**David Docherty, Legislatures, 2004. (Canadian Democratic Audit Series)**

**Approach**

New Institutionalism / rational choice institutionalism

**Thesis**

Canadian legislatures are not able to successfully hold the executive accountable due to an insufficient number of members, a lack of resources, and party discipline.

**Main arguments**

* Classic functions of a parliament are representation, scrutiny and legislation
* Extent of participation in the legislature is a function of the size (number of members), opportunities (e.g. question period, committees, etc.) and power (do the issues discussed actually have an impact.
* In parliament governments respond both to external demands as well as internal demands from MPs.
* Party discipline and overuse of confidence leads to a lack of internal responsiveness which compromises external responsiveness since MPs represent citizens.
* *Opportunities for influence*
  + Opportunities don’t have an impact if MPs do not use them or do so only for partisan goals
  + QP is good at holding PM to account, but can bring the whole system into disrepute.
  + QP also focuses on leaders and reduces role for backbenchers
  + Private member’s business offers some chance for influence, but they cannot call for the spending of money and government bills are much, much more successful.
* *Opportunity structure*
  + Most positions in parliament reward party loyalty at the expense of scrutiny.
  + Creates a paradox where the legislature is supposed to hold the government to account, but the best jobs for MPs are in the government, reducing incentive to perform meaningful scrutiny.
  + Problem is that promotion is determined by party leaders and comes with financial rewards
  + Other positions of influence, such as committee chairs, are not sufficiently compensated.
  + Pressure to make cabinet representative of regions, social groups leads PM to overlook skill – reduces incentives to learn policy in a given field.
  + House leaders’ job is to facilitate the passage of legislation.
  + Designation of minimum party size works to hinder formation of small parties
  + MPs place a large focus on constituency service - good service cannot guarantee reelection, bad constituency service will destroy chances.
  + MP spends up to 1/3 of day on constituency issues when in Ottawa.
  + Division between constituency work and Ottawa is a “zero-sum game.” Time spent on one can’t be spent on the other, further reducing scrutiny.
  + Committees are less partisan and have more time to discuss policy, encouraging specialization
  + However, the government ignores most committee reports, reducing the incentive to participate.
  + Governments can also remove their own members, including chairs from the committee to ensure party discipline.
  + The review of spending estimates by committees is also undermined by the lack of capacity to alter the estimates put forward.
* *Problems with scrutiny* 
  + Tools of scrutiny are QP, debates on the speech from the throne and budget, committees and caucus. MPs can raise issues, but not necessarily get a response
  + To hold the government to account MPs need 1) adequate resources; 2) enough members
  + Key question is the ratio of opposition to cabinet - in several provinces the opposition is outnumbered meaning each critic holds multiple priorities.
  + Problem of opposition size is amplified if there are multiple opposition parties so that each critic covers several ministers and committees
  + Number of sitting days has also been reduced, giving less time from scrutiny
  + Officers reporting to parliament (e.g. Auditor General) can help somewhat although they can draw attention away from parliament and MPs also usually cannot direct their studies.
  + Debate on the budget provides opportunities to raise concerns, but the use of retroactive dates in budget legislation reduces ability for amendments.
  + Ability to send bills to committee before second reading is seldom used despite the greater freedom to amend and debate the bills that the process provides.
  + Debate on legislation can be limited through closure (inability to adjourn the debate) and time allocation (limit on the period of debate)
  + Use of these restrictions becomes more necessary the more ambitious the agenda and the less frequently the legislature meets
* *Party discipline*
  + Discipline is necessary in a Westminster environment – both for the gov and the opposition
  + However it’s only required if an issue is a matter of confidence, meaning the problem is not discipline but the overuse of confidence.
  + MPs are reliant on party since personal factors account for just 5%-10% of votes received.
  + Also party can impose penalties from removal of positions to not signing candidate papers.
* *Recommendations*
  + Increase the size – have four times as many MPs as cabinet members. This would permit closer representation, reduce attraction of a cabinet job (as in the UK) and permit more free votes
  + Elect committee chairs, allow MPs to vote against their party at committee, compensate chairs at least as well as Parliamentary secretaries.
  + Increase use of committees to hear from witnesses on legislation including by travel
  + Have reports from committees form the basis of draft government legislation
  + Send more bills to committee after first reading
  + Adopt three line whip to reduce party discipline
  + Encourage passage of private members bills
  + Have Officers of parliament report to parliament

**Contribution**

Demonstrates that the incentive structure and organization of the House is not conducive to the kind of behavior desired by the public, meaning that democratic renewal can be achieved without changing the electoral system.