative similarity between the two Parliaments' ranking of the three categories of bills in regard to the percentage of total amendments and division votes they attract. That is, supply bills attract the least amount of Opposition parties amendments and division votes in both parliaments, followed by the most contentious bills, and those bills sponsored by the MASDs, respectively.

Of immediate note is the finding of a small number of division votes and amendments offered upon supply bills in both Parliaments. This category comprises seven and nine percent of each Parliaments legislative package, yet attracts less than one percent of all Opposition amendments in the 30th Parliament and four percent of these parties amendments in the 34th Parliament. Since this category was hypothesised to be a strong area in which the Opposition could present itself as a government-in-waiting, the results are contrary to expectations. An explanation for these results stems from the data on success rates presented in chapter four, and government control of the legislative process. It is possible that the government exerts tight control over supply and appropriation legislation, both in terms of the success rates of its bills and the amendments offered upon these bills, much as it does over its legislative package generally (see Table 5.1, above). For example, it seems reasonable that these bills would be closely guarded by the governing party as they embody the "purse strings" of government, and that without the effective use of this resource a government's policy programme may not come to fruition. In fact, one may expect that if such bills are central to a governments overall ability to achieve its goals they would be guarded very closely indeed. As a corollary, this guarding could entail a curtailment on the opportunities open to Opposition parties in putting division votes and amendments to such legislation (e.g. the use of closure on

debate), making it difficult for the Opposition to effectively present themselves as a government-in-waiting.. As a result, Opposition parties may seek more opportune areas of legislation through which to constrain government action.

The Contentious and MASD categories are, however, more active in terms amendments offered and division votes taken by Opposition parties, in both Parliaments. In particular, the results documented in table 5.4 for MASDs are impressive when one considers that these bills comprise 44 and 60 percent of the respective government's legislative packages, while attracting between 43 and 75 percent of all Opposition party sponsored division votes, and 41 and 50 percent of all Opposition party amendments. Furthermore, when MASD bills are compared to the other two categories of government bills, one can note a substantial increase in activity in amendments and division votes. This increase can be attributed to the fact that the MASDs are not only the most active sponsors of legislation, but they are also apt to introduce a majority of those bills that have the broadest scope and greatest complexity. Thus, as Rose and Mechelen note, these department's legislation are apt to attract a great amount of opposition in the House due to their prominence in the lawmaking process.⁴⁷

In summary, table 5.4 suggest that the supply and appropriation bills do not attract a great deal of Opposition sponsored amendments and division votes in the House of Commons. The lack of these types of opposition on these bills may be a function of the government's control over its legislative programme --a hypothesised by elements four and five of the party government model. However, these data do suggest that the Opposition parties target legislation introduced by MASDs and those bills which can be considered to be of a contentious nature in the attempt to fashion themselves as governments-in-waiting. Finally, it is notable that the pattern of opposition in both

⁴⁷ Rose and Mechelen Patterns of Parliamentary Legislation, 59 and 61

Parliaments is similar, thus leading one to suspect that there may be an institutional bias in the opportunity structures open to non-government parties in expressing dissent. In fact, the pattern that is observable in table 5.4 is reinforced by the pattern of where in the legislative process these instruments are being used, and the ultimate success rates of these instruments when wielded by Opposition parties.

Do Mandates Make a Difference?

The final test for constraint and opposition on party government returns to the mandate domains which were explored in chapter three, above. In table 3.3 each government's legislative package was coded according to the Manifesto Group's seven mandate domains. This table demonstrated that a majority of both governments' legislation falls into the economy, quality of life, social fabric and social group domains. This pattern of domain emphasis for both Parliaments was primarily explained through reference to the types of business that a government must, under the procedures of parliament, present to the House for debate, and by the corresponding emphasis placed on these domains both in the respective government's electoral mandate and throne speech. The hypothesis to be test here, then, follows from this pattern of emphasis in mandate domains. Simply put, do the mandate areas most emphasised by the two governments attract a preponderance of amendments and division votes?

The amendment and division vote data for these mandate domains suggests that the use of these mechanisms follow the same general pattern as for the entire legislative package introduced in both parliaments. That is, a preponderance of opposition occurs in the latter stages of the legislative process, and that the success rates for Opposition sponsored amendments is marginal at best. While these data suggest a similar trend in where amendments and divisions occur in the legislative process, the question to be tested

is, do these mandate domains receive a significant amount of the total activities of the Opposition parties in the respective parliaments? And if so, which domains are the most active?

Table 5.5
The Number of Opposition Party Amendments,
by Mandate Domain, in Two Parliaments

	30th Parliament		34th parliament	
	Total No. By Opp. Parties	Total No. By Official Opp.	Total No. By Opp. Parties	Total No. By Official Opp
External	0	0	19	11
	---	---	(5%)	(5%)
Democracy	81	2	10	5
	(34%)	(8%)	(5%)	(3%)
Poli. System	20	4	35	18
	(8%)	(6%)	(8%)	(7%)
Economy	216	27	183	102
	(92%)	(43%)	(43%)	(42%)
Life Quality	119	10	70	45
	(50%)	(16%)	(16%)	(18%)
Social Fabric	69	11	97	56
	(29%)	(18%)	(23%)	(23%)
Social Groups	76	9	56	37
	(32%)	(15%)	(13%)	(15%)

Numbers in parentheses are the percentages of total number of amendments offered by these parties.

Column percentages do not sum to 100% as bill coding was not confined to one mandate domain. See chapter three for further explanation.

Tables 5.5 and 5.6 outline the total number of amendments offered and division votes rendered by all Opposition parties and by the Official opposition party, on bills falling into each mandate domain. Overall, the findings support the predictions made above. The mandate domains of economy, quality of life, social fabric and social groups attract a total of 82 percent of all Opposition party amendments in the 30th Parliament, and a total of 86 percent of all such amendments in the 34th Parliament. Furthermore, these domains attract 90 percent and 78 percent of all Opposition party sponsored

division votes in the respective parliaments. This observation is not, however, surprising.

In

Table 5.6
The Number of Opposition Party Division Votes,
by Mandate Domain, in Two Parliaments

	30th Parliament		34th parliament	
	Total No. By Opp. Parties	Total No. By Official Opp.	Total No. By Opp. Parties	Total No. By Official Opp
External	0	0	17	9
	---	---	(5%)	(5%)
Democracy	2	1	11	5
	(2%)	(3%)	(3%)	(3%)
Poli. System	4	2	34	16
	(2%)	(6%)	(10%)	(9%)
Economy	27	17	148	68
	(43%)	(53%)	(41%)	(38%)
Life Quality	10	3	55	32
	(16%)	(9%)	(15%)	(18%)
Social Fabric	11	9	89	42
	(18%)	(28%)	(25%)	(23%)
Social Groups	9	5	41	28
	(15%)	(15%)	(12%)	(16%)

Numbers in parentheses are the percentages of total number of division votes offered by the respective party groupings.

Column percentages do not sum to 100% as bill coding was not confined to one mandate domain. See chapter three for further explanation.

chapter three we noted that the economy, quality of life, social fabric and social group domains receive the greatest amount of emphasis in both the mandates and throne speeches of each governing party. In fact, tables 3.2 and 3.3 indicate that these domains account for over 80 percent of all domain emphasis in both parliaments. Furthermore, within these domains there are a number of bills which were noted to be both complex and politically contentious, including the Air Traffic Controllers Act and the Bank Act in the 30th Parliament and the NAFTA and Referendum Act in the 34th Parliament. Such bills present areas where the Opposition parties can distinguish themselves from the governing party in both policy and ideological space, thus explaining an amount of the

attention these mandate domains receive from Opposition sponsored amendments and division votes.

In sum, those areas which are stressed not only in the legislative package of governments, but in their electoral platforms and throne speeches, are also those which receive a majority of the Opposition parties scrutiny on the floor of the House of Commons in the 30th and 34th Parliaments. This observation runs contrary to that of Westminster. In fact Rose states that in Britain government bills “which deal with issues embodied in the party mandate receive very little opposition” in the form of division votes.⁴⁸ This, Rose goes on to suggest, is due to a consensual style of politics operative in Britain, whereby Opposition parties respect a government’s right to govern. Again, if Westminster is to provide a measure by which party government, and the legislative process, in Canada is judged then the Canadian case would appear to have a greater adversarial nature than its British counterpart.

Conclusion

This chapter set out to examine the instruments of constraint and opposition which act upon a government’s legislative package. These instruments are, in theory, meant to support the pillar of parliamentary government in which an Opposition party has the right (if not the duty) to oppose and scrutinise government action. It is this pillar which allows the opportunity for an Opposition party to act as a check on government action while at the same time allowing it to fashion itself as a ‘government-in-waiting’.

Two lines of thought on the operation of this pillar were outlined in the introduction to this chapter. The first argues that the Opposition parties do not utilise the opportunity structures open to them in parliament. In fact, Jackson and Atkinson’s study

⁴⁸ Rose *Do Parties Make a Difference?*, xxvi

suggests that between 1945 and 1976 a norm of parliament developed which curtailed the use of amendments during first and second reading. The second line of argumentation, suggested by Franks, was that Opposition in parliament has developed into obstructionism and a chronic pigheaded mentality --a situation which we hypothesised to mean between one-third and one-half of government bills would be actively opposed by the Opposition parties, at every stage of the legislative process.

The data presented throughout this chapter diverges somewhat from both of these lines of thought. In fact these data suggest that the institutional design of parliament is such that Opposition parties will oppose, but not often to the point of obstruction, and that governments will process their legislative packages with great success, but not in a manner that excludes the scrutiny function of parliament. In fact, while both Parliaments data reveal that between one-third and one-half of all government bills receive Opposition sponsored amendments and division votes, that these bills do not experience such mechanisms of opposition at most stages and that over eighty-five percent of these amendments are not accepted by government, suggests that the operation of the legislative process balances the government's right to govern with the Opposition's right to oppose.

This balance is, however, still one skewed in favour of the governing party. First, the success rates of government amendments is far greater than those of the Opposition parties. Moreover, the success rates for amendments is greatest in the committee stage -- a stage in which Thomas suggests the government retains control of the outcomes. Second, the pattern of Opposition amendments and division votes suggests that the institutions of parliament structure the opportunities for expressing dissent such that most opposition occurs post-committee, much as Jackson and Atkinson observe. As a result, the Opposition is selective in where and when it uses its instruments of opposition. The

Opposition parties in the two parliaments seem to focus much of their opposition on the MASDs' legislation, as well as those legislation which fall into the government's most emphasised mandate domains.

In sum, this chapter's analysis shows that both governing parties and Opposition parties act in much the same manner as predicted in the party government model: that is, governments exert control over the processing and outcome of their legislative package, while the Opposition parties act to fashion themselves as 'governments-in-waiting'. However, governments are not omnipotent, or shielded from opposition, nor is the Opposition pigheaded and obstructionist.

While the data presented in this chapter have not suggested that there is a large degree of constraint acting upon government legislation, the full effects of constraint may be masked. That is, the number of amendments and division votes offered upon government bills may have the effect of slowing down the legislative process, thereby making it difficult for government to govern. After all, the time available for government is finite, and as such is considered a limited and most precious resource. The following chapter seeks to examine time constraints and their effects on government in the Canadian House of Commons during the 30th and 34th Parliaments.

Chapter Six: Time: Government Resource or Institutional Constraint?

A vast majority of time in the House of Commons is spent considering government actions and legislation.¹ In the above chapters it has been shown that much of the activity which occurs during parliament's time is controlled by government. In fact, through an examination of the constitutional design and procedures of parliament, as well as legislative success rates, amendments and division votes we have noted that the institution of parliament is designed such that government will ordinarily be on the winning side of the power differential. That is, the governing party controls the institutional resources and boundary rules which allow it to 'get its business done'.

It can be suggested that time is the most precious resource that a government has, as the number of sitting days in each session and each parliament are finite. However, the procedures of parliament ensure that government has the upper-hand in the allocation and use of this resource. For example, with the exception of the twenty-two Opposition (or Supply) Days each session, the government determines the timing of the introduction and debate on all bills in the House.² Furthermore, if a government wishes to circumvent any opposition on its legislation it has control of the parliamentary procedures to do so. Two such procedures include the ending of debate on a certain matter with 'closure', and the ability to set 'time limitations on debate'. Closure was introduced in the Canadian House in 1913 to prevent the Opposition from being able to 'talk out' a bill, while the power to set time limitations on debate was introduced in 1927 to prevent filibusters by the

¹ In Westminster, over 75 percent of each session is dedicated to government matters. Michael Ryle and J.A.G Griffith *Parliament: Functions, Practice and Procedure*, London: Sweet and Maxwell, 1989, 297

² The scheduling of House business is, however, often conducted in conjunction with the Whips and Party Leaders of the Opposition parties, albeit informally. See Paul G. Thomas "The Role of the Government House Leader in the Canadian House of Commons" *Canadian Journal of Political Science*, XV:1 March 1982, 126-44; and C. E. S. Franks *The Parliament of Canada*, Toronto: University of Toronto Press, 1987, 185

Opposition.³ Therefore, the procedures of the House have developed such that governments retain control over the allocation of time, clearly keeping the power differential of parliament skewed in their favour.

Government control does not, however, imply that the Opposition is impotent. On the contrary, Rose and Mechelen suggest that while governments may have the upper-hand in the allocation of time, the Opposition can use “each stage in the legislative process as an opportunity to make life difficult for the government.”⁴ In fact, Mallory suggests that,

the structure of the consideration of business is such that the House does not take one topic at a time and follow it through to the end. Rather, the House divides each sitting day ‘by the clock’. This makes for shorter debates and an opportunity for the Opposition to study what has been said and how to oppose government.⁵

Furthermore, Ryle and Griffith argue that time delays by Opposition parties are possible, and are a reality for parliament, and that such action can have beneficial effects for these parties. First, time delays on government bills help to draw the attention of MPs, media and publics to the contents of a particular bill, thus allowing for greater scrutiny. Second, such delay may enable alternatives to be drafted to a controversial bill. Third, and perhaps most convincingly, such action presents an opportunity for the Opposition parties to embarrass government and position themselves as a government-in-waiting.⁶ Thus, using the adversarial mechanisms of parliamentary debate the Opposition parties have the

³ See for an explanation of these procedures, Robert Jackson and Michael M. Atkinson The Canadian Legislative System: Politicians and Policy Making, Toronto: Macmillan Co. Of Canada, 1980, 116-19; and Michael Jogerst Reform in the House of Commons: The Select Committee System, Lexington, Kentucky: University of Kentucky Press, 1993, 27

⁴ Richard Rose and Denis Van Mechelen Patterns of Parliamentary Legislation, Altershot, UK: Gower Publishing Co., 1986, 79

⁵ J.R. Mallory The Structure of the Canadian Government, Toronto: Macmillan of Canada, 1971, 259-60

⁶ Ryle and Griffith Parliament, 315

potential to set the climate in the House, and therefore force the “government to govern with the Opposition in mind.”⁷

This chapter seeks to examine further the ability of government to process its legislative package, even in the face of pressures from the Opposition parties. However, in this chapter the pressure which a government encounters is not solely the use of instruments of opposition and scrutiny originating with those members on the other side of the House. Rather, the pressure acting upon government that is to be examined here is simply the limited amount of time in each parliamentary session that a government has to process its legislation. In particular, a number of questions regarding the length of time it takes bills to traverse the legislative process, and certain stages of this process, will be examined. This examination will proceed through a general overview of all government legislation and by the different categories and characteristics of this legislation. Following from this, a number of relationships between time and opposition will be explored. For example, do the use of amendments and division votes by Opposition parties act as a brake on the government’s desire for an expedient processing of its bills? The ability to explore such relationships will illustrate the true nature of the two Parliaments under study here, and allow a greater understand of the constraints which act upon government legislation in particular.

Processing Government Bills: How Long Does it Really Take?

Data relating to the total time it takes for government bills to traverse the legislative process are presented in charts 6.1 and 6.2. Chart 6.1 data illustrates data for the average elapsed number of parliamentary sitting days government bills take to traverse each stage

⁷ Paul G. Thomas “The Influence of Standing Committees of Parliament on Government Legislation” *Legislative Studies Quarterly*, III:4, 1978, 686

Chart 6.1:
Elapsed Processing Time In Two Parliaments

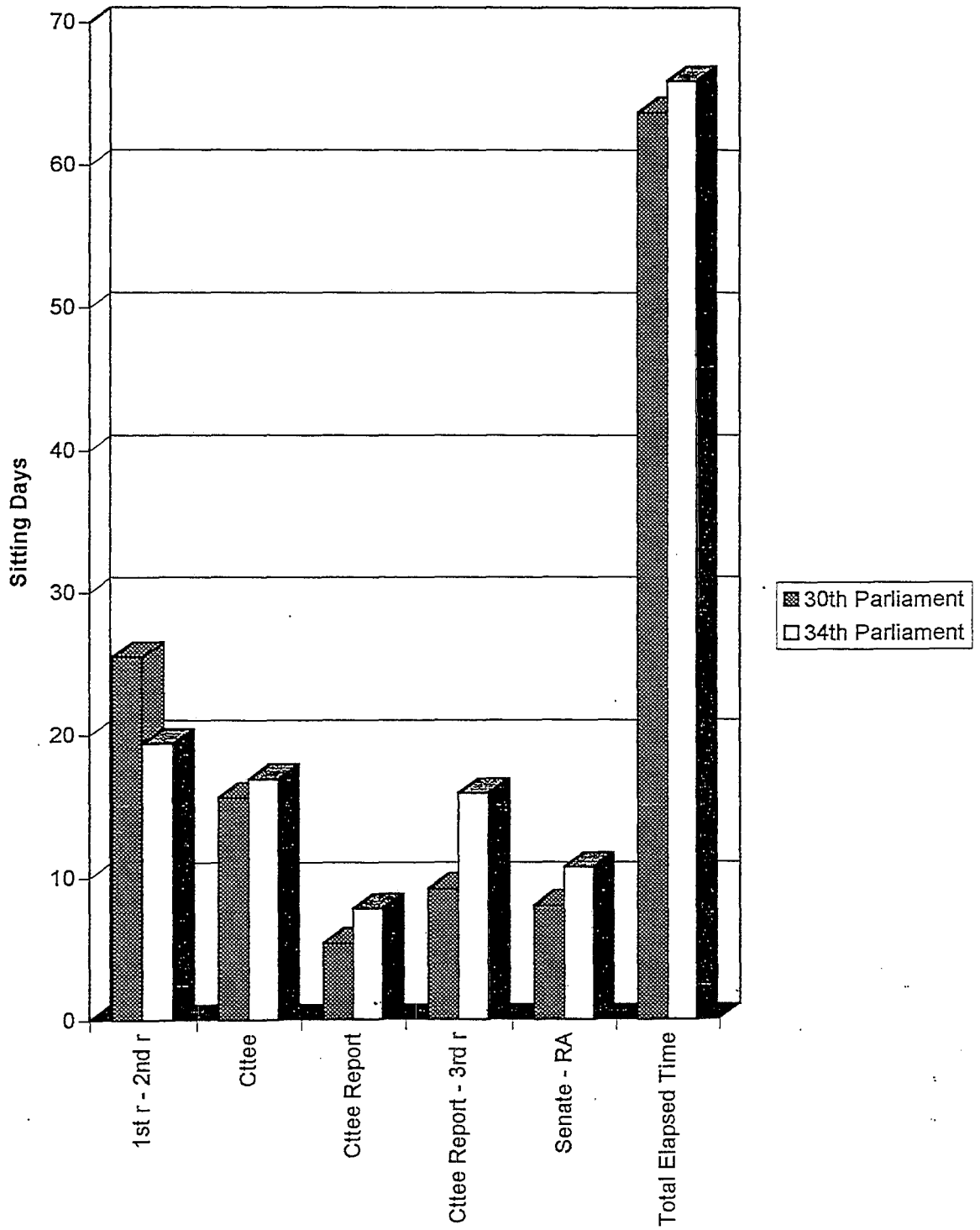
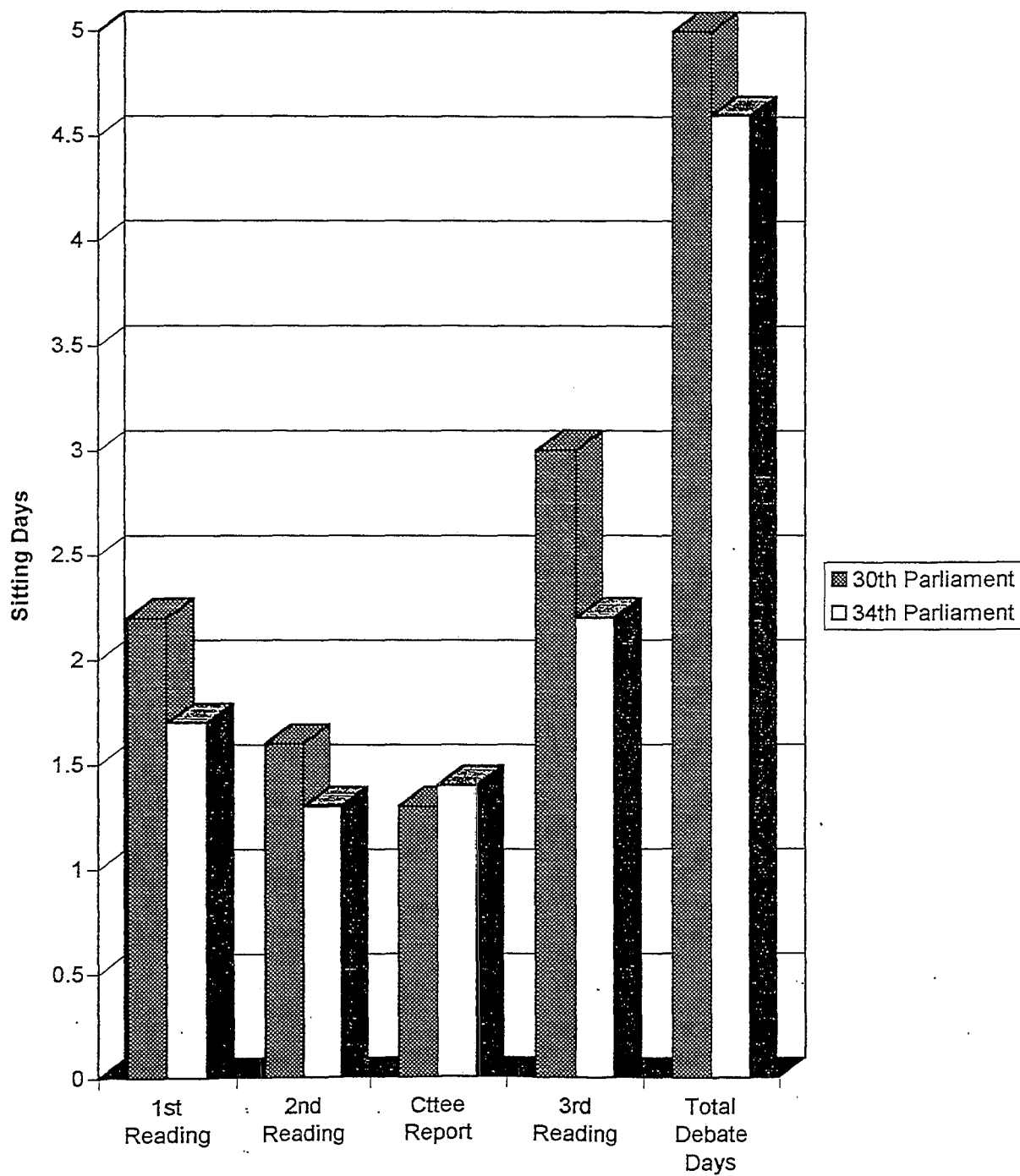


Chart 6.2: Average Number of Sitting Days Government Bills Are Debated in the House of Commons



of the legislative process, and the entire process, for both Parliaments. That is, at each stage each bill was coded according to the elapsed sitting days that it took to move from its introduction at that stage to its eventual passage at that stage. Chart 6.2 examines the average number of parliamentary sitting days government bills are debated, by stage and in total.

Upon examination of these charts one is immediately struck by the similarity of these data between both Parliaments. This similarity can be explained readily with reference to the institutions of parliament. First, all bills must traverse the legislative process in the same manner; that is, all bills must move from first reading through to third reading in the House, with the main difference in processing coming with the choice of which committee to examine the legislation. Second, as Mallory notes, this process is “divided by the clock”, with no one piece of legislation being dealt with from first through to third reading in one day.

Having noted the immediate similarity between the Parliaments, how do these data compare to other Parliaments? And what are the ‘sticking points’ for government bills in this process? Rose and Mechelen suggest that in Westminster it takes government legislation an average of eight weeks to move from introduction through to passage.⁸ The Canadian data suggests that it takes an average of twelve to thirteen weeks for government bills to traverse this process --i.e. 63.7 sitting days in the 30th Parliament, and 65.9 sitting days in the 34th Parliament. Roughly, then, there is an average difference of three to four weeks between the UK and Canadian parliaments’ time to process government bills. Thus, there is a gap between the two nations institutions in this respect. However, Westminster introduces approximately 50 bills per session, while the two Canadian governments studied here introduced between 65 and 138 bills per session.

⁸ Rose and Mechelen Patterns of Parliamentary Legislation, 81

The difference in the number of sitting days it takes to process government legislation, then, may be explainable by the difference in the amount of legislation the respective nations' governments attempt to pass.

Furthermore, Jackson and Atkinson note that between 1945 and 1970 the amount of time spent debating government bills in the Canadian House of Commons, between first and third reading, is 3.4 sitting days.⁹ Comparing the data presented in chart 6.2 and those of Jackson and Atkinson suggests that the 30th and 34th Parliaments' legislation takes longer to process, as the average number of sitting days that bills were debated stand at 5.0 and 4.5, respectively.¹⁰ The marginal increase in number of sitting days that is notable between these two data sets is in line with what Jackson and Atkinson explain as a "downward trend in lawmaking performance", which is a function of the "increasing complexity in legislative interaction."¹¹ That is, these authors suggest that increased demands on legislators by interest groups, the expansive bureaucracy, and general increasing "intricacy of bills" are factors that act to constrain a government's ability to legislate in an expedient manner.¹² However, it was noted in chapter four that the average complexity of the governments' legislative package did not differ greatly between the 30th and 34th Parliaments, nor did these two Parliaments' bills differ greatly from the complexity data presented by Jackson and Atkinson for the 1945-70 period. Therefore,

⁹ Jackson and Atkinson *The Canadian Legislative Process*, 179

¹⁰ It must be noted that these data **do not** include the number of sitting days which committees debated government bills. Thus, the reported number of sitting days reflects only those during which the bill was dealt with on the floor of the House of Commons. The data presented by Jackson and Atkinson follow this same method, and thus do not present any methodological problems when used for comparison.

However, it must be noted that the data presented here are mean scores. This presents a problem when trying to compare the two data sets: the amount of variation is hidden. This gives one a distorted view of the number of sitting days it actually takes on average to pass government bills. The use of median scores would have corrected for this problem. However, here I am constrained by the use of Jackson and Atkinson data to the use of mean values.

¹¹ *Ibid.*, 178

¹² *Ibid.*, 180

rather than suggesting that the “downward trend in lawmaking performance” is a function of bill complexity, these data infer that the 30th and 34th Parliaments’ governments have not been able to tighten their control over the legislative process. In fact, the marginal increase in the average number of sitting days it takes for these governments to process their legislation suggests that overall control is loosening.

Having noted the overall average time it takes governments to process their legislation, we can now turn to an examination of the particular stages within this process. Based on the proceeding chapters we can expect a number of trends to be evident here. For example, after examining mechanisms of opposition in chapter five, we may expect to find that since a majority of amendments were made and division votes held were at the later stages in the legislative process, the processing of bills would be slower at these points. Second, it was also noted in chapter four that a vast majority of those government bills which die do so prior to, and at second reading. Based upon the observances of Paul Thomas, the reason given for bills dying at these stages was that they did not have the backing and commitment of the government. As such, we may expect to find that, on average, the time between first and second reading is greater than most other stages as these dying bills simply enter into a void in the legislative process, where they are not debated for great lengths of time. Furthermore, as a government has limited time to process its legislation we may expect the length of time between first and second reading to be a longer than most due to timetabling constraints on the order in which bills will be introduced, debated and voted upon.

The data presented in charts 6.1 indicates that three points act as constraints to the expedient processing of government legislation, and that these points are the same in both Parliaments. These points are, the elapsed time between first and second reading, the amount of time bills spend outside the House in committee, and the elapse time it takes

bills to traverse the Senate and receive Royal Assent. By far the longest time which elapses during the legislative process is between first and second reading. The mean duration here is 25 sitting days (or 5 weeks) and 19 sitting days (or almost 4 weeks) for the respective Parliaments. This time period is as predicted, but it is not a function of the order in which government bills are introduced into the House of Commons. That is, while the order in which bills appear on the Order Paper is in most cases the order in which governments actually introduce this legislation, it is not a factor causing the long delay between these two readings.¹³ Thus, one is led to suggest that a plausible factor for this delay is simply that those bills which take the longest to process at this early stage are either those which the government finds most difficult to mobilise support for, or are those which the government is least concerned with passing (or, as Thomas suggests, they are ‘trial balloons’).¹⁴

The second stage at which government bills spend a large amount of time is during committee consideration. Here the average duration of a bill between being sent to committee and that committee reporting back to the House is 15.6 sitting days and 16.9 sitting days, for each respective Parliament. That, on average, government bills spend over three weeks between being referred to committee and committee report is perhaps evidence that this stage is the most effective in accomplishing the scrutiny function of parliament. Ryle and Griffith suggest that in Westminster the amount of time government bills spend in committee is a good indicator of the amount of opposition the government is encountering. The Canadian data seem to indicate that Ryle and Griffith’s claim can be adapted to the Canadian Parliament. However, such a notion must be

¹³ A bivariate correlation between the elapsed time between first and second reading (y) and the order that the bills appear and are introduced into the House of Commons (x) results in a $r = 0.03$, $p = 0.13$

¹⁴ Paul Thomas “Parliamentary Reform Through Political Parties” in John C. Courtney (ed.) The Canadian House of Commons: Essays in Honour of Norman Ward, Calgary: Calgary University Press, 1985, 45

tempered by the fact that the government party dominates and controls the committees. For example, it was suggested in chapter five that the majority of amendments that emerge out of the committee are those which originate from a government party member. Furthermore, three weeks represents approximately one quarter of the entire time that government legislation spends in parliament. Thus, when these data are put in perspective they suggest that the committees do act as constraints upon government, especially if we consider that this stage is only one of five in the House of Commons.

However, this notion of committees as a constraint on government is tempered when we separate those bills which receive consideration by committee of the whole from those which go to standing or legislative committees. As table 6.1 demonstrates, those bills which are considered in committee of the whole are processed significantly faster

Table 6.1
Difference of Means Test: Time by Committee of the Whole
and Other Committees

A. Time Spent in Entire Legislative Process				
	30th Parliament (N=71)		34th Parliament (N=52)	
	Ave. Time	\bar{x} Difference	Ave. Time	\bar{x} Difference
Cttee of Whole	25	-61*	16.8	-64.8*
B. Time Spent in Committee Stage				
	30th Parliament (N=71)		34th Parliament (N=52)	
	Ave. Time	\bar{x} Difference	Ave. Time	\bar{x} Difference
Cttee of Whole	3.1	-19.5*	1.0	-22.8

* Denotes statistical significance at a 95 percent confidence level

Time is measured in elapsed parliamentary sitting days

Results of the difference of means tests are compare the average time of those bill processed in committees of the whole and the average time of those bills processed by other committees.

than all other legislation, in both Parliaments. Furthermore, the median time spent by bills in committee of the whole for both parliaments is one sitting day. Therefore, we can infer that the committee stage does not always present itself as an obstacle to the passage

of government bills, especially when we consider that 25.7 percent of government bills in the 30th Parliament and 22.2 percent of these bills in the 34th Parliament are processed through committees of the whole.

The final stage which these bills appear to spend a great portion of their overall processing time is the Senate. Again, however, this stage does not present a significant obstacle for either parliament, as it took an average of two weeks for Trudeau's legislation to traverse the Senate and three weeks for Mulroney's legislation. While there is a notable difference between the two parliaments here, it is one that was temporary in nature, due to the fact that the Senate, during Mulroney's first and second sessions of Parliament, was dominated by Liberal members. This, as was noted in chapter five, led to the Senate acting as a constraint on government legislation as it rejected and offered amendments on a large proportion of the Conservative government's legislation. This constraint was, however, eradicated with the now infamous "Senate stacking" by prime minister Mulroney, in 1991. In fact, the median time spent in the Senate by the Mulroney government's bills after this change in the balance of power is exactly the same as the median for Trudeau's Parliament --i.e. an average of 8 sitting days. Furthermore, as was noted in chapter five, the number of amendments and opposition that the Senate posed for governments in both Parliaments was extremely low when compared to the number offered in the House of Commons. Thus, the Senate clearly cannot be considered to be a constraint on government bills.

In conclusion, these data illustrate that there was not much difference between the Trudeau and Mulroney Parliaments in the amount of time it took to process their respective legislative programmes. Nor was there much difference between the average number of sitting days each bill was debated, when measured either at each stage or for the total floor time of the House of Commons. Moreover, both governments' bills

experienced most constraint at second reading, committee and in the Senate. These data, then, do not indicate that the two governments encountered consistent constraints in the legislative process such that the process became impassable, or obstructionist.

Supply, Contentious, and MASD legislation

In chapter five it was noted that the number of amendments and division votes received on these categories of government bills were not indicators of the amount of constraint governments encountered in the legislative process. It was further suggested that a reason for this lack of opposition was that governments retain a tight control over those bills which are seen to be central to its activities. For example, supply and appropriation bills and those deemed to be of a contentious nature, such as amendments to the electoral law, can be seen as objects of tight party discipline and government defined “rules of the parliamentary game”.

Table 6.2
Supply, Contentious, and MASD Bills: Average Processing Time and Debate
In Two Parliaments

	<u>30th parliament</u>			<u>34th Parliament</u>		
	Supply (N=22)	Contentious (N=39)	MASD (N=142)	Supply (N=32)	Contentious (N=58)	MASD (N=125)
Ave.	5.3*	27.5*	55.1*	27.4*	43.4*	56.4*
Process	(-65)	(-45.9)	(-19.3)	(-45)	(-43)	(-22)
Ave.	3.0*	1.2	3.2	4.4	4.9	4.3
Debate	(-2)	(-0.6)	(1.0)	(-0.2)	(-1.0)	(-1.1)

*Denotes statistical significance at the 95 percent confidence level

Numbers in parentheses represent the difference of the means between these categories and all other bills.

Time is measured in parliamentary Sitting Days, where Process is the total average elapsed time, and Debate is the total average sitting days debated at all stages.

The data presented in table 6.2 shows further evidence for the hypotheses of chapter five. In all three categories of bills, across both Parliaments, there is a

statistically significant difference in the average amount of time which these bills spend in the legislative process compared with all other bills. The most substantial difference in processing time for both Parliaments is shown by the supply and appropriation bills, which in the 30th Parliament took an average of 65 sitting days less to process than all other types of government bills, and in the 34th Parliament took 45 sitting days less. The most obvious reason for the shorter processing time of these bills is simply that they are processed by committees of the whole which, as was noted above, take a median of one sitting day to complete. Just as impressive are the results of the other two categories of bills, which take an average of 19 and 45 elapsed sitting days less to process than all other government bills in the respective Parliaments.

Of further note are the stages in the legislative process at which these bills spend the longest time. Like the data for all government bills, these three categories of bills spend the greatest amount of time moving from first to second reading, in committee, and traversing the Senate. However, in all cases these three categories of bills spend less than 50 percent of the total elapsed sitting days in these stages than all other categories of government legislation. Thus, the evidence shows that while the most constraint, in terms of processing time, seems to occur at the same three stages as all other government bills, these three categories of bills experience less constraint than all other bills. This lower amount of constraint may be due to the control government has over these bills. In other words, those bills which are central to a government's goals and operations are processed significantly faster than all other bills.

This tight government control is demonstrated further when one examines the use of such instruments as closure (Standing Order 57) and time limitations on debate (Standing Order 75C in the 30th Parliament, and SO 78 (3) in the 34th). Table 6.3 illustrates that these bills received a notable proportion of these instruments. These data

suggest both that the amount of opposition the governments encounter on these bills was sufficient enough for them to invoke strong measures to alleviate the constraint of

Table 6.3
The Use of Closure and Time Limitations On Supply,
Contentious and MASD legislation

	30th parliament			34th parliament		
	Supply	Contentious	MASD	Supply	Contentious	MASD
Closure	0	0	0	2 (15%)	6 (46%)	11 (85%)
Limit.	0	2 (25%)	6 (75%)	4 (16%)	9 (38%)	14 (58%)

*Number in parentheses is the percentage of the total number of time this instrument was used by government, for all legislation.

opposition debate. This desire for expediency is further evidenced by the fact that those bills which received Standing Order 57, 75C, or 78(3), all demonstrate a processing time that is significantly lower (statistically and substantially) than all other government bills. In fact, in the 30th Parliament those bills which received SO 75C spent an average of twenty five less sittings days in the legislative process than all other bills, while the 34th Parliament's bills receiving SO 57 and/or 78(3) were processed between 76 and 108 sitting days faster. Furthermore, these three categories of bills already indicated a faster processing time than all other government bills. Thus the use of Standing Orders 57, 75C, and 78 (3) seem to illustrates a desire for great expediency, and that the government party will attempt to control the outcomes of their business much as the party government model suggests.

Finally, while there is evidence of tight government control in terms of the overall time spent in processing these types of legislation, the evidence does not indicate that these bills spend significantly less time in actual debated (table 6.2). On the contrary, the bills spend an average amount of time in debate that is equivalent to the average for all

government bills. This finding suggests that expediency in terms of processing these three categories of bills does not equate to a lack of House debate and scrutiny. Rather, expediency is simply a function of the government's desire to shorten the time frame for passing a particular piece of legislation without overriding the Opposition's parliamentary right to oppose.

Mandate Domains and Time Constraints

In chapter four we saw that a majority of government bills in the 30th and 34th

Table 6.4
Process and Debate Time: Testing Mandate Domains in Two Parliaments

	<u>30th Parliament</u>				<u>34th Parliament</u>				
	<u>Ave. process</u>	<u>Diff. of means</u>	<u>Ave. debate</u>	<u>Diff. of means</u>	<u>Ave. process</u>	<u>Diff. of means</u>	<u>Ave. debate</u>	<u>Diff. of means</u>	
External (N=6)	113	+50	3.0	-2.0	External (N=12)	66	+0.1	3.6	-0.6
Democracy (N=24)	54	+10	3.9	-1.0	Democracy (N=2)	35	-31*	4.8	+0.6
Poli. System (N=14)	60	+3.5	6.0	+1.0	Poli. System (N=15)	87	+22	6.5	+2.3*
Economy (N=91)	71	+12	5.7	+1.0	Economy (N=83)	74	+13	4.6	+0.6
Life Quality (N=36)	81	+20	5.6	+0.7	Life Quality (N=31)	83	+20	4.4	+0.2
Social Fabric (N=21)	71	+7.7	6.6	+1.7	Social Fabric (N=38)	84	+22	4.2	+0.8
Social Groups (N=34)	78	+16	4.9	-0.07	Social Groups (N=35)	51	-17	4.0	+0.3

* Denotes statistical significance at the 95 percent confidence level.

Time is measured in parliamentary sitting days. The average processing time is elapsed sitting days.

N reported is the number of bills coded for each mandate domain.

Parliaments fall within the economic, social fabric, social groups, and quality of life domains, while in chapter five it was demonstrated that these same bills receive a preponderance of the opposition offered. Here we shall examine whether the bills in these mandate domains also experience greater time constraints in the legislative process

than bills in the other domains. Table 6.4 presents the data for the average amount of processing and debate time received by government bills in the respective mandate domains. This table also presents the results of difference of means tests between the average processing and debate time taken by bills in a given mandate domain and those bills in all other domains.

The data in table 6.4 reveals that only those bills which fall onto the democracy and political system domains in the 34th Parliament receive a significantly different processing and debate time than all other government bills. In fact, bills in the democracy domain were, on average, processed within 35 sitting days --a difference of 31 sitting days , or six weeks less than the average bill-- while the bills in the political system domain received an average of 6 and one half days of debate. Due to the low number of bills included in these domains it is impossible to generalise these results to the other parliaments. However, the characteristics of the bills in these domains do suggest reasons why they have differing processing and debate times. For example, the Referendum Act, 1992, is included here. This bill was introduced by prime minister Mulroney in response to the increasing public demands for a referendum on the Charlottetown Accord. This issue was of utmost importance to the Mulroney Conservatives and, as demonstrated in chapter five, attracted a lot of the Opposition party's attention on the floor of the House in the form of amendments and division votes. However, the Mulroney government demonstrated its ability to push through its legislation, even in the face of opposition.

The political system domain's data is affected by the Public Service Reform Act, 1991. This bill received total of 13 days of debate, a much greater amount than the average bill during the Mulroney parliament, and took a total of 172 days to move from first reading to Royal Assent. Furthermore, as noted in chapter five, this bill attracted a

greater than average amount of amendments and division votes.¹⁵ These data indicate that the overall results of this domain are skewed by this outlying bill. Thus, with this exception taken into account one can suggest that the average debating time for bills in this domain is more in line with the average for all other government bills.

The ability of government to process its legislation even in the face of opposition is illustrated further when table 6.4 is considered in conjunction with table 5.5, above. In table 5.5 it was shown that the latter four mandate domains attracted a large number of all amendments and divisions offered, both from the Official Opposition and by all other Opposition parties. Yet in table 6.4 there is no evidence that the bills which fall within these domains take any longer to process or debate than the average bill in the whole legislative package. It is possible, then, to suggest that the activities of “governments-in-waiting” do not constrain a government’s control of ‘time’ in the Canadian Parliament. And thus we cannot suggest that bills which fall into any particular domain experience any more or less constraints than any other bills in a government’s legislative package.

Amendments, Division Votes, and Time Constraints in the House

Having examined certain characteristics of government legislation in relation to time constraints in the House of Commons, a final factor regarding this legislation should be explored. In particular, the question to be examined is, do the stages of the legislative process in which bills receive most amendments and divisions affect the amount of time spent in processing those bills? Or, more generally, do these amendments and division votes explain the amount of variation on the amount of time bills spend being debated and processed in Parliament?

¹⁵ A total of 45 amendments were offered on this bill, and received 15 division votes.

Table 6.5
Processing Time of Parliament: Do those bills receiving amendments
at particular stages take longer to process?

	30th Parliament's Ave. Process Time		34th Parliament's Ave. Process Time
2nd Reading (N=11)	82.8 (20.0)	2nd Reading (N=22)	74.0 (9.0)
Cttee (N=53)	88.8* (33.6)	Cttee (N=102)	88.0* (44.0)
Cttee Report (N=51)	103.8* (55.0)	Cttee Report (N=91)	90.4* (43.0)
Third Reading (N=21)	78.0 (8.0)	Third Reading (N=21)	98.3* (34.0)

*Denotes statistical significance at the 95 percent confidence level

Numbers in parentheses are the results of difference of means test between bills that receive amndts at these stages and all other bills.

Time is measured in elapsed parliamentary sitting days.

N reported is the number of bills receiving amendments at each stage.

Tables 6.5 through 6.8 illustrate that amendments and division votes offered upon government legislation do in fact have a substantial impact on the average amount of time it takes for such legislation to be debated and processed through the House of Commons. In fact, in table 6.5 we see that at all stages, except for second reading in both parliaments and third reading in the 30th Parliament, there is a statistically significant increase in the number of sitting days it takes to process legislation when opposition manifests itself in amendments and divisions. Once again, we see that when amendments are offered in the latter stages of the legislative process it takes longer for governments to process their bills.

Furthermore, these tables reveal that the greatest and most consistent constraint on the time it takes to process government legislation occurs in the committee report stage. For example, table 6.5 indicates that amendments at this stage causes an increase of between 43 and 55 sitting days (or nine to eleven weeks) in processing time, while table 6.8 indicates that debate at this stage is increased by between 1.5 and 3.0 sitting days

when division votes are offered. This, leads us to ask if there are any reasons why the Opposition parties should use this stage so consistently to challenge government business?

	30th Parliament's Ave. Process Time		34th Parliament's Ave. Process Time
2nd Reading (N=23)	109* (51.0)	2nd Reading (N=47)	64 (2.0)
Cttee Report (N=34)	122* (68.0)	Cttee Report (N=115)	74* (17.0)
Third Reading (N=39)	77.0 (1.0)	Third Reading (N=94)	66.4 (.06)

*Denotes statistical significance at the 95 percent confidence level

Numbers in parentheses are the results of difference of means test between bills that receive division votes at these stages and all other bills.

Time is measured in elapsed parliamentary sitting days.

N reported is the number of bills receiving amendments at each stage.

	30th Parliament's Ave. Debate Time		34th Parliament's Ave. Debate Time
2nd Reading (N=11)	12.7* (8.2)	2nd Reading (N=22)	6.7* (2.0)
Cttee (N=53)	6.5 (2.1)	Cttee (N=102)	4.5 (0.5)
Cttee Report (N=51)	7.1* (3.0)	Cttee Report (N=91)	5.2* (2.0)
Third Reading (N=21)	10.4* (5.7)	Third Reading (N=21)	6.7* (3.0)

*Denotes statistical significance at the 95 percent confidence level

Numbers in parentheses indicate the results of difference of means test between bills that receive amdts at these stages and all other bills.

Time is measured in actual parliamentary sitting days.

N reported is the number of bills receiving amendments at each stage.

The first, and most obvious answer to this question is given with reference to tables 5.1 and 5.2, in chapter five. In these tables it was demonstrated that, next to the committee stage itself, the committee report receives the greatest number of amendments offered by Opposition parties. Furthermore, it is at this stage that most division votes occur. The amount of activity at this particular stage can be explained by the nature of the debate that occurs here. For it is at this stage that the amendments offered by the committee are examined, voted upon and perhaps rejected. Furthermore, as Ryle and Griffith point out, it is at this stage that the Opposition has the opportunity to re-present amendments that may have been defeated in committee, and it is here that a government can reconsider its goals and the amendments which it accepted from the committee.¹⁶

Table 6.8			
Debate in Parliament: Do those bills receiving division votes at particular stages take longer to debate?			
30th Parliament's		34th Parliament's	
Ave. Process Time		Ave. Process Time	
2nd Reading (N=23)	7.1* (3.0)	2nd Reading (N=47)	5* (1.5)
Cttee Report (N=34)	6.7* (3.0)	Cttee Report (N=115)	5* (1.5)
Third Reading (N=39)	6.8* (2.2)	Third Reading (N=94)	5.2* (1.7)

*Denotes statistical significance at the 95 percent confidence level

Numbers in parentheses are the results of difference of means test between bills that receive division votes at these stages and all other bills.

Time is measured in actual parliamentary sitting days.

N reported is the number of bills receiving amendments at each stage.

In general, however, these data in tables 6.5 through 6.8 demonstrate that opposition in the form of amendments and division votes have an effect on the time it takes governments to debate and process their legislative packages, at all stages in this

¹⁶ Ryle and Griffith Parliament, 318-9

process. Thus, the data presented in chapter five --data which suggests that, overall, there was not much constraint on a government's legislative package when measured in terms of amendments and division votes-- is placed in a new light. While constraints on government action are evident, one must now ask, do these data demonstrate that governments are restrained in the processing of their legislation?

First, these data do not suggest that governments face constant opposition and time constraints when attempting to pass their legislation. For example, table 5.1 and 5.2 show that the number of bills receiving amendments and divisions at second reading is low. Thus, when the average duration of those bills which receive such forms of opposition are tested, one is actually testing the duration of a minority of government bills. The result is the mean duration of a small set of bills which deviate from the norm in attracting opposition. The same can be said for the test results for the duration of bills which receive opposition at third reading. Therefore, one has to temper the results presented in tables 6.5 through 6.8 with the understanding that in all cases less than one-third of all government bills from each parliament are represented here.

That is not to say, however, that the results presented above cannot provide insights into the operation of the party government model and the legislative process. On the contrary, these bills illustrate where opposition and time constraints on government exist. Furthermore, many of the bills which have to deal with these time constraints are the same bills which were noted to be most complex (table 4.6) and those which attract a great number of amendments and division votes by Opposition parties, as noted in chapter five. Thus, a trend in the targets of opposition can be discerned, as such bills as Mulroney's Public Service Reform Act and Canada Elections Act, and Trudeau's Air Traffic Control Service Continuation Act and Income Tax Act Amendment, all emerge as those which encounter time constraints.

Conclusions

This chapter has sought to examine the time constraints that a government must face while trying to process its legislative package through parliament. Time, it was suggested, is the most precious resource that a government holds due its finite nature. The institutions of parliament, however, are such that this resource can be controlled by the government of the day. Two procedures are available to governments in this regard, through the standing orders allowing closure on debate, and those allowing time limitations on debate. The question put was, to what extent do governments experience time constraints in the processing of their legislative packages?

The data presented throughout this chapter have indicated that the 30th and 34th Parliaments' bills took marginally longer to process than previous Canadian parliaments, and those of Westminster. Second, the data suggests that there are three stages in the legislative process where bills in both Parliaments linger for the longest amounts of time - second reading, committee, and the Senate. Third, tests were carried out on different categories of legislation in order to examine if these categories suggest indicators of opposition and overall constraint. Rather than finding that supply and appropriation bills, contentious bills, and MASD bills experience time constraints, we found that they were processed more quickly. To assist in the expeditious processing of these bills the governments of both Parliaments used closure and time limits on debate. Thus, expedient processing seems to be the common for these categories of government action. Finally, the mandate domains did not suggest themselves as indicators of which bills experience time constraints.

In fact, the only areas which presented themselves as statistically significant indicators of time constraint upon government business were amendments and division votes. This suggests that the 'governments-in-waiting' can effectively oppose

government and act as a break on a government's control of the legislative process in some cases. However, this does not equate to obstruction by Opposition, as the number of cases in which Opposition parties do effectively constrain the government's use of parliamentary time are limited. An explanation for this limited opposition is given by Thomas, as he suggests that a government's timetabling of business is often achieved in consultation with the Opposition Whips. Thus, it is possible that this norm of parliament may modify the government-Opposition relationship such that effective constraints will only be rendered by Opposition parties in a few, and very contentious, cases.

In conclusion, the evidence presented in this chapter has suggested that governments experience time constraints on only a minority of their legislative packages. For the most part, governments are capable of processing their bills quickly and effectively, much as the party government model suggests. Moreover, the constraints on the government's capabilities that are evident are not consistent in where they are applied, or in the types of bills which they affect. Thus, the Opposition parties in these two Parliaments cannot be perceived to be 'obstructionist' as Professor Franks has suggested. In sum, in the Canadian parliamentary system, government party control seems to be characterised by its omnipresence, but not omnipotence.

Conclusion: The Party Government Model Revisited

In his presidential address to the American Political Science Association, Charles O. Jones laments that political science has “declined to observe lawmaking”, and as such has “denied itself an understanding of how democracy works, [and] how life is expressed through law.”¹ Laver and Shepsle also note that “political scientists treat the political game as ending when governments take office” leaving the governing process as a “black box”.² The means through which to reverse this paucity of study are many and varied, and neither Jones nor Laver and Shepsle offer any one method of action. Rather, their message is to be taken as a ‘call to arms’ for academics to take up the study of how legislatures operate with a view to assessing the effect institutional processes have on the popular conceptions of democracy.

This thesis has moved in the direction suggested by these authors, through compiling and presenting data on the process of government legislation in the Canadian House of Commons that has heretofore never been available. Through so doing, it has been possible to peer into the ‘black box’ of governance and examine some of the institutional aspects of the Canadian parliament that affect a majority government’s capabilities.

Prior to the compilation and presentation of government bill data, the thesis sought a method through which the data could be effectively analysed. The method employed was as novel to the study of Canadian political science as the compilation of the data itself. In chapters one and two the dominant ideas governing the way in which

¹ Charles O. Jones “A Way of Life: Presidential Address, American Political Science Association, 1994”, *American Political Science Review*, v89, n1, March 1995, 1

² Michael Laver and Kenneth A. Shepsle “Cabinet Ministers and Government Formation in Parliamentary Democracies”, in Laver and Shepsle (eds.) *Cabinet Ministers and Parliamentary Government*, New York: Cambridge University Press, 1994, 6

prominent academics think of the legislative process in Canada were outlined. This entailed an examination of parliament's power differential; that is, we explored the relationships between Cabinets and their parliamentary parties, between Cabinets and Opposition parties, and the manner in which the constitution of parliament shapes and defines the use of resources and decision making capabilities for these sets of actors. From this it was seen that the leading conception of the nature of parliamentary power in political science literature has been, and continues to be, similar to the one that Anthony Birch defined as 'executive-centred'.³

Second, taking from the literature's assumptions and suppositions regarding power relations and their operation in Westminster-style parliaments, a theoretical model of party government was developed and proposed in chapter two. The 'Party Government Model' then, was the lens through which the legislative process of government bills, or the 'black box' of governance, could be examined. Again, nowhere in the literature on Canadian parliament is such a model developed. Rather its suppositions and hypotheses survive in a disparate form, hidden as inferences and 'inherent' assumptions in a diverse body of literature.

Third, in order to sharpen the focus of this lens the entire legislative packages of two majority Canadian governments, Trudeau's 30th and Mulroney's 34th Parliaments, were chosen for analysis. This case study approach allowed for a comparison to be made between two majority governments, across two time periods, with a view to exploring the institutional constraints and boundary rules that constrain governments in the Canadian parliament. In fact, it was seen that similarities do exist between these two parliaments and that the institutional rules do play a large role in what governments, as well as their

³ A. H. Birch Representative and Responsible Government, London: George Allen and Unwin, 1964, chpt.1

Opposition parties, can and cannot achieve. Finally, as many of the suppositions of the Canadian literature, and thus the Party Government Model, are taken from the UK's experience, where appropriate a comparison was made between the legislative processes of Westminster and Canada. In sum, these comparisons allowed for a sharper focus, and thus a clearer view, of how the observed parliamentary relations and capabilities in the legislative process compare to popular conceptions of parliamentary party government in Canada.

Broadly stated, then, the question which this thesis sought to answer was: is there statistical evidence to support the dominant conception that parliamentary party government exists in Canada? Or, more particularly, the question can be posed, is party government in Canada such that it controls the legislative process to the degree that governments can successfully implement all their business, even in the face of opposition? And if so, why can they do so?

The Party Government Model Revisited

To answer these questions elements three through seven of the party government model were explored using data collected on government legislation in the two parliaments. However, prior to embarking on a summary of the findings of these analyses the reader must be reminded that these latter elements of the model were to a large degree directed by the suppositions regarding the institutional design of parliament and the operation of party discipline (that is the former two elements of the model). Moreover, many of the hypotheses and inferences that emerged from these analyses were also directed by these suppositions. For example, we suggested that since most benefits that MPs can hope to gain while in parliament, such as positions on committees or the opportunities to advance to Cabinet, are controlled by parties, and that this is a direct result of the institutional

design of parliament, then we should not be surprised to find that most MPs are deferential to party. A utility function for MPs in parliament was thus presented to explain deference. Such a hypothesis influenced the manner in which we interpreted the existence of a high number of amendments that emerged from committees, and high success rates that these amendments demonstrated. Furthermore, the hypothesised existence of government party control over many of the policy making resources and institutional access points to policy making, directed our interpretation of why Opposition party activities that seek to constrain and scrutinise government bills occur consistently only at the latter stages of the legislative process.

That the interpretations and hypotheses emerging from these analyses were largely influenced by the first two elements of the party government model, and that these two elements were not tested directly, does not derogate from the findings. Rather, as noted above, the model was built on these two elements, and these two elements are widely accepted tenets in the dominant conception of party government. Thus elements one and two provide not only the foundations for the model but they are also indirectly tested throughout the model, due to their implicit nature. Keeping these elements in mind, we can now return to the assessment of the party government model in Canada.

Mandates and Legislative Action: Do Governments Keep Their Promises?

In element three of the party government model it was suggested that party controls the legislative agenda, and that this legislative agenda is fashioned by the party's electoral programme (or mandate). Such consistency in what a party says it will do during election campaigns and what it does once in office is a tenet of liberal democracy. After all, as Hofferbert and Budge suggest, "an elected government has been mandated to do certain

things”.⁴ Moreover, in a party government system, wherein the party controls the majority of legislators and dominates the policy making resources of parliament, one should expect this tenet to be most evident.

However, it was noted that mandates are designed to be somewhat vague, “short and thematic” representations of a parties intentions, and that an amount of ambiguity allows parties in government a degree of flexibility both in the interpretation of their mandate, and in subsequent policy making decisions.⁵ As Canada is not a stranger to such vagueness in the construction of party mandates, as the Absent Mandate study group note,⁶ the methodology for testing correlations between election promises and legislative initiatives becomes difficult. In order to examine the relationship between these two points in time the coding methodology of the Manifesto Group was adapted. This method allowed us to code every mandate, throne speech and individual government legislation into seven salient mandate domains.⁷ Thus, a rough comparison between the percentage of a mandate given over to a certain domain could be compared with the amount of emphasis that that domain received in a particular government’s throne speeches and legislative packages. In other words, a comparison between the saliency of certain issues could be traced over time, from promise to proposed legislative action, with a view to whether governments do attempt to achieve their election promises.

After examining these data a number of observations were made. First, there were two areas of policy which where highly politicised and volatile during both governments’ tenure. Furthermore, these two areas of policy where the same for both time periods.

⁴ Richard Hofferbert and Ian Budge “Party Mandate and the Westminster Model”, *British Journal of Political Science*, 22, 152

⁵ Ronald W. Walters “Party Platforms as Political Process”, *American Journal of Political Science*, 23, 1990, 436

⁶ Harold D. Clarke, Jane Jenson, Lawrence LeDuc, and Jon Pammett Absent Mandate: Interpreting Change in Canadian Elections, (2nd ed.), Toronto: Gage Educational Publishing Co., 1991, 8-14

⁷ See Codebook Two below, for greater detail.

The first of these areas was constitutional, and centred around language and constitutional renewal. Here we noted that Trudeau was forced to deal with growing debate over bilingualism (especially in the Air Traffic Controllers' Dispute), and Quebec separatism and language laws, while Mulroney's government fought for constitutional change through both the Meech Lake and Charlottetown Accords. The second volatile area was economic in nature, such as the Wage and Price Control debate of 1974-5, and the debate over the GST and NAFTA during Mulroney's parliament. The existence of such volatility within both parliaments demonstrates that, a government cannot disregard the socio-economic and political context in which it is governing, and that as a result even the best laid plans may go awry.

The data on domain saliency presented a positive answer to the question of whether governments do what they say they will do. That is, we found a strong correspondence between those mandate domains that were emphasised in election campaigns with those that were emphasised in throne speeches and legislative packages. It was also noted that four domains in particular received a majority of emphasis under both governments. In fact, in both parliaments the ranking of these four domains was similar, beginning with the economic domain, followed by the quality of life, social fabric, and social group domains (table 3.3). Reasons suggested for this ranking included the fact that a large part of modern Canadian government involves the regulation of markets and economic policy, as well as social welfare, and regional development programmes. Another reason hypothesised for this trend was that many of the initiatives and programmes which fall under these domains must, by parliamentary convention and procedure, be presented in the House for debate prior to their implementation. This is especially true, for example, in economic policy where the constitutional dictates of "grievance before supply" constrain a government's action.

The correspondence between mandate domains over time was not perfect, however as some discrepancies in domain emphasis were notable. In particular, in both Parliaments there was an increase in emphasis on the democracy and social group domains. That this increase in emphasis occurred at the same time as the respective Parliaments' constitutional 'crises' came about is one explanation. In fact, the tone of language used in throne speeches and the social groups emphasised suggested that this is possibly the best explanation for the discrepancies noted. Secondly, and to a lesser degree, discrepancies between mandate promises and those embodied in throne speeches and legislative packages were evident in all domains. When the language and issues of these particular domains were examined across time it became evident that the discrepancies were predominantly factors of what types of government business, by convention and procedure, had to be presented before parliament for debate and what types of business could be achieved through Orders-in-Council.

In conclusion, then, it was found that in terms of saliency domains, governments do attempt to implement their election promises. However, governments are not omnipotent or shielded from their external and institutional contexts in this regard. Rather, the external socio-economic and political environment does intervene in the policy making process, reshaping and redirecting concerns, and the institutions of parliament do direct what a government must present in the form of legislation in order to achieve, and what it can achieve away from the floor of the House of Commons.

The Black Box of Government: Institutional Design and Government Activities

In chapter four an overview of the composition, process and outcome of government bills was developed. This chapter's main objectives were to illustrate any similarities that exist between the two parliaments, and thus to highlight any institutional constraints that

may work upon governments, perhaps directing the use of their resources and constraining the choices that governments make. That is, chapter four provided insight into the institutional setting through which opposition and institutional constraints could be analysed and explained.

Through this overview we were able to note that the complexity and processing of government legislation was remarkably similar in both parliaments, from what types of committee examine these bills, through to what departments were most active in sponsoring legislation. This similarity in data suggested that the institutional rules and procedures that direct certain types of government action into the legislative process, and subsequently guide these bills through different stages of the process, constrain a government's use of its policy making resources. For example, the dominance of the Finance Ministry in sponsoring legislation, and of this legislation in Committees of the Whole, suggests that a government action is somewhat constrained by parliamentary norms and procedures.

Second, it was shown that governments pass a vast majority of the legislation which they present in the House. In fact, 64 percent of all of the Trudeau government's legislation received Royal Assent, while 85.5 percent of all Mulroney's legislative package reached fruition. While the statistics for Mulroney's parliament were in line with those of Westminster which led Rose to suggest that "party is king",⁸ the Trudeau governments' statistics were not. In fact, *prima facie* there appears to be a large discrepancy between the success rates of the two Canadian parliaments. However, when we adjusted both these parliaments' data, removing those bills which died prior to second reading and thus prior to entering stages where debate occurs, we noted that the actual success rates for both governments was impressive --for both parliaments the success

⁸ Richard Rose "Still in the Era of Party Government", *Parliamentary Affairs*, 36, 3, 1983, 282

rates for active bills was well over 90 percent. This fact seemed to support element four of the party government model, which suggests that “governments will successfully implement all of their legislation”.

The success rates for active government bills should not be taken to mean that governments are omnipotent when it comes to processing their legislative programmes. On the contrary, that 36 percent of all government bills in the 30th parliament and 15 percent of government bills in the 34th parliament do not receive Royal Assent illustrates limits on a governments power. Furthermore, evidence that the two governments had similar experiences in the processing of their bills indicates that the ‘boundary rules’ of parliament constrain government action. The data in chapter four does suggest, however, that the power differential of parliament operates in the predicted direction --that is, in the favour of a ‘government right to govern’. With the institutional context of the two Canadian governments outlined, we then turned our attention to an examination of those constraints that operate on government due in chapters five and six.

Opposition and Institutional Constraints: Obstacles to Government Activities

Elements four and five of the party government model suggest that the access points for policy influence are controlled by government to the extent that few amendments to legislation will be accepted, and in those cases where amendments are accepted they will be those which originate with government party members. Element six of the model suggests that the Opposition parties will “present themselves as a government-in-waiting”. That is, these parties will attempt to fashion alternative policies to those of government in order to appeal to the electorate (albeit often through the use of rhetoric and political posturing). Furthermore, it was suggested that these parties “will actively resist the governing party at every opportunity.”

In both chapters an outline of the institutional opportunity structures through which governments can be constrained, was provided. This outline included a discussions of question period, Opposition Days, and the throne speech reply. However, the focus of these chapters was on the use of division votes and amendments. These two mechanisms were chosen mainly due to their empirically tractable nature, but also because they allowed for a comparison to be made between Canada's Parliament and the data for Westminster. The findings were much as expected. Amendments and division votes were utilised by all parties and, as the party government model predicted, the vast majority of amendments accepted by the government in both Parliaments were those proposed by its own members. In fact, we observed that the Opposition parties experienced success on less than ten percent of their proposed amendments, while the government party sponsored amendments demonstrated success rates between 72 and 100 percent. These data became even more illustrative of government control when we noted that government amendments accounted for only 38 and 25 percent of the total number of amendments proposed, in the respective Parliaments.

That Opposition party amendments were not often accepted by government did not, however, preclude the Oppositions' willingness to oppose. Using Rose and Mechelen's data as a measure, data that suggests that 80 percent of all bills in Westminster do not experience division votes,⁹ we found that the 30th and 34th Parliaments experienced three times more division votes than the UK. However, the use of this style of opposition did not indicate a that the Opposition parties were obstructionist, as Professor Franks suggests.¹⁰ On the contrary, the use of both amendments and division votes were used mainly at the latter stages of the legislative

⁹ Richard Rose and Denis van Mechelen Patterns of Parliamentary Legislation, Aldershot, UK: Gower Publishing Co., 1986, 57

¹⁰ C.E.S. Franks The Parliament of Canada, Toronto: University of Toronto Press, 1987, 218

process, and often on a small number of bills. The only consistently utilised stage in the Opposition's attempt to constrain government business was that of the Committee Report --a stage which, as Ryle and Griffith suggest, provides the Opposition parties with the opportunity to re-introduce amendments that were not accepted by the government in committee, and perhaps to affect greater debate on the bill in question.

Following from this, the question of whether any particular types of bills attract a significant amount of amendments or divisions, was explored. Here we separately examined Supply and Appropriation bills, bills that were hypothesised to be of a contentious nature, and those introduced by 'Most Active Sponsoring Departments'. The results did not indicate any statistical significant relationships between these categories of bills and the use of division votes and amendments. However, an examination of those bills which were statistical outliers illustrated that those bills which received the greatest amount of opposition in the House were also those which scored highest in complexity, and were predominantly those originating with the MASDs.

The examination of the amount of time it took government legislation to traverse the House of Commons, in both Parliaments, proved to be complementary to the amendment and division data. When difference of means tests were employed for the supply and appropriations, contentious, and MASD categories of legislation we found that not only did these bills not differ from the norm in the amount of opposition they attracted, but they were processed with great expediency. Thus it appeared as though governments were able to control the processing of their legislation, and do so with less opposition than expected.

These findings do not, however, derogate from the Oppositions ability to oppose and constrain government. In fact, those bills which received the greatest number of amendments and division votes by the Opposition parties were shown to be those which

took the longest both for the government to process and to debate. Furthermore, those stages which were most utilised in the proposing of amendments and divisions proved to be those where government legislation spent the longest time --i.e. committee report and third reading. However, that those bills which experienced the longest periods of time in the legislative process comprised less than one-third of all government bills, prevented the inference that governments face obstructionist Oppositions or great constraints on their ability to process their business. What was notable was the Opposition parties pattern to where in the process and on what legislation it would oppose and constrain government. That is, these data indicated that Opposition parties discriminate in the use of their resources. Such discrimination may be a factor of the Opposition's desire to present itself as a 'government-in-waiting', affecting the greatest media and public coverage it possibly can.

In sum, these data led us to infer that while government control is apparent, government is not as omnipotent as the party government model suggests. Nor is the constraint experienced by government so great as to suggest that the Opposition parties are obstructionist. Rather, the data presented throughout this thesis suggests that the institutions of parliament operate in such a manner as to allow the government to govern, and the Opposition to oppose and scrutinise government, much as they were designed to do.

Directions for Future Research: 'A Call to Arms'

This thesis has begun to fill the scholarship deficit on the operations of the "black box of government". It attempted to do so through an examination of the process of government legislation in the Canadian House of Commons, and through the comparison of these data with a conception of how this system works that is held by many Canadian political

scientists. As revealing as this study was, it has not come close to filling the scholarship deficit. An exploration of such elements of parliament as party discipline in the committee system, norms directing when Opposition parties will oppose with vigour, pulling out all stops, and how the particular procedures of parliament affect decision making were beyond the scope of this thesis.

Moreover, research into such elements of Canada's Parliament are few, at present. Perhaps Canadian political science could learn from recent studies of Westminster, such as Donald Searing's *Westminster World* and Michael Jogerst's *Reform of the House of Commons*, both of which examine the institutional processes of parliament as well as the normative elements that shape their operations. Suffice it to say, there is ample room for further study of the Canadian Parliament.

Therefore, while this thesis has sought to examine the dominant conception of party government through exploring the legislative process of government bills, it has only begun to scratch the surface of what study is needed. If Canadians are to follow a path towards reform of their parliamentary institutions, they need first understand fully how their present parliamentary system operates. In essence, this thesis can be considered to be as much of a 'call to arms' to other political scientists, as it was an attempt to take up that 'call to arms'.

Appendices

5. Income Tax, Excise Tax, Tarrif
6. Federal-Provincial Fiscal Relations (i.e Transfers, CAP, etc)
7. Election Law and Electoral Boundary Changes

Trait8 con't

8. Bill which groups of 2 or more Acts (Omnibus Bill)

Trait9

- 9 Most Active Sponsoring Department? (Yes=1, No=0)

Bill Complexity:**Complex1**

- 8 Page length excluding schedules Pre-Passage (enter number)

Complex2

- 9 Total number of legal sections Pre-Passage (enter number)

Complex3

- 10 Total number of schedules Pre-Passage (enter number)

Complex4

- 11 Total page length of schedules Pre-Passage (enter number)

Compass1

- 12 Page length excluding schedules Post-Passage (enter number)

Compass2

- 13 Total number of legal sections Post-Passage (enter number)

Compass3

- 14 Total number of scedules Post-Passage (enter number)

Compass4

- 15 Total page length of schedules Post-Passage (enter number)

Bill's Outcome:**Outcome1**

- 16 What was the outcome of the Bill in question?

1. Declared Null and Void
- (response* 2. Withdrawn after second reading
- number)* 3. To Statutes of Canada but did not receive Royal Proclamation
4. To Statutes of Canada and received Royal Proclamation
5. Died on the Order Paper

6. Defeated on the House floor
7. Rejected by the Senate

Outcome2

- 17 If the Bill died on the Order Paper, what was the last point in the legislative process the Bill was debated?
1. The Bill never reached second reading
 2. The Bill was dealt with at second reading, but never was dealt with in
(response) Committee
 3. The Bill never emerged from Committee
 4. The Bill emerged from Committee but died prior to the Committee Report
 5. The Bill had the Committee Report but never had third reading
 6. The Bill passed third reading but died in the Senate
 7. Other

Outcome3

- 18 If the Bill was defeated on the floor of the House, at which stage did this happen?
1. Second Reading
 2. Committee
 3. Committee Report
 4. Third Reading
 5. Senate
 6. Other

Amend1

- 19 Were amendments proposed and/or accepted on the Bill?
1. No
 2. Yes, proposed but non were accepted
 3. Yes, proposed and some were accepted

(Note to Reader: *If Amend1 = 2, then goto column 16 through column 41*)

If amendments were proposed but not accepted on the bill, at what stage(s) did this occur?

Amdtsr

20 Second Reading? (yes =1, no =0)

Amdtct

21 Committee? (yes =1, no =0)

Amdtcr

22 Committee Report? (yes =1, no =0)

Amdttr

23 Third Reading? (yes =1, no =0)

Amdtsen

24 Senate? (yes =1, no =0)

Amdtsb

25 Amendment by House after the Bill was sent back by the Senate? yes =1, no =0)

If amendments were proposed at second reading but not accepted how many were proposed by the...?

Amd2tlp

26 Liberal Party (enter number)

Amdt2pc

27 Progressive Conservative Party (enter number)

Amdt2ndp

28 NDP (enter number)

Amdt2ot

29 Other (enter number)

If amendments were proposed in Committee how many were proposed by the...?

AmdtClp

30 Liberal Party (enter number)

AmdtCpc

31 Progressive Conservative Party (enter number)

AmdtCnd

32 NDP (enter number)

AmdtCot

33 Other (enter number)

If amendments were proposed at the committee report stage but not accepted how many were proposed by the...?

AmdtCRlp

34 Liberal Party (enter number)

AmdtCRpc

35 Progressive Conservative Party (enter number)

AmdtCRnd

36 NDP (enter number)

AmdtCRot

37 Other (enter number)

If amendments were proposed at third reading but not accepted how many were proposed by the...?

Amdt3lp

38 Liberal Party (enter number)

Amdt3pc

39 Progressive Conservative Party (enter number)

Amdt3nd

40 NDP (enter number)

Amdt3ot

41 Other (enter number)

If amendments were proposed in the Senate but not accepted by the House of Commons how many were proposed by the...?

AmdtSlp

42 Liberal Party (enter number)

AmdtSpc

43 Progressive Conservative Party (enter number)

AmdtSnd

44 NDP (enter number)

AmdtSot

45 Other (enter number)

(Note to Reader: *Variables columns 42 through 67 are applicable only if Amend1 = 3*)

If amendments were proposed and accepted on the Bill in question, at what stage(s) did this occur?

Acptr

46 Second Reading? (yes =1, no =0)

Acptct

47 Committee? (yes =1, no =0)

Acptr

48 Committee Report? (yes =1, no =0)

Acptr

49 Third Reading? (yes =1, no =0)

Acptsen

50 Senate? (yes =1, no =0)

Acptsb

51 Amendment by House after the Bill was sent back by the Senate? (yes =1, no =0)

If amendments were proposed and accepted at second reading how many were by the...?

Acpt2lp

52 Liberal Party (enter number)

Acpt2pc

53 Progressive Conservative Party (enter number)

Acpt2nd

54 NDP (enter number)

Acpt2ot

55 Other (enter number)

If amendments were proposed and accepted in Committee how many were by the...?

AcptClp

56 Liberal Party (enter number)

AcptCpc

57 Progressive Conservative Party (enter number)

AcptCnd

58 NDP (enter number)

AcptCot

59 Other (enter number)

If amendments were proposed and accepted at the committee report how many were by the...?

AcptCRlp

60 Liberal Party (enter number)

AcptCRpc

61 Progressive Conservative Party (enter number)

AcptCRnd

62 NDP (enter number)

AcptCRot

63 Other (enter number)

If amendments were proposed and accepted at third reading how many were by the...?

Acpt3lp

64 Liberal Party (enter number)

Acpt3pc

65 Progressive Conservative Party (enter number)

Acpt3nd

66 NDP (enter number)

Acpt3ot

67 Other (enter number)

If amendments were proposed by the Senate and thereafter accepted by the House of Commons how many were by...?

AcptSlp

68 Liberal Party Senators (enter number)

AcptSpc

69 Progressive Conservative Party Senators (enter number)

AcptSnd

70 NDP Senators (enter number)

AcptSot

71 Other(s) (enter number)

Division1

72 Were any division votes taken on the Bill in question?

1. No
2. Yes, but none were successful
3. Yes, and some were successful

(Note to Reader: *If Division1 = 2 then columns 69 through 90*)

If division votes were taken but not successful, how many occurred at...?

Divsr

73 Second Reading? (enter number)

Divct

74 Committee? (enter number)

Divcr

75 Committee Report? (enter number)

Divtr

76 Third Reading? (enter number)

Divsen

77 Senate? (enter number)

Divsb

78 After the Bill was sent back to the House by the Senate? (enter number)

If division votes were taken at second reading, but were not successful, how many were sponsored by the...?

Div2lp

79 Liberal Party (enter number)

Div2pc

80 Progressive Conservative Party (enter number)

Div2nd

81 NDP (enter number)

Div2ot

82 Other (enter number)

If unsuccessful division votes were taken at the committee report stage how many were sponsored by the...?

DivCRlp

83 Liberal Party (enter number)

DivCRpc

84 Progressive Conservative Party (enter number)

DivCRnd

85 NDP (enter number)

DivCRot

86 Other (enter number)

If unsuccessful division votes were taken at third reading how many were sponsored by the...?

Div3lp

87 Liberal Party (enter number)

Div3pc

88 Progressive Conservative Party (enter number)

Div3nd

89 NDP (enter number)

Div3ot

90 Other (enter number)

If the Bill was sent back to the House by the Senate, how many unsuccessful division votes were sponsored by the... ?

DivSBlp

91 Liberal Party (enter number)

DivSBpc

92 Progressive Conservative Party (enter number)

DivSBnd

93 NDP (enter number)

DivSBot

94 Other (enter number)

Of the successful division votes, how many occurred at... ?

SDivsr

95 Second Reading (enter number)

SDivct

96 Committee (enter number)

SDivcr

97 Committee Report (enter number)

SDivtr

98 Third Reading (enter number)

SDivsen

99 Senate (enter number)

SDivsb

100 After the Bill was sent back to the House by the Senate (enter number)

If division votes were taken at second reading that were successful, how many were sponsored by the...?

SDiv2lp

101 Liberal Party (enter number)

SDiv2pc

102 Progressive Conservative Party (enter number)

SDiv2nd

103 NDP (enter number)

SDiv2ot

104 Other (enter number)

If successful division votes were taken at the committee report stage how many were sponsored by the...?

SDivCRLp

105 Liberal Party (enter number)

SDivCRpc

106 Progressive Conservative Party (enter number)

SDivCRnd

107 NDP (enter number)

SDivCRot

108 Other (enter number)

If successful division votes were taken at third reading how many were sponsored by the...?

SDiv3lp

109 Liberal Party (enter number)

SDiv3pc

110 Progressive Conservative Party (enter number)

SDiv3nd

111 NDP (enter number)

SDiv3ot

112 Other (enter number)

If the Bill was sent back to the House by the Senate, how many successful division votes on amendments were sponsored by the... ?

SDivSBlp

113 Liberal Party (enter number)

SDivSBpc

114 Progressive Conservative Party (enter number)

SDivSBnd

115 NDP (enter number)

SDivSBot

116 Other (enter number)

Bill's Process:

Process1

117 After second reading, which type of committee was the Bill referred to?

1. Committee of the Whole
2. Standing Committee
3. Legislative Committee

Process2

- 118 If the Bill completed the legislative process in the House of Commons, how many times (if at all) did the Senate send the Bill back to the House for amendments? (0 represents "the Bill was not sent back to the House from the Senate")

Bill's Duration:

Note to Readers: *The **Time** and **Debate** variables are measured in parliamentary sitting days. The data are elapsed such that, for example, a response of '0' reads "The Bill was given first and second reading on the same day".*

Time1

- 119 What was the elapsed time from first reading to second reading?

Time2

- 120 What was the elapsed time from committee referral (i.e. the end of second reading) to the beginning of the committee report stage?

Time3

- 121 What was the elapsed time from the end of the committee report to the beginning of third reading?

Time4

- 122 How many days did the Bill take to traverse the Senate? (This response includes the number of sitting days that the Bill spent travelling between the Senate and the House for amendments, prior to its eventual success in the Senate)

Time5

- 123 What was the elapsed time between the Bill receiving the status of "To Statutes of Canada" and receiving "Royal Proclamation" ?

Debate1

- 124 How many sitting days was the Bill debated at second reading?

Debate2

- 125 What was the total amount of time the House took debating the Bill at second reading (in minutes) ?

Debate3

126 How many sitting days was the committee report debated ?

Debate4

127 What was the total amount of time (in minutes) the House took to debate the committee report?

Debate5

128 How many sitting days was the Bill debated at third reading?

Debate6

129 What was the total amount of time (in minutes) the House took to debate the Bill at third reading?

Debate7

130 How many sitting days, in total, was the Bill debated if sent back from the Senate?

Debate8

131 What was the total amount of time (in minutes) the House took to debate the Bill when sent back by the Senate?

Total Opposition Indicators**TotalAmd**

132 Total number of amendments offered on a bill in the House of Commons

TotalOpp

133 Total number of amendments offered on a bill by all the Opposition parties in the House of Commons

Off_tot

134 Total number of amendments offered on bills by the official Opposition in the House of Commons

TotalDiv

135 Total number of division votes offered on bills in the House of Commons

Div_opp

136 Total number of division votes offered on bills by all Opposition parties in the House of Commons

Div_off

137 Total number of division votes offered on bills by the Official Opposition in the House of Commons

Appendix 2

Adapted from Andrea Volkens and Hans-Dieter Klingemann, Documentation for the Data Set on Election Programs in Contemporary Democracies, Berlin Science Centre, Berlin 1991.

Domain One: External Relations

101. Foreign Special Relationships: Positive

Favourable mentions of particular countries with which the manifesto country has a special relationship. For example, in the British case: the former colonies; in the German case: East Germany; in the Swedish case: the rest of Scandinavia; the need for co-operation and/or aid to such countries.

102. Foreign Special Relationships: Negative

Negative mentions of particular countries with which the manifesto country has a special relationship; otherwise as 101, but negative.

103. Anti-Imperialism

Negative references to exerting strong influence (political, military or commercial) over other states; negative references to controlling other countries as if they were part of an empire; favourable mentions of decolonization; favourable references to greater self-government and impence for colonies; negative references to the imperial behaviour of the manifesto and/or other countries.

104. Military: Positive

Need to maintain or increase military expenditure; modernizing armed forces and improving military strength; rearmament and self-defense; need to keep the military treaty obligations; need to secure manpower in the military.

105. Military: Negative

Favourable mentions of decreasing military expenditures; disarmament; "evils of war"; promises to reduce conscription, otherwise as 104, but negative.

106. Peace

Peace as a general goal; declarations of belief in peace and peaceful means of solving crises; desirability of countries joining in negotiations with hostile countries.

107. Internationalism: Positive

Need for international co-operation; co-operation with specific countries other than those coded in 101; need for aid to developing countries; need for world planning of resources; need for international courts; support for any international goal or world state; support for the UN.

108. European Community: Positive

Favourable mentions of European Community in general; desirability of expanding the European Community and/or of increasing its competence; desirability of the manifesto country joining (or remaining a member).

109. Internationalism: Negative

Favourable mentions of national independence and sovereignty as opposed to internationalism; otherwise 107, but negative.

110. European Community: Negative

Hostile mentions of the European Community; otherwise as 108, but negative.

Domain Two: Freedom and Democracy

201. Freedom and Human Rights

Favourable mentions of the importance of personal freedom and civil rights; freedom from bureaucratic control; freedom of speech; freedom from coercion in the political and economic spheres; individualism in the manifesto country and in other countries.

202. Democracy

Favourable mentions of democracy as a method or goal in national and other organizations; involvement of all citizens in decision-making, as well as generalized support for the manifesto country's democracy.

203. Constitutionalism: Positive

Support for specified aspects of the constitution; use of constitutionalism as an argument for policy as well as general approval of the constitutional way of doing things.

204. Constitutionalism: Negative

Opposition to the constitution in general or to specified aspects of it; otherwise as 203, but negative.

Domain Three: Political System

301. Decentralization: Positive

Support for federalism or devolution; more regional autonomy for policy or economy; support for keeping up local and regional customs and symbols; favourable mentions of special consideration for local areas; deference to local expertise.

302. Decentralization: Negative

Opposition to political decision-making at lower political levels; support for more centralization in political and administrative procedures; otherwise as 301, but negative.

303. Governmental and Administrative Efficiency

Need for efficiency and economy in government and administration; cutting down civil service; improving governmental procedures; Parliamentary reform; general appeal to make the process of government and administration cheaper and more effective.

304. Political Corruption

Need to eliminate corruption and associated abuse in political and public life.

305. Political Authority

Favourable mentions of strong government, including government stability; manifesto party's competence to govern and/or other party's lack of competence.

Domain Four: Economy

401. Free Enterprise

Favourable mentions of free enterprise capitalism; superiority of individual enterprise over state control systems; favourable mentions of private property rights, personal enterprise and initiative; need for unhampered individual enterprise.

402. Incentives

Need for wage and tax policies to induce enterprise; encouragement to start enterprises; need for financial and other incentives; regional (eg. DREE) funding.

403. Market Regulation

Need for regulations designed to make private enterprise work better; actions against monopolies, trusts, and in defence of the consumer as well as small business; encouraging economic competition; social market economy; regional subsidies to increase competition.

404. Economic Planning

Favourable mentions of longstanding economic planning of a consultative or indicative nature; need for a government to create such a plan.

405. Corporatism

Favourable mentions of the need for the collaboration of employers and trade union organizations in overall economic planning and direction through the medium of tri-partate bodies of government, employers, and trade unions.

406. Protectionism: Positive

Favourable mentions of extension or maintenance of tariffs to protect internal markets; other domestic economic protectionism such as quota restrictions.

407. Protectionism: Negative

Support for the concept of free trade; otherwise as 406, but negative.

408. Economic Goals

Statements of intent to pursue any economic goals not covered by other categories in domain four.

Note: This category is intended to catch an overall interest of parties in economics and therefore covers a variety of economic goals.

409. Keynesian Demand Management

Demand-oriented public policy; economic policy devoted to the reduction of depressions and/or to increase private demand through increasing public demand and/or through increasing expenditures.

410. Productivity

Need to encourage or facilitate greater production; need to take measures to aid this; appeal for greater protection and to the importance of productivity to the economy; paradigm of growth.

411. Technology and infrastructure

Importance of modernization of industry, methods of transport, and communication; importance of science and technological developments in industry; need for training and research.

Note: This does not imply education in general (see category 506).

412. Controlled Economy

General need for direct government control of economy; control over prices, wages, rents, etc.

413. Nationalization

Government ownership, partial or complete, including government ownership of land.

414. Economic Orthodoxy

Need for traditional economic orthodoxy, e.g. reduction of budget deficits, retrenchment in crisis, thrift and savings; support for traditional economic institutions such as the stock market and banking system; support for strong currency and the privatization of crown corporations.

Domain Five: Welfare and the Quality of Life

501. Environmental protection

Preservation of the countryside, forests, etc.; general preservation of natural resources against selfish interests; proper use of national parks, soil banks, etc.; environmental improvements through greenplans and clean-ups; legislative initiatives for environmental education.

502. Culture

Need to provide cultural and leisure facilities including arts and sport; need to spend money on museums, art galleries, etc.; need to encourage worthwhile leisure activities and cultural mass media.

503. Social Justice

Concept of equality; need for fair treatment of all people; special protection for underprivileged; need for fair distribution of resources; removal of class barriers; support for aboriginal self-government; end of discrimination, (eg. racial, sexual, etc.).

504. Welfare State Expansion

Favourable mentions of need to introduce, maintain, or expand any social service or social security scheme; support for social services such as health care or social housing.

Note: This category excludes education.

505. Welfare State Limitation

Limiting expenditure on social services or social security; otherwise 504, but negative.

506. Education Expansion

Need to expand and/or improve educational provision at all levels.

Note: This excludes technical training which is coded under 411.

507. Education Limitation

Limiting expenditure on education; otherwise 506, but negative.

Domain Six: Fabric of Society

601. National Way of Life: Positive

Love of land/country; appeals to patriotism and/or nationalism; suspension of some freedoms in order to protect the state against subversion; support for established national ideas; appeals to tradition and history; "caring nation" appeals, in connection to 503, that exist.

602. National Way of Life: Negative

Against patriotism and/or nationalism; opposition to the existing national state; otherwise as 601, but negative.

603. Traditional Morality: Positive

Favourable mentions of traditional moral values; prohibition, censorship, and suppression of immorality and unseemly behaviour; maintenance and stability of family and religion.

604. Traditional Morality: Negative

Opposition to traditional moral values; support for divorce, abortion, etc.; otherwise as 603, but negative.

605. Law and Order

Enforcement of all laws; actions against crime; support and resources from police; tougher attitudes in courts.

606. Social Harmony

Appeal for national effort and solidarity; need for society to see itself as united; appeal for public spiritedness; decrying anti-social attitudes in times of crisis; support for the public interest; national unity appeals (not necessarily constitutional; see 203).

607. Multiculturalism: Positive

Cultural diversity, communalism, cultural plurality and pluralization; preservation of autonomy of religious and linguistic heritages within the country, including special educational provisions.

608. Multiculturalism: Negative

Enforcement or encouragement of cultural integration; otherwise as 607, but negative.

Domain Seven: Social Groups

701. Labour Groups: Positive

Favourable references to labour groups, working class, unemployed; support for trade unions; good treatment of manual and other employees.

702. Labour Groups: Negative

Abuse of power of trade unions; otherwise as 701, but negative.

703. Agriculture and Farmers

Support for agriculture and farmers; any policy aimed specifically at benefiting these.

704. Middle Class and Professional Groups

Favourable references to the middle class, professional groups such as physicians or lawyers; old and new middle class.

705. Underprivileged Minority Groups

Favourable references to underprivileged minorities which are defined neither in economic nor in demographic terms, e.g. the handicapped, homosexuals, immigrants, etc.

706. Non-Economic Demographic Groups

Favourable mentions of, or the need for, assistance to women, old people, young people, linguistic groups, natives, etc.; special interest groups of all kinds.

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