The idea for this book was conceived during my term in 2006–7 as a member of the non-partisan Ontario Legislature Internship Programme (OLIP). Since 1975, OLIP, which is financed and administered by the Ontario Legislative Assembly, has provided recent university graduates with the opportunity to experience the internal workings of the machinery of government by immersing themselves in the daily work of the legislature. Interns are assigned to work with members of provincial Parliament (MPPs) on both the government and the opposition sides of the House, and they are granted the opportunity to observe important, usually in-camera, events, such as House Leaders’ and caucus meetings.

Private conversations I had with both MPPs and long-tenured legislative staffers revealed a lingering sense that there had once existed a golden age of parliamentary governance, which had long since passed and was unlikely to ever return. What surprised me the most about this opinion was how widely shared it was and how deeply resigned many were to this inevitability. Even though some of these individuals were affiliated with the governing party, there existed a prevalent sense that the concentration of power in the executive and the decline of Parliament was a process that they – or anyone, for that matter – were powerless to stop.

When I began researching the history of Parliament in Ontario, it became apparent that there were few comprehensive analyses of the evolution of legislative procedure over a period of sufficient length to capture it in such a way that patterns of behaviour could be meaningfully established. Given that parliamentary procedure is determined by a mixture of written rules and unwritten precedents, it can take decades to understand the full impact of reforms.

My objective was to begin to address this gap in the literature – in part, by conducting a comprehensive study of the evolution of parliamentary procedure at the Ontario Legislature. Not only did I know the institution well, but, given its location and its exposure to some of the restrictive procedural strategies that
had been applied in other jurisdictions to secure the implementation of state-restructuring reforms, it also served as an excellent case model.

I made the conscious decision early in the research process to rely upon the available historical documentation as the foundation for this research project, rather than interviews with former MPPs and staffers. While elite interviews can be elucidating, they depend upon actors accurately recalling both the circumstances and the rationalizations for decisions that have long passed, thereby introducing the potential for revisionist interpretations of events.

As I worked through the legislative records, certain clear patterns began to emerge. Most of the major reforms to parliamentary procedure at Queen’s Park were clustered around the passage of key pieces of neoliberal-restructuring legislation. While governments during the 1980s used this process to break parliamentary stasis and to overcome opposition resistance to neoliberal reforms, by the 1990s, the use of restrictions on the legislature had become increasingly commonplace, part of a broader strategy to bypass democratic opposition to highly contentious austerity measures.

This is not a phenomenon that has been unique to Ontario. Significant ruptures in parliamentary procedure have occurred elsewhere: governments representing parties of both left and right allegiances have attempted to overcome the often slow and deliberate nature of parliamentary procedure by smashing precedent that has evolved over hundreds of years. In the early 1980s, for example, the Social Credit Bennett government made extensive use of closure and other restrictions on the British Columbia Legislative Assembly to secure the implementation of a package of highly controversial austerity reforms (McDowell 2020).

In the mid- to late 1990s, the Labour government in New Zealand rammed a variety of sweeping, neoliberal restructuring measures through Parliament with unparalleled speed. Roger Douglas, the former finance minister responsible for developing these reforms, described his government’s institutional strategy this way: “It is uncertainty, not speed, that endangers the success of structural reform programs.” To this end, he wrote, “Speed is an essential ingredient in keeping uncertainty down to the lowest possible level” (Roger Douglas, quoted in Marcetic 2017, n.p.).

Similar sentiments were echoed by current Alberta Premier Jason Kenney, who told the press in the lead-up to the 2019 general election that, if elected, his government would move quickly to implement structural reforms to the state apparatus. Revealing that he took inspiration from Douglas, Kenney noted that “the first and most important lesson is that you move quickly . . . you move with speed because speed creates its own momentum.” Since governments too often get caught up in “endless process,” rapidly moving legislation through institutions “makes it harder for the opponents of reform to obstruct it” (Jason Kenney, quoted in Bellefontaine 2018).
There is, in other words, something fundamentally different about the strategies and approaches to legislative governance in this era that remains poorly understood. As this book discusses, a process has emerged in Ontario that I have called neoliberal parliamentarism. It involves the systematic effort to manipulate the rules of Parliament to insulate reforms from legislative scrutiny in support of a broader ideological agenda, and it can be traced all the way back to the early 1980s. This process was most clearly expressed under the premiership of Mike Harris, whose government made major reforms to Parliament to secure the institution of a radical, state-wide administration-restructuring program at breakneck speed.

These procedural reforms, although commonly designed to be temporary and to implement controversial measures on the grounds that they are necessary to address economic or fiscal crises, often become established as precedents and customary elements of parliamentary culture. In other words, these procedural ruptures, designed to implement controversial neoliberal measures, leave long-term scars on the legislature, charting the course for future governments to follow the blueprints that these ruptures have established.

The practical realities of governing in the increasingly contentious political environment under neoliberalism have been accompanied by what Brown (2015) has termed a “neoliberal political rationality,” which diminishes the role of democratic institutions. Increasingly, governments have adopted an anti-parliamentary rhetoric that views legislative institutions as impediments to cultivating a market-based, competitive order (47). As the neoliberal state has been reformed to respond primarily to the demands of global competition and to create ideal conditions for free market exchange, parliament has become caught up in a broader systemic and epistemological transition.

This approach was advanced most coherently by seminal neoliberal thinker Friedrich Hayek, who, as is shown in chapter 3, thought that parliamentary sovereignty was the essential problem with modern liberalism. Hayek believed that sovereign parliamentary assemblies held a “mental bias,” which made them systemically prone to rent-seeking from special interest groups, leading to the perpetual expansion of the state into social spheres that were best left to the spontaneous nature of market relations (Hayek 1982, 1:143).

In this way, the neoliberal approach to legislative governance has inverted the idea of responsible government. The executive has been increasingly framed as a legitimate “check” on the irrational impulses of the legislature, which is prone to profligate spending and state expansionism. In such a situation, parliament interferes with the executive’s ability to respond nimbly to changing market conditions and to cultivate competitive advantage. Allowing time for formalized debate and scrutiny is contradictory to these objectives, appearing as “political” activities that interfere with the rational governance of the market sphere. Instead, the executive’s role is to serve as a vehicle for the
pursuit of a market order, curtailing the inefficient and autocratic tendencies of a sovereign legislative assembly and cultivating the conditions necessary for the competitive mechanism to function most effectively.

This Hayekian influence is particularly clear in the anti-parliamentary discourse of modern right-wing politicians, and, as is discussed in detail in chapters 8 and 10, it has been used to justify the brazen abuse of parliamentary procedure. This trend has intensified in recent years under the Doug Ford government, which has embraced the international, right-wing, populist trend to portray legislative institutions as an impediment to the pursuit of rational policy approaches (McDowell 2021).

The neoliberalization of parliamentary governance also impacted the actions of the more centrist governments of Bill Davis, Bob Rae, and Dalton McGuinty, whose appeals to economic and fiscal crises to rationalize applying restrictions on the legislature emerged from a similar logic, which prioritized economic rationalism over democratic process and parliamentary scrutiny. Governments from all three parties commonly cited the need to respond to the demands of market competition and the fiscal crisis of the state to justify placing restrictions on the legislature. It has been on these grounds – that economic and fiscal circumstances dictated immediate action – that most of the major parliamentary precedents in Ontario’s modern history have been established.

The objective of this book is neither to dismiss existing literature on the decline-of-parliament thesis nor to offer a universal law for changes to procedure in recent decades. Rather, its purpose is to propose an alternative interpretation of history, one that views the structural forces surrounding parliament as essential to its operation. It proceeds from the standpoint that parliament should be studied as a social relation, situated in a particular historical time and place, and subject to influences from broader structural forces. That is, parliament is not a neutral institution; its rules are shaped not only by centuries of historical precedent but also by the social and political forces that condition the ideas and actions of its members.

The book offers a chronological narrative of the evolution of parliamentary procedure at the Ontario Legislature from 1981 to 2021. I attempted to capture the nuance of historical circumstances as they unfolded, largely allowing the actors to describe events and their implications as they understood them at the time.

The circumstances that led up to some of the most significant ruptures in parliamentary procedure demonstrate the complexities and contradictions that governments confronted when attempting to implement neoliberal policies and manage the affairs of the House against the headwinds of forceful resistance from the opposition parties. They also foreshadowed a shift in strategic approach towards more formalized restrictions on the legislature during the 1990s and beyond.
My main point is to show that although there may not have ever been a golden age at Queen’s Park, the contradictions of the neoliberal era have required a different, more restrictive form of parliamentary governance – one that has had a permanent impact on the capacity of the legislature to hold the executive to account.
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