Canada's House of Commons and the Perversion of the Public Sphere

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<u>Abstract</u>

Jürgen Habermas' *The Structural Transformation of the Public Sphere* has been described as outdated and incompatible with 21st century democracies. Among other things, Habermas' initial formulation excluded the state from the public sphere. Recently, a revised model of the public sphere has emerged that positions the state and other law-making bodies at its centre. Although some theorists have embraced this revised model, others continue to exclude the state or oversimplify its role. While some research has examined how parliaments fit into this revised model, no research has been published on this in a Canadian context. This thesis attempts to fill this gap by answering the research question: Does the Canadian House of Commons constitute a form of the public sphere?

To answer this question, the Canadian House of Commons is explored along three dimensions of the public sphere – structure, representation, and interaction. This system of classification conforms to the essential function and institutional criteria of classical theory and also accounts for revised models of the public sphere. Ultimately, this work argues that the Canadian House of Commons satisfies the structural and representational dimensions of the public sphere. Its interactional dimension, however, is found to be inconsistent with public sphere theory due to a lack of real deliberation and the pervasiveness of party politics.

Keywords: Public sphere; House of Commons; Canada; Qualitative research; Case methodology

Table of Contents

Introduction

The concept of the public sphere is integrally tied to that of democracy, and in particular to representative and deliberative models of democratic theory (Dahlberg, 2001; Davis, 2009; Friedland, Hove, & Rojas, 2006; Fung, 2003; Habermas, 2006; Papacharissi, 2002). In these types of democracies the public sphere refers to "the public space within which citizens can raise and discuss issues they consider relevant" (Gimmler, 2001, p. 24). In this sense, it is "a space where people exchange ideas and challenge one another's opinions" (Howard, 2005, p. 154). Simply put, in a democratic context the public sphere is a forum for input and debate on matters of public interest and common political concern (Milliken, Gibson, O'Donnell & Singer, 2008, p. 1; Collingwood, 2007, p. 16).

According to Habermas (2006), considered public opinion is the desired outcome of the debate that occurs within the public sphere. As such, he argues that "the public sphere functions as a filtering mechanism" (p. 418) through which only items that have been deliberated upon and for which some form of consensus has been reached are permitted to pass through. Thus, as Bruns (2008) notes, the public sphere acts simultaneously as "an accurate representation of public opinion [...] and an enabler of public opinion formation" (p. 67-68).

In his foundational work on the public sphere, *The Structural Transformation of the Public Sphere*, Habermas (1991) established three institutional criteria that must be satisfied for the public sphere to perform its function as a forum for public opinion formation. His first criterion was that debate within the public sphere address matters of common concern (Habermas, 1991, p. 36). By common concern, Habermas was referring to matters of public interest and distinguishing these from private matters – the latter of which would have been excluded from discussions within the public sphere (1974, p. 54). The second institutional

criterion was that the public sphere be both inclusive and accessible, where all citizens have the potential "to *be able* to participate" (Habermas, 1991, p. 37, *emphasis in original*). Since Habermas' pioneering work, many authors have recognized the importance of these characteristics – in addition to those of representativeness and equality – as they increase the likelihood that a diversity of voices will be both expressed and accounted for in processes of deliberation (Collingwood, 2007, p. 19; Papacharissi, 2002; Tsaliki, 2002, p. 98). To ensure equality, Habermas' (1991) third, and final, institutional criterion required that social status be disregarded within the public sphere.

Habermas' original thesis excluded the state from the public sphere by positioning it between society and the public sphere. While he did recognize the existence of a *political* public sphere, where "public discussion [dealt] with objects connected to the activity of the state", he nevertheless excluded the state from it as well (1974, p. 49). Here, the role of the state was simplified to one of oversight and administration, whose function was solely to ensure that a space for public discussion on the activity of the state existed.

Habermas' initial work on the public sphere, although foundational, has also been critiqued as being outdated and incompatible with contemporary societies (Davis, 2009). Fraser (1992), for example, argues that Habermas' original conceptualization of the public sphere "is not adequate for contemporary critical theory" (p. 136). Habermas himself has even revised his initial thesis, acknowledging not only the existence of multiple, overlapping public spheres (1992, p. 430) but also putting forward a revised core-periphery model of the political public sphere that positions law-making bodies at its centre (1996, p. 352-359).

As a whole, the literature on the public sphere continues to offer contradictory perspectives on the role of the state. This can, in part, be attributed to the fact that many authors

fail to explain how they conceptualize 'the state' and neglect to identify its composite institutions (e.g., Bruns, 2008; Fenton & Downey, 2003a; Milliken et al., 2008). This is likely because 'the state' is a common term in the field of political science whose meaning and composition are generally accepted. Alternatively, this oversight can be attributed to "a tendency to treat the state as a single monolithic force, and to merge the three estates (executive, legislative and judiciary) into one" (Davis, 2009, p. 282). Irrespective of the reason, this omission is nevertheless problematic as it raises doubt as to which institutions ought to be classified as part of the state, and therefore excluded or included as a form of the public sphere. Further confusion arises when terms such as 'government institutions' and 'political institutions' are used alongside 'the state' without any specification as to their meaning (Castells, 2008; Fenton & Downey, 2003b). While reconciling these inconsistencies is beyond the scope of this work, they are important to recognize as they can lead to varied interpretations of the literature.

Three dominant trends emerge from the literature regarding the role of the state in the public sphere. One perspective explicitly excludes the state, viewing it as either outside of or in opposition to the public sphere (Bruns, 2008; Castells, 2008, p. 78; Fenton & Downey, 2003a; Gimmler, 2001; Milliken et al., 2008). A second perspective oversimplifies the role of the state, reducing it to one of procedural oversight or monetary administration (Castells, 2008, p. 79; Fenton & Downey, 2003b). Finally, a third perspective positions parliaments and other legislative bodies at the centre of numerous overlapping public spheres (Fraser, 1997, as cited in Davis, 2009**;** Habermas, 1996; Rehg & Bohman, 2002).

Thus, while some theorists have embraced a revised model of the public sphere that positions legislative bodies at its centre, others continue to employ a model that either excludes or oversimplifies the role of the state. Additionally, although Davis (2009) examined how

parliaments fit into this revised model, his research was limited to processes of communication with little in-depth consideration allotted to other aspects of public sphere theory. Furthermore, no research on this subject has been conducted – or at least published – in a Canadian context. This is exemplified by EBSCO and Scholars Portal database searches conducted in March 2011, which used the keywords '*Canada*', '*public sphere*', and '*parliament*' and returned zero results.

This thesis attempts to fill this gap in the literature by examining public sphere theory through the lens of the Canadian House of Commons. The House of Commons has been selected for the reason that it is the only branch of Canada's federal parliamentary system that can be said to represent the people. Whereas representatives of the Crown and the Senate are appointed to their position – by the Queen and the Prime Minister, respectively – those in the House of Commons are elected by Canadian citizens. As "the people's house" (Smith, 2009), the Canadian House of Commons is a "most-likely case" of a federal parliamentary institution being a form of the public sphere (George & Bennett, 2005, p. 120-123).

Against this background, this thesis has been guided in both its design and method by the research question: Does the Canadian House of Commons constitute a form of the public sphere?

To answer this question, theories of the public sphere have been explored along three dimensions – structure, representation, and interaction. These are modelled on those established by Dahlgren (2005), a significant theorist of the public sphere. This system of classification was selected because it corresponds not only to the essential function and institutional criteria of the public sphere as laid out by Habermas in *The Structural Transformation of the Public Sphere*, but also takes into account revised models of the public sphere as well as recent research that has been conducted in the context of the British parliamentary system. The constitutive features of each dimension have been reconceptualized for the purpose of this work, as Dahlgren's (2005)

dimensions were based on a public sphere that positioned mass media at its centre rather than legislative bodies. For each dimension, a discussion of its constitutive features is undertaken and then compared with the components and activities of the House of Commons to determine whether the theoretical aspects of the public sphere are found in its form and practices. Although the dimensions of structure, representation, and interaction have been discussed separately in this work, they are in fact interrelated and interdependent. In addition, the activities and characteristics of the House of Commons presented in this thesis are not exhaustive. Rather, their purpose is to provide a context in which public sphere theory can be examined.

The structural dimension concerns itself with the design of the spaces of the public sphere. Chapter 1 therefore examines the theoretical structure of the public sphere, followed by its physical environments, and, finally, its organizational features. The characteristics of these three components are laid out and compared to the structure of the House of Commons. Specifically, the relationship between the Main Chamber and the committees of the House is examined to determine if they are microspheres of action. Then, the physical venues of the House are compared with three conceptualizations and three prerequisites of public space. Finally, the effects of various institutional features, including seating arrangements and the *Standing Orders*, on deliberation and behaviour within the House are discussed. Ultimately, this section concludes that because the theoretical, physical, and organizational elements of structure were found to co-exist within the House of Commons, it does satisfy all the requirements of the structural dimension of the public sphere.

The representational dimension concerns itself with who is able to participate in the proceedings of the public sphere. As Chapter 1 explores the physical accessibility of the spaces of the public sphere, Chapter 2 examines the accessibility, inclusivity, and representativeness of

its proceedings. The characteristics of these three components are laid out and compared to the proceedings of the House of Commons. Specifically, the eligibility, ability, and electability of candidates are examined to determine if all citizens have an equal probability of gaining access to the House as a Member of Parliament. Then, a discussion of electoral systems is undertaken to ascertain whether electability inequalities are the result of factors internal or external to the House of Commons. Finally, various procedural mechanisms – including petitions, Private Members' Business, and Question Period – are discussed in the context of indirect representation. Ultimately, this section concludes that because the three characteristics of representation were, in principle, found to co-exist within the House of Commons, that it does, in fact, satisfy all the requirements of the representational dimension of the public sphere.

Finally, the interactional dimension considers how the spaces of the public sphere are used. Chapter 3 therefore examines the communicative actions of participants in the public sphere through the concepts of real deliberation, discursive equality and inclusivity, and communicative freedom. As with the other dimensions, the characteristics of these concepts are laid out and compared to the proceedings of the House of Commons. The quality of deliberation in the House is evaluated to determine whether participants engage in the reciprocal critique of arguments during debate. Then, an examination of the accessibility and comprehensibility of preparatory materials is undertaken to determine whether discursive equality and inclusivity exist in the House. These concepts are then investigated through a study of the breadth of topics deliberated upon in the House and an examination of the consideration granted to each re-presentation. Finally, the effect of party discipline on communicative freedom is explored. Ultimately, this chapter finds that the House of Commons fails to fulfill the requirements of the interactional dimension of the public sphere.

This study concludes by arguing that the failure to satisfy the interactional dimension of the public sphere is ultimately a function of how the spaces of the House of Commons are used, rather than a by-product of their structural and representational design. As such, numerous recommendations are made to address the perversion of – what should be – Canada's most prominent and highest-ranking public sphere. In addition, the limitations of this study are addressed and numerous avenues for further research are identified.

Research Design and Methods

This thesis is grounded in qualitative research and uses "a blend of [approaches] to acquire the degree of detail required" to answer the research question (Stewart, 2002, p. 133). I employ a "case-oriented approach" (Eid & Lagacé, 2007, p. 184) that relies on the collection of data that "are separated and categorized based on emerging patterns observed by the researcher" (Stewart, 2002, p. 143). Data have been collected from a variety of sources, including peer-reviewed academic journals, books, media articles, and procedural documents of the House of Commons. As noted by Creswell (2009), this strategy of inquiry focuses on one system – in this case, the House of Commons – whose constitutive features are explored in substantive detail throughout this work (p. 13).

This study also has roots in ethnography because the interpretation of data has been informed by my past and present employment experience. As an example, in Chapter 1, I discuss the ownership and maintenance of Parliament Hill and the buildings of the parliamentary precinct. This knowledge has been developed through my work experience at both the National Capital Commission and the Department of Canadian Heritage. In addition, I have also acted as a Question Period Officer, where I was responsible for overseeing the day-to-day parliamentary

activities related to the Department of Canadian Heritage. Through "the prolonged observation of the patterns of behaviour, language, customs, interactions, and ways of life of the culture-sharing group" found within the Parliament of Canada (Eid & Lagacé, 2007, p. 432), this experience developed my understanding of parliamentary procedure and has helped to inform my interpretation of the activities of the House of Commons within this thesis. As such, many statements of fact are not cited within this work because they are either common knowledge or have been informed by my professional experience in the federal public service. Ultimately, through the use of numerous qualitative approaches such as observation and document analysis, this thesis 'tests' whether the Canadian House of Commons functions as a constitutive and legitimate form of the public sphere using theoretical criteria derived from public sphere theory.

Caveat

It is important to recognize that Canada's federal political landscape is in a constant state of evolution – elections are held on a consistent and frequent basis and the governing party of the country has a tendency to swing back and forth between the centre and the right of the political spectrum. One caveat is therefore required to help contextualize this thesis. Apart from a few historical examples of majority parliaments drawn from the literature, much of the evidence used in this work was collected and analyzed during the 40th Parliament and prior to the 41st federal election that took place on May 2nd, 2011. This election, which reduced the Liberal Party to a mere 34 seats and the Bloc Québécois to only four, granted the left-leaning New Democrats the status of Official Opposition and drastically altered both the Canadian political landscape and the make-up of the House of Commons (Manning, 2011). It will, therefore, remain to be seen whether the findings and recommendations of this thesis hold during the 41st Parliament.

Chapter 1: The Structural Dimension

This chapter concerns itself with the structural dimension of the public sphere, and therefore considers how the spaces of the public sphere are designed. Specific criteria are extracted from a review of the literature to test whether the Canadian House of Commons satisfies the requirements of the structural dimension of the public sphere. These criteria are divided into three components – the theoretical, the physical, and the organizational – and their constitutive features are compared to the components and activities of the House of Commons. Ultimately, it is determined that the House of Commons meets the criteria of each component and therefore satisfies the structural dimension of the public sphere.

1.1 Literature Review

Habermas (1974) has stated that there is no fixed place for the public sphere, arguing instead that "a portion of the public sphere comes into being in every conversation in which private individuals assemble to form a public body" (p. 49). This implies not only that the public sphere has no fixed location, but also suggests that it can exist in many spaces – perhaps even simultaneously. As remarked upon by Garnham (2007), this raises a debate about structure that has been heavily discussed in the literature – specifically, whether the public sphere is unitary or is composed of multiple public spheres (p. 209).

In general, two types of public spheres dominate the literature: counter-publics and microspheres. **Counter-publics** exist in opposition to the public sphere and act as an alternative space where marginalized individuals can come together to influence and implement policy (Fenton & Downey, 2003b). Ryan (1992), for example, calls attention to the way in which pre-suffrage feminist movements took advantage of counter-publics to influence public policy in

the male-dominated public sphere. Further to this point, Fraser (1992) recognizes how counter-publics functioned as both an alternative forum for public discourse and a "training ground" for "subordinated social groups – women, workers, peoples of color, and gays and lesbians" prior to their acceptance into the larger public sphere (p. 123-124). Although these perspectives posit that counter-publics enlarge discursive space, they nevertheless function outside of the public sphere and are therefore beyond the scope of this work.

Microspheres, on the other hand, suggest that the public sphere is made up of multiple, smaller public spheres. From this perspective, Volkmer (2003) argues that the public sphere is actually a system composed of numerous hierarchical layers. Papacharissi (2002) also acknowledges this, noting that not all microspheres are "equally powerful, articulate, or privileged" (p. 11). In addition, Milliken et al. (2008) maintain that the dominant sphere of this system "excludes some [of the] communication processes" found in others (p. 2).

Tsaliki (2002) and Bruns (2008) attribute the rise of microspheres to the Internet, arguing that it has altered the form of the traditional public sphere. These microspheres focus "on specific topics which are of interest to their particular constituencies of users and participants" (Bruns, 2008, p. 68). In the context of the Internet, arguments have been made praising the rise of microspheres because they grant marginalized individuals access to the public sphere and result in a diversification of the voices present therein (Papacharissi, 2002, p. 11; Stromer-Galley, 2002, p. 38). Some authors, however, caution that online or virtual microspheres can result in the fragmentation of the public sphere as they allow for "the formation and strengthening of like-minded individuals, [rather than substantial debate and consensus building]" (Dahlgren, 2005, p. 152; Mäkinen & Kuira, 2008, p. 331). If, as Bruns (2008) posits, microspheres overlap and interconnect in terms of membership because of the varied interests of their participants (p. 69),

then there is in fact evidence to suggest that those engaged in microspheres will be exposed to diverse issues and persons. Thus, while microspheres can result in confirmation bias and the fragmentation of the larger public sphere, this can be mitigated, at least in part, if participants are simultaneously involved in numerous microspheres with diverse persons.

On the basis of the preceding discussion, the public sphere should therefore be understood as a hierarchically-layered system of numerous smaller public spheres. In addition, each layer of microspheres has its own communication processes which vary from those of the dominant sphere. Finally, microspheres are interconnected, as evidenced by the fact that their membership – including that of the dominant sphere – overlaps.

Regardless of its conceptual structure, the public sphere nevertheless requires "a space for action" (Howard, 2005, p. 154) to fulfill its function as a forum for the formation of considered public opinion. Ultimately, it requires some type of form and location – whether virtual or physical. Papacharissi (2002) posits that for the public sphere to exist there must first be a public space that functions as a site for political deliberation. While this perspective identifies public space as a prerequisite for the public sphere, the relationship between these two concepts is not self-evident. This can be attributed to the fact that many authors employ the two terms interchangeably (e.g. Agacinski, 2001; Kingwell, 2009, p. 7; Villa, 2001, p. 145). Using a framework that defines the public sphere as a forum for input and debate on matters of public interest and common political concern, the next section addresses the intersection of and relationship between public space and the public sphere. To begin requires answering the question: What is public space?

Public space has been described in terms of ownership, access, and use. Each of these understandings has implications for what type of space constitutes a public space and, as such,

they will all be discussed in further detail. From an ownership perspective, public space refers to "space that actually belongs to the 'public' [which] does so by dint of being the property of some government entity" (Lofland, 2009, p. 210). In this instance, a physical space is public in that it is "paid for out of collective resources" like tax revenue (Parkinson, 2009, p. 73). This conceptualization of public space explains why Howard (2005) enumerates legislatures, courts and voting booths as spaces for action of the public sphere (p. 154). Public space has also been described as being accessible (Parkinson, 2009, p. 75), or at least more accessible than private space (Lofland, 2009, p. 8). In other words, as Cunningham (2009) argues, public space should be "non-exclusive and demographically open" (p. 86). Finally, in terms of use, it is within public space that "the performance of public roles" occurs (Parkinson, 2009, p. 75). From this perspective, public space is theatrical, for it is a place where things "can be seen and heard by everybody" (Arendt, 1998, p. 50) and where "human actions are performed in the presence of others" (Hénaff & Strong, 2001, p. 7).

Thus, depending on which conceptualization is used, various places can be classified as a public space. Both Cunningham (2009) and Kingwell (2009), for example, list parks as a type of public space. In contrast, Parkinson's (2009) list of public spaces is much expanded and includes concert halls, public libraries, legislatures, town squares, military facilities, and government offices. What remains to be addressed, however, is what constitutive features must be present for a space to be considered 'public'. Hénaff and Strong (2001) outline three prerequisites for public space (p. 4-6). First, they argue that it must be identifiable. Pérez-Gómez (2009) suggests that this means that public space, especially in an urban context, has boundaries (p. 48). Second, it must be a human construct or "the fabrication of human hands" (Arendt, 1998, p. 52). This characteristic distinguishes public spaces from what Hénaff and Strong (2001) refer to as

common spaces, such as those found in nature, which have "the quality of being given to humans" (p. 4). Finally, as noted under the 'use' conceptualization, the third prerequisite for public space is that it is theatrical by nature. This is because it is a space where individuals *can* present themselves to others through communication.

In summary, if as Papacharissi (2002) posits, public space is a prerequisite for the public sphere, then its spaces of action will conform to one or more of the conceptualizations of public space outlined above – those of ownership, use, or accessibility. In addition, these spaces will also satisfy the prerequisites outlined by Hénaff and Strong (2001). They will therefore be identifiable, humanly-constructed, and theatrical, acting as places where individuals *can be* seen by others.

The built environment should also be considered in discussions related to the public sphere, because it "shapes citizens' sense of what people, perspectives, and problems are present in the democratic public" (Bickford, 2000, p. 356). More simply put, the built environment of the public sphere influences its representational dimension. Furthermore, Hénaff and Strong (2001) argue that the act of designing a space is in fact an attempt to organize the interactions that occur therein (p. 5). This idea is exemplified by Block (2009) who posits, among other things, that the design of rooms can influence its behavioural dynamics (p. 151-162). For example, he calls for the use of circular tables in meetings rather than rectangular ones as the former embodies "the shape of communion" and the latter "the shape of negotiation" (p. 154). Although Parkinson (2009) refutes such claims about "the democratic effect of different chamber seating arrangements" (p. 79), they nevertheless call attention to the idea that all decisions made pertaining to the institutional design of public spheres have consequences for their representational and interactional dimensions (Fung, 2003). With this in mind, the structural

dimension of the public sphere needs to go beyond merely its theoretical and physical design, and should also include other features that shape and organize its proceedings.

The final aspect of the structural dimension therefore relates to institutional features – such as seating plans, rules and procedures – which are put in place to help organize communication so that debate can proceed in an orderly and productive manner. This is important because "when individuals address random topics, in a random order, without a commonly shared understanding of the social importance of a particular issue, then conversation becomes more fragmented and its impact is mitigated" (Papacharissi, 2002, p. 17). Dahlgren (2000) also calls attention to this when he states that "the kinds of established rules and etiquette that shape [interaction among citizens] either promote the practices of public discussion or contribute to their evaporation" (p. 338).

In conclusion, the structural dimension of the public sphere can be discussed in terms of three components. First and foremost, from a theoretical perspective, the public sphere cannot be viewed as a single entity; rather it is a hierarchical system composed of numerous smaller microspheres. These microspheres vary in terms of their communication processes, but are interconnected in terms of membership. Second, the public sphere requires a physical or virtual space for action. This space should conform to one or more of the conceptualizations of public space – ownership, accessibility, and use. In addition, the public sphere should also have identifiable boundaries, be a human construct, and be theatrical in nature. Finally, from an organizational perspective, there should be institutional features in place to ensure that deliberation in the public sphere occurs in an orderly and productive manner. When these three elements have been found to co-exist within a space, that space can be said to satisfy the

structural dimension of the public sphere. It is in this context that the structure of the House of Commons will be examined.

1.2 Committees, Cabinet, and Caucus: A Network of Microspheres

While some authors argue that the Internet gave rise to the existence of microspheres (e.g. Bruns, 2008; Tsaliki, 2002), a closer examination of the House of Commons demonstrates that microspheres have been present therein in one form or another since its inception. The Main Chamber of the House of Commons functions as its pinnacle and is the dominant sphere of action where all legislation, motions, and other legislative instruments are introduced, debated, and voted upon. As such, the Main Chamber is arguably the most visible and recognizable venue of the House of Commons.

Conceptually speaking – rather than geographically – the Main Chamber is surrounded and supported by its parliamentary committees, whose primary purpose is to conduct in-depth examination of legislation, review federal policies, and study subjects of interest to the Canadian public. As provided for under the *Standing Orders of the House of Commons*, there are twenty-four Standing Committees that are present in each parliamentary session. In addition, the House of Commons can also appoint special committees as well as legislative committees to examine particular issues or bills. The *Standing Orders* also establish several joint committees; however, as their membership consists of representatives from both the House of Commons and the Senate, further examination of these committees will be excluded from this work.

The committees of the House of Commons act simultaneously as smaller versions and extensions of the Main Chamber. Each type of committee has its own representational requirements and institutional features to which they are bound. In addition, they also have the

power to create sub-committees to assist them with part of their mandate and responsibilities, as well as with their planning and administrative activities. As such, "sub-committees are to committees what committees are to the [Main Chamber of the] House" (Marleau & Montpetit, 2000, *Committees*). The House of Commons is therefore composed of numerous layers, beginning with the dominant sphere of the Main Chamber and extending outwards to the layer of microspheres that is composed of sub-committees.

While the Standing Committees receive their mandate and responsibilities from the *Standing Orders*, they may also be assigned additional responsibilities or instructions from the Main Chamber of the House of Commons. Similarly, committees task sub-committees with specific responsibilities and instructions. Consequently, communication – in the form of direction and instruction – flows from the top-down. In addition, once a task has been completed, whether it is a study or the review of legislation, committees convey their findings and recommendations to the Main Chamber by tabling reports or amendments to legislation. Here, communication flows from the bottom-up. It can therefore be argued that bi-directional communication occurs between the various layers of the House of Commons. Figure 1 provides a visual representation of this inter-layer communication.

As will be discussed in further detail in later sections of Chapter 1 and again in Chapter 3, communication processes in the House of Commons are guided by the *Standing Orders of the House of Commons* and enforced by the Speaker of the House. The purpose of these institutional features is to ensure equality within the House while maintaining orderly and productive debate. Committees are also bound by the *Standing Orders*; however, some provisions, such as the election of the Speaker, are not applicable in committee settings. As such, committees are generally given a degree of freedom, relative to the Main Chamber of the House of Commons,

from the *Standing Orders*, and their meetings are often more informal to increase effectiveness. Internally, most committees agree to a set of rules for each study or subject that they examine, including the length of time that a study will occur and the length of speeches from both members and witnesses. In addition, instead of a Speaker, committee members elect a Chair who is responsible for recognizing members and witnesses and for ensuring that the rules of the committee – in particular those allotted for the length of speeches – are respected. Thus, although there are similarities between the rules and communication processes of the Main Chamber and its committees, there are also differences that are utilized to take advantage of the dynamics and effectiveness of smaller groups.

In terms of membership, that of the Main Chamber of the House of Commons is determined following each general election, and may be altered as a result of either a resignation or a by-election. It is composed of 308 Members of Parliament, hailing from all across Canada, each of whom represents one federal riding. While further in-depth examination of the membership of the Main Chamber will be discussed in Chapter 2 of this work, for the moment it is sufficient to note two considerations. First, with the exception of the individuals identified under Section 65 of the *Canada Elections Act*, all Canadian citizens over the age of 18 are eligible to present their candidacy for election to the House of Commons. Second, candidates may run for office either as an independent or as the local representative of a political party.

By comparison, committee members are appointed at the beginning of each new parliamentary session as well as in September of each year. In general, political parties are represented on committees in proportion to their representation in the House of Commons. Committee membership consists of both permanent and associate members, the latter of whom can act as substitutes for permanent members and as members of any related sub-committee. The

membership of sub-committees differs from that of other committees in that party representation is not required to be proportional to that of the Main Chamber. Appendix 1 provides an example of how membership between committees and sub-committees can overlap; a condensed version of which is illustrated in Figure 1.

Figure 1: Communication and Membership Flows in the House of Commons
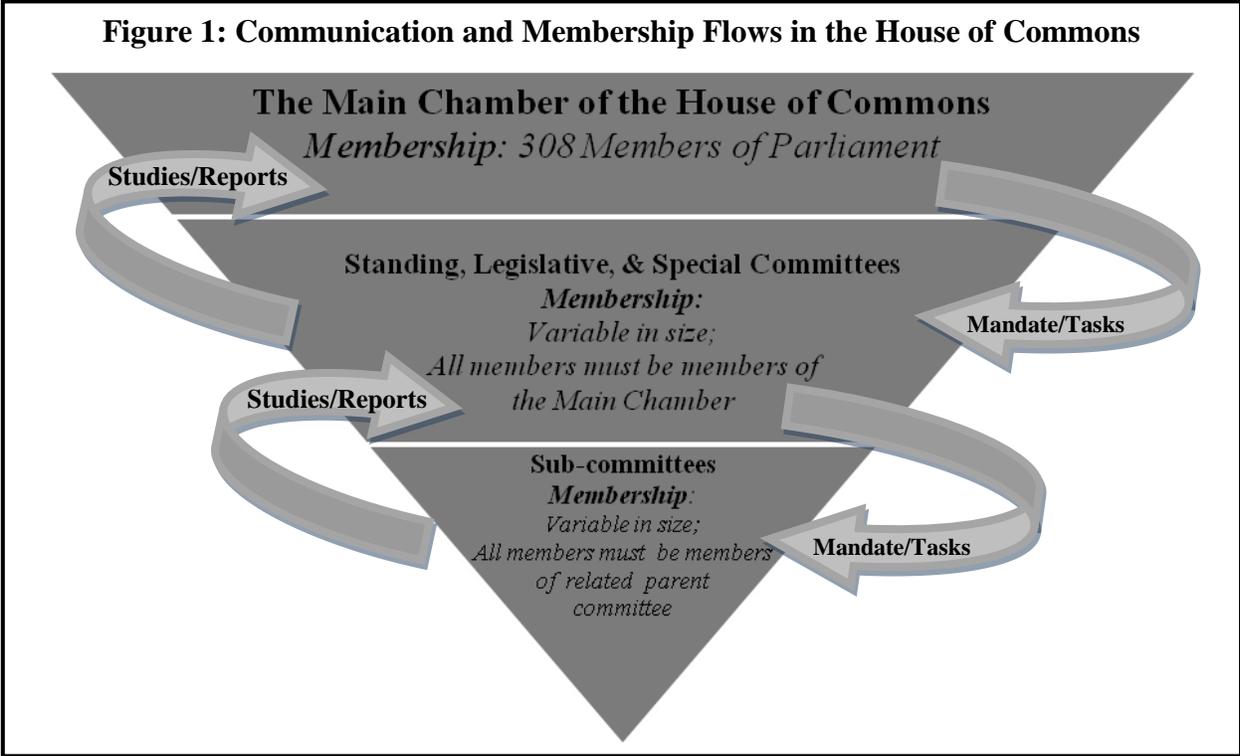
As the House of Commons is hierarchical, membership to the highest level is a prerequisite for gaining access to its lower levels. In addition, while communication between the layers of the House of Commons is bi-directional, committees and sub-committees are only responsible for that which falls within their mandate, as established by their superordinate. The use of hierarchy here is not meant to diminish the work of parliamentary committees – they are responsible for conducting in-depth review and examination of important pieces of legislation as well as the Main Estimates and other matters of interest to the Canadian public. Rather, it is used

to indicate the way in which membership and communication processes flow between the Main Chamber of the House of Commons and its committees.

In addition to the Main Chamber and the committees of the House of Commons, two other microspheres merit a brief discussion: Cabinet and caucus. The Cabinet is composed of Ministers and Ministers of State that have been selected by the Prime Minister from the elected representatives of his political party. Membership in the House of Commons is generally a prerequisite for all Cabinet members. Collectively, the Cabinet holds much power as it is not only the primary source of legislation in the House of Commons but is also responsible for the administration of all federal departments. The Cabinet meets in either standing or ad hoc Cabinet committees for decision-making and information-sharing purposes. It is here that Ministers "discuss political issues raised by the [Prime Minister]", "hear presentations from ministers and their deputies about particular areas of concern", and "ratify Order-in-Council appointments that have already been determined" (Archer, Gibbins, Knopff, MacIvor & Pal, 2002, p. 253). In addition to the Cabinet, membership to its related committees is also extended to the Leader of the Government in the Senate. As the membership of Cabinet committees contains both representatives from the House of Commons and the Senate, further discussion of these committees will be excluded from this work

When the House of Commons is in session, proceedings in the Main Chamber begin later on Wednesdays to allow all political parties to hold their weekly caucus meetings. As with Cabinet committees, caucus meetings take place behind closed doors to allow members to engage in frank deliberations. Caucus membership, like that of Cabinet committees, includes not only Members of Parliament but also any representatives of that political party in the Senate

(Archer et al., 2002, p. 373). Due to this mixed membership, further discussion of caucuses will also be excluded from this work.

Based on the preceding discussion, it can be concluded that the House of Commons does indeed consist of three layers of microspheres: its Main Chamber, committees and their sub-committees. In addition, three other microspheres were also identified – joint committees, Cabinet, and caucus – but were excluded from this study due to the fact that their membership consists of representatives from both the House of Commons and the Senate.

Ultimately, the theoretical structure of the House of Commons was found to be hierarchical, with the Main Chamber of the House acting as the dominant sphere, and committees and sub-committees as subordinate microspheres. As laid out in public sphere theory, communication processes in the Main Chamber differ from those in the other spheres. In addition, communication was also found to flow bi-directionally between layers in the form of instructions and reports, thereby exceeding the theoretical framework on microspheres. Membership, on the other hand, was found to flow hierarchically. Specifically, it was demonstrated that membership to subordinate spheres was predicated on membership to superordinate spheres. In addition, the committees and sub-committees profiled under Annex 1 demonstrated that representatives of the House of Commons participate on multiple committees in various combinations. As such, it can be argued that not only are representatives within the House of Commons simultaneously involved in numerous microspheres, but they are also exposed to diverse issues and persons through their participation in committees and sub-committees. In conclusion, based on the evidence outlined above, the House of Commons not only satisfies the microsphere component of the structural dimension of the public sphere but also surpasses it in some respects.

1.3 The Main Chamber of the House and its Committee Rooms: Public Spaces for Action

This section considers whether the venues of the House of Commons, specifically the Main Chamber and its committee rooms, function as public spaces for action. These spheres have both form and location – the Main Chamber occupies a physical space located in the Centre Block of Parliament, and its committees and sub-committees meet in smaller venues in all three blocks of Parliament as well as in the Wellington and La Promenade buildings.

In terms of *ownership*, these edifices are maintained using public resources. This is exemplified by the fact that various government departments and agencies – specifically the Department of Public Works and Government Services Canada (PWGSC) and the National Capital Commission (NCC) – have been assigned the responsibility of maintaining the Parliament buildings and its grounds, and do so through the expenditure of public funds. From this perspective, the Parliament buildings as well as all of the other spaces that make up the parliamentary precinct, including committee rooms located in the Wellington and La Promenade buildings, are public spaces.

Access, which has been operationalized as direct, physical access, has been considered separately for the Main Chamber of the House of Commons and its committee rooms. In addition, it has also been examined from a representational perspective in Chapter 2. In terms of the Main Chamber of the House of Commons, pictured in Figure 2, only Members of Parliament and officials of the House are granted physical access to its floor. Although barred from the Chamber floor, members of the public and members of the press can directly observe proceedings from one of the numerous galleries located within the House. Access to these galleries can be obtained by making a reservation through a Member of Parliament or by

presenting oneself on Parliament Hill – where seats are allocated on a first-come-first-served basis (Parliament of Canada, 2005). Thus, while some Canadian citizens may not be able to directly participate in the proceedings of the Main Chamber because they have not been elected, they nevertheless have direct access to them through in-person observation from the galleries.

Figure 2: The Main Chamber of the House of Commons

Source: Library of Parliament/Bibliothèque du Parlement HOC-40th / Roy Grogan (see Annex 2)

For those unable to visit the galleries in-person, the proceedings of the House are also televised and live-streamed on the Internet. However, both of the broadcast versions differ from in-person observation. This is because the camera and microphone focus solely on the person speaking and "reaction shots, split screens and cutaway shots are not permitted" during broadcasts (Marleau and Montpetit, 2000, *The Parliamentary Record*). The broadcast versions are therefore unable to capture how the Government House Leader signals to his Ministers during Question Period assigning responsibility for each question asked, or how the poor attendance of Question Period on Fridays is masked by Members of Parliament clustering together when someone from their party is speaking (Martin, D., 2010; Wherry, 2011a).

Despite differences that exist between in-person and broadcast viewing experiences, having the opportunity to observe proceedings at all functions as a form of direct access. Additionally, the popularization of social media has eliminated some of these discrepancies.

Members of the Parliamentary Press Gallery now provide contextual information, describing the atmosphere and behind-the-scenes action of the House, via Twitter and other social media tools. In addition, Members of Parliament also tweet their activities from the Chamber floor, and this activity is only expected to increase now that "the House of Commons recently approved Twitter-applications for government-issued Blackberries" (Wherry, 2011b, p. 26).

It is nevertheless remains possible for proceedings of the Main Chamber to be conducted in private, where only Members of Parliament and officials of the House are granted access. However, this has occurred only four times in the history of the House of Commons, all of which were during wartime (Marleau & Montpetit, 2000, *Sittings of the House*). As secret sittings are uncommon, they do not pose a threat to the accessibility of the House. If their occurrence was to increase in frequency, further consideration of their impact on accessibility would be required.

In committee rooms, access to the 'floor' is granted to permanent and associate members of a committee and committee staff, as well as to any witnesses who have been invited or summoned to appear before them. Committee membership, as has been previously discussed, is predicated on membership to the Main Chamber of the House of Commons. In the case of sub-committees, membership to the parent committee is required. Witnesses are called before committees during the review of legislation or the conduct of a study to provide advice, answer questions, and present their views on specific subjects of inquiry. These witnesses can be subject-matter experts, public servants, interest groups, Ministers or other Members of Parliament, as well as members of the general public. As an example, during the 3rd Session of the 40th Parliament, the Subcommittee on Neurological Diseases heard testimony from both doctors and multiple sclerosis patients on the use of 'liberation treatments' to alleviate symptoms of the disease (CTV.ca News Staff, 2010). Because "committees interact directly with the public,

they provide an immediate and visible conduit between elected representatives and Canadians"
(Marleau & Montpetit, 2000, *Committees*). Although the selection of witnesses is done entirely
at the discretion of committee members, it nevertheless presents an opportunity for access not
found in the Main Chamber.

Similar to proceedings of the Main Chamber, members of the public and the press are
able to observe committee meetings in-person or via broadcast. These opportunities for access
are limited, however, by the size of the venue and by time. In terms of the former, committee
rooms are much smaller than the Main Chamber, and seating for the public is therefore
drastically reduced. In terms of the latter, committee meetings are generally not televised live-to-
air because the Cable Public Affairs Channel (CPAC) gives precedence to proceedings in the
Main Chamber. Instead, committee meetings are aired after the fact in various time slots.
Although it is possible to observe proceedings live via webcast, discrepancies arise here as well
because sometimes only audio feeds are made available. Parallels can be drawn between
committee rooms and the Main Chamber of House of Commons where the in-person viewing
experience also differs from the broadcast version. Irrespective of differences that exist between
in-person and broadcast viewing experiences of committee meetings, having the opportunity to
observe proceedings – even if it is only the audio version – nevertheless functions as a form of
direct access.

Finally, direct access to the committee rooms of the House of Commons may be limited if
a committee decides to meet behind closed doors, or *in camera*. This occurs most frequently
when committees are considering administrative matters, such as planning a study or reviewing
draft versions of a forthcoming report, or when they are dealing with subjects that require
confidentiality, such as national security. During these *in camera* sessions, members of the

public and the press are denied access to committee rooms and, in addition, proceedings are not broadcast. While committees meet *in camera* on a regular basis, and certainly more often than the Main Chamber of the House, this limitation to access can be offset by three considerations. First, the meetings and transcripts of *in camera* meetings may be issued at the discretion of the committee. Second, as many *in camera* meetings are administrative in nature, the results of these meetings will be made known indirectly during the conduct of studies and upon the publication of final reports. Lastly, *in camera* sessions are not a consequence of the physical space itself, but rather result from various decisions taken by committees. In principle, then, the committee rooms of the House of Commons are accessible.

Although limitations to direct, physical access have been identified for both the Main Chamber of the House of Commons and its committee rooms, the presence of various mechanisms – including the broadcast of House of Commons proceedings – were found to offset these issues. In addition, any limitations to access were found to be the result of time and decision-making rather than a consequence of the space itself. As such, it can be argued that the two venues of the House of Commons are, in principle, accessible public spaces.

The final conceptualization of public space with which this thesis is concerned is that of *use*, specifically that it is a place for "the performance of public roles" (Parkinson, 2009, p. 74). The public role of Members of Parliament is to "represent [citizens'] interests, to gather and debate, and to make decisions regarding the ongoing building of [the nation] and Canada's way forward in the world" (MacMillan & Loat, 2010, p. 4). Members of Parliament from all across the country assemble in the House of Commons to fulfill this role via deliberation and voting. It should be noted, however, that the responsibilities of Members of Parliament are not limited to representing constituency interests in the House of Commons, but also include providing

assistance and services directly to constituents (Raphael, 2011; Smith, 2009, p. 73-74) and performing party-related duties such as speaking with media. As such, the Main Chamber of the House of Commons and its committee rooms are only *some* of the places where Members of Parliament perform their public roles.

In summary, the House of Commons has two dominant public spaces for action: its Main Chamber and its committee rooms. As these spaces are maintained by publicly-funded institutions through the expenditure of tax revenue, they are in effect 'owned' by the public. Additionally, although numerous limitations to access were identified, these were found to be the result of external factors rather than a consequence of the space itself. Finally, from a use perspective, it has been argued that the Main Chamber of the House of Commons and its committee rooms are indeed *some* of places where Members of Parliament perform their public roles. Based on this evidence, the House of Commons satisfies not only the ownership conceptualization of public space, but also those of access and use – and it does so simultaneously. This demonstrates that "government-owned territory that is open to public access is the most public of public space" (Lofland, 2009, p. 210). What remains to be seen, however, is whether the House of Commons also complies with the three prerequisites for public space that have been established by Hénaff and Strong (2001).

The first of these prerequisites stipulates that the House of Commons be, in a literal sense, *identifiable*. Both the Main Chamber and the committee rooms have fixed physical spaces of action that are confined within the boundaries of the walls that surround them. While an argument can be made that the use of personal communication devices and social media by participants within these spaces challenges their boundaries and widens their reach (Tsaliki, 2002, p. 96), it does so in an intangible way that does not actually enlarge the physical space

itself. Thus, the physical boundaries of the House of Commons are both fixed and identifiable. In addition, due to their physical and concrete nature, the spaces of the House are *human constructs* and therefore satisfy the second prerequisite of public space. The third and final prerequisite, *theatricality*, requires that individuals are able to be seen and perform communicative actions in the presence of others. The provision stipulating that quorums must be met in both the Main Chamber of the House and its committee rooms guarantees that participants and their actions will be able to be seen by others. Thus, in addition to embodying all three conceptualizations of public space, the House of Commons also satisfies its three prerequisites. The two venues of the House, specifically the Main Chamber and its committee rooms, are therefore public spaces.

1.4 Seating Plans, *Standing Orders*, and Other Institutional Features of the House of Commons

Block (2009) argues that the organization of space shapes behaviour and interactions that occur within a place. Seating arrangements are one such mechanism for organization. In the Main Chamber of the House of Commons, seating plays an important role because Members of Parliament are required to be in their assigned seats if they wish to be recognized by the Speaker of the House and participate in any of its proceedings. Seating therefore creates spatial order within the Main Chamber.

The allocation of seats in the Main Chamber is done by the Speaker on the advice of party whips. In general, government party members sit to the right of the Speaker and opposition members to the left. The first few rows of desks in the centre of the government side are reserved for the Prime Minister and Cabinet. The Leader of the Official Opposition, flanked by his shadow cabinet, is seated opposite them across a wide centre aisle. The leaders of the remaining opposition parties are also seated to the left of the Speaker in the front row, but not directly

opposite the Prime Minister. The seating of the backbench party members will vary according to the number of elected representatives in each political party, although government backbenchers traditionally sit behind and to the side of the Cabinet and opposition backbenchers near the leader of their respective parties.

The allotment of seats described above has two effects. First, as noted by Block (2009), it positions two diverging groups in positions of negotiation rather than communion. In the context of the House of Commons, and in particular in minority parliaments where party divisions are most evident and proceedings are quite heated, this statement does not adequately express the degree of influence that seating has on the dynamics of the House of Commons. I posit that, in a minority parliament, seating arrangements actually contribute to the creation of an adversarial environment within the Main Chamber by physically positioning political parties in direct confrontation with one another. As this subject is closely related to interaction, the dynamics of majority and minority parliaments will be discussed in further detail in Chapter 3.

A second possible effect of these seating arrangements, and in particular of the presence of the wide centre aisle, is that it increases the auditory volume of exchanges in the Main Chamber. Although further study would be needed to confirm this hypothesis, I posit that despite the presence of microphones and other sound amplification equipment, the wide centre aisle creates the perception that there exists a physical distance between the two sides of the House that can only be bridged by shouting. This could explain, at least in part, why the responses to planted questions – questions posed by government backbenchers to Cabinet Ministers during Question Period – are not hollered back and those directed towards opposition members are. Thus, as has been illustrated here, while the purpose of seating arrangements is to help maintain order in the House of Commons, it is possible for seating arrangement to negatively impact the

dynamics of debate by exacerbating inter-party divisions and contributing to the creation of an adversarial environment.

Another institutional feature of the House of Commons which merits discussion is the *Standing Orders*. Together with any temporary, sessional, or special orders that are put in place, the *Standing Orders* govern the procedures and decorum of the House. They are "intended to ensure that there is a balance between the government's need to get its business through the House, and the opposition's responsibility to debate that business without completely immobilizing the proceedings of the House" (Parliament of Canada, 2010, *Parliamentary Procedure*). Among other things, they establish both the daily business and the parliamentary calendar of the House of Commons and provide guidelines as to the length, subject and frequency of speech in the Main Chamber. This is important as it helps to focus the attention of Members of Parliament on a particular subject for a specific length of time in an attempt to make the most effective use of that time.

The *Standing Orders* also layout the decorum that Members are expected to adhere to in the House of Commons, including the manner in which Members must refer to each other. Specifically, they stipulate that Members of Parliament are not permitted to refer to each other by name, but rather by the title of 'Honourable Member'. In addition, Members of Parliament must address all speeches and questions through the Speaker of the House – as opposed to directing them to other Members. I posit that these provisions are intended to encourage civility within the House as it is difficult, although not impossible, to engage in name-calling and other invective behaviour when you are not permitted to address your target directly.

In the Main Chamber of the House of Commons, it is the Speaker who is responsible for enforcing the *Standing Orders* thereby regulating debate and preserving order. For example, all

Members of Parliament must first be recognized by the Speaker if they wish to participate in the proceedings of the House. The Speaker also ensures that provisions related to the frequency, duration, and subject of speech are respected in the Main Chamber – a responsibility that falls to the Chair in committee rooms. In addition, the Speaker of the House is tasked with issuing rulings and statements on matters of procedure which can serve as precedents for future decisions. As such, the Speaker is expected to be both impartial and non-partisan – even though he is often elected to the House of Commons as a member of a political party. While the role of the Speaker is to maintain order and ensure that debate occurs in a productive manner through the enforcement of the *Standing Orders* and the issuance of decisions, these actions inevitably limit communicative freedom in the Main Chamber. The Committee Chair also has a similar effect during committee meetings. The importance of communicative freedom will be discussed in further detail in Chapter 3.

A final institutional feature of the House of Commons that will be discussed is parliamentary privilege. While the *Standing Orders* and the Speaker of the House curtail communicative freedom, Members of Parliament are nevertheless granted numerous rights and immunities to ensure their full participation in the House of Commons. As noted by Marleau and Montpetit (2000), these privileges "are designed to safeguard the rights of each and every elector [by enabling Members] to discharge their functions of representing their constituents" (*Privileges and Immunities*). Members of Parliament are therefore guaranteed freedom of speech during parliamentary proceedings and the freedom from arrest in civil actions, in particular those related to defamation. Thus, it is not uncommon for one Member to be overheard challenging another to make their accusatory pronouncements outside of the House where parliamentary privilege does not apply. In addition, freedom of speech is also extended to individuals who are

called to appear before committees. These rights and immunities help to offset the impact of other institutional features – namely the *Standing Orders* and the Speaker of the House of Commons – on communicative action.

In conclusion, numerous institutional features were identified and found to shape behaviour and interaction in the House of Commons. Seating arrangements, for example, were found to restrict movement in an attempt to organize and keep order during debates. It was also argued that the current seating arrangements, which position political parties in direct opposition to one another across a wide centre aisle, increase the auditory volume of exchanges and contribute to the creation of a hostile environment in the House. As well, the *Standing Orders*, the Speaker of the House and Committee Chairs were found to limit communicative freedom in an attempt to maintain orderly and productive debate. It was suggested that these three mechanisms function to ensure a certain level of civility between Members. Finally, guarantees of freedom of speech and freedom from arrest in civil actions were found to offset some of the communicative limitations produced by other institutional features. Ultimately, the institutional features of the House of Commons play an important role in shaping the behaviour and interactions of Members of Parliament.

1.5 The Structural Dimension of the Public Sphere and the House of Commons

Three aspects related to the structural dimension of the public sphere emerged from the review of literature: the theoretical, the physical and the organizational. In terms of its theoretical structure, it was determined that the public sphere is not a single entity, but rather is made up of numerous layers composed of smaller microspheres. These layers are structured in a hierarchical manner, with a dominant sphere of action at its pinnacle. Some authors attributed the rise of microspheres

to the proliferation of the Internet, arguing that it increases diversity within the public sphere by granting access to previously-excluded individuals. Others cautioned, however, that microspheres could result in confirmation bias and the fragmentation of the larger public sphere. This concern was found to be mitigated if participants were simultaneously involved in numerous microspheres.

An in-depth examination of the theoretical structure of the House of Commons demonstrated that it is, in fact, composed of a hierarchical system of microspheres. As the House of Commons predates the Internet, it calls into question claims that the Internet gave rise the existence of microspheres. The Main Chamber of the House of Commons, where all legislative proposals are introduced, debated and voted upon, acts as the dominant sphere of action. The activities of the Main Chamber are supported by those of its committees, whose activities are, in turn, supported by their sub-committees. Because each layer has its own representational requirements and communication processes, the committees of the House of Commons act simultaneously as smaller versions and extensions of the Main Chamber. As such, membership to the subordinate layers of the House of Commons was found to be predicated on membership to the superordinate layers. It was also demonstrated that members interact with each other not only in different layers of the system, but also in different combinations within the same layers. In addition to membership, communication was found to be exchanged between the different layers of the House of Commons – although this occurs bi-directionally rather than uni-directionally like membership. Based on the evidence, it can be argued that the House of Commons not only satisfies the theoretical aspect of the structural dimension of the public sphere, but actually surpasses it in some respects.

The physical structure of the public sphere is closely linked to the concept of public space. In fact, Papacharissi (2002) has even posited that public space is a prerequisite for the public sphere. This assertion would require that all preconditions of public space be satisfied for all spaces of the public sphere. With this premise as its foundation, the concept of public space was explored with the goal of identifying specific criteria that could be used to evaluate spaces of the public sphere. Three conceptualizations of public space emerged from the literature: ownership, access, and use.

In terms of ownership, public space refers to a space that belongs to the 'public'. This can be operationalized as either government property or as a place that is funded through the expenditure of public funds. First and foremost, it was determined that the two venues of the House of Commons – the Main Chamber and its committee rooms – occupy specific pre-designated locations within the parliamentary precinct. As these locations are maintained by numerous government departments through the expenditure of public funds, they therefore satisfy the ownership conceptualization of public space.

The second conceptualization of public space required that it be accessible and demographically open. Access to the House of Commons was discussed separately for its Main Chamber and its committee rooms because each venue has its own distinct characteristics. In terms of the Main Chamber, it was found that although direct access to the Chamber floor is only granted to Members of Parliament and employees of the House, members of the public and members of the press are nevertheless able to gain access to proceedings via in-person observation and various broadcast mechanisms. As well, although the Main Chamber has the ability to hold secret meetings, the frequency of their occurrence was considered and found to be minimal with no impact on accessibility.

In committee rooms, access to the floor is granted not only to permanent and associate committee members and committee staff but also to witnesses invited or summoned to appear before them. This presents an opportunity for access not found in the Main Chamber of the House of Commons. In addition to appearing as a witness, members of the public are also granted access to committee meetings through in-person observation and various broadcast mechanisms. In comparison to the Main Chamber, numerous barriers to access were identified in committee settings. Both in-person and broadcast observation were found to be limited by the size of committee rooms, by time, and by technology. As well, secret meetings were found to occur with a higher frequency in committees then they did in the Main Chamber. These limitations to access are, however, offset by three factors. First, committees are permitted to make available the minutes and transcripts of secret meetings. Second, secret meetings are usually administrative in nature, whose results are made public indirectly during the conduct of studies and the publication of final reports. And, third, these limitations can be attributed, in large part, to how the spaces of the House of Commons are used and not to their design. It has therefore been argued that the two main venues of the House – the Main Chamber and its committee rooms – satisfy, in principle, the access conceptualization of public space.

The final conceptualization of public space requires that it be used as a place for the performance of public roles. While the venues of the House of Commons allow Members of Parliament to fulfill a portion of their public roles through deliberation and voting, the responsibilities of MPs extend beyond the House of Commons and include providing service and assistance directly to constituents. As such, it was concluded that the Main Chamber of the House of Commons and its committee rooms are only *some* of the places where Members of Parliament perform their public roles.

In addition to the three theoretical conceptualizations of public space, Hénaff and Strong (2001) also established three preconditions for public space. Two of these relate to the construction of space and stipulate that public space be both identifiable and a human construct. Both venues of the House of Commons were found to satisfy these requirements as they occur in fixed locations within edifices constructed and maintained by human beings. The third precondition requires that public space allow people to be seen and perform communicative actions in the presence of others. Since quorums must be met in both the Main Chamber and committee rooms for proceedings to occur, this ensures that participants will have an audience.

The assumption that public space is a prerequisite for the public sphere necessitates that the spaces of the House of Commons embody at least one of its conceptualizations, while satisfying all of its preconditions. An in-depth examination of the two venues of the House of Commons revealed that these spaces not only embodied all three conceptualizations of public space but also satisfied all three of its preconditions.

The final aspect of the structural dimension of the public sphere is organizational. Specifically, public sphere theory calls for the presence of various institutional features to ensure that debate occurs in an orderly and productive manner. These features can be either tangible, such as the design of a room, or intangible, in the case of rules and procedures. Regardless of their form, institutional features shape both behaviour and interaction in the public sphere.

Four institutional features of the House of Commons were analyzed and their impact on the proceedings of the House was considered. Although intended to maintain order, it was posited that the use of seating arrangements within the Main Chamber could actually contribute to disorder – especially in the context of a minority parliament. This is because the current layout positions political parties in physical opposition to one another, thereby fostering an adversarial

and confrontational communicative environment. Additionally, two others features that also function to maintain order – the *Standing Orders* and Speaker of the House of Commons – were found to encourage civility between members. A trade-off occurs here, however, because to maintain order these two mechanisms in fact restrict the communicative freedom of Members of Parliament. This limitation to communicative freedom was found to be offset by the fourth institutional feature, parliamentary privilege, which grants Members various communicative rights to ensure their full participation in the proceedings of the House. While they may have negative or unforeseen consequences, numerous institutional features nevertheless exist within the House of Commons that are intended to ensure debate occurs in an orderly and productive manner.

In conclusion, the structural dimension of the public sphere was divided into three components: the theoretical, the physical and the organizational. The constitutive features of each component were examined and compared to those of the House of Commons to determine whether the latter satisfied the structural dimension of the public sphere. The theoretical component of the public sphere concerned its theoretical – rather than geographic or physical – form. Specifically, the theoretical component stipulates that the public sphere be composed of numerous hierarchical microspheres. The physical component located the public sphere within a public space. Lastly, the organizational component required that the public sphere adopt institutional features which ensure orderly and productive debate. From a theoretical perspective, the House of Commons was found to be composed of numerous layers of interconnected microspheres as embodied by its Main Chamber, committees, and sub-committees. Physically, its two main venues – the Main Chamber and its committee rooms – satisfied all of the conceptualizations of public space as well as all of its preconditions. Finally, from an

organizational perspective, numerous institutional features were identified that shape the proceedings of the House. As the theoretical, physical and organizational elements were all found to co-exist within the House of Commons, it can be argued that the House satisfies all of the requirements of the structural dimension of the public sphere.

Chapter 2: The Representational Dimension

While the structural dimension of the public sphere examined how its spaces of action are designed, the representational dimension considers which individuals are granted access to the proceedings that occur in those spaces. The purpose of this chapter is therefore to determine whether the Canadian House of Commons satisfies the requirements of the representational dimension of the public sphere. Following a review of the literature, the proceedings of the House of Commons – rather than its spaces – are assessed against three criteria: accessibility, inclusivity, and representativeness. The evidence presented in this chapter demonstrates that, in principle, the proceedings of the House of Commons satisfy these three criteria, and therefore the requirements of the representational dimensions of the public sphere.

2.1 Literature Review

Habermas (1974) guaranteed all citizens access to the public sphere (p. 49). Specifically, he argued that all citizens should have the potential "to *be able* to participate" in the proceedings of the public sphere (Habermas, 1991, p. 37, *emphasis in original*). As well, Rehg and Bohman (2002) argue that "a vibrant public sphere ensures that public deliberation does not exclude any citizens and their viewpoints" (p. 42). While universal and equal access has been recognized as a desirable aspect of the public sphere, it has also been criticized for being an ideal that has yet to be achieved in practice (Davis, 2009, p. 282; Fenton & Downey, 2003a, p. 186; Papacharissi, 2002, p. 20). I would argue that this results, at least in part, from a general failure throughout the literature to explicate how citizenship is conceptualized. For example, citizenship can be defined according to location or place-based conceptualizations (Gidengil, Blais, Nevitte & Nadeau, 2004), along specific issues or interests (Van Steenbergen, 1994), or, increasingly, it can

transcend traditional geographic boundaries allowing individuals to belong to multiple nation-states (Baubӧck, 1999; Linklater, 1999). Although reconciling this issue is beyond the scope of this thesis, it is important to recognize that the framework employed to define citizenship ultimately affects which individuals are granted access to and excluded from the public sphere.

A second issue with Habermas' guarantee of universal access is that he implicitly argued that a certain class of individuals was not only better equipped to engage in the public sphere, but also preferred over others. In his discussion on the broadening of the public sphere, Habermas stated that a decrease in the "relatively high standard of education" among participants in the bourgeois public sphere resulted in the loss of its coherence (1974, p. 54). He therefore undermined his earlier assertions about universal access by suggesting that individuals who do not possess a certain level of education are not properly equipped to participate in the public sphere. And, he is not alone in doing so.

Many theorists argue that a certain level of knowledge and competency is required to effectively engage in the public sphere (Dewey, 1944). Dahlgren (2000), for example, states that "some degree of literacy is essential [because] people must be able to make sense of that which circulates in the public sphere and to understand the world they live in" (p. 337). Along similar lines, Dahlberg (2001) argues that participants in the public sphere must be able to "critically examine their cultural values, assumptions and interests, as well as the larger social context" in order to engage in the role-taking required to understand "the argument from the other's perspective" (p. 623). Furthermore, both Dahlgren (2000) and Muhlberger (2005) note that participants must possess a certain level of communicative competency to be able to adequately express their ideas in the public sphere.

It is therefore not surprising that contemporary studies have found that individuals with higher levels of education are more likely to engage in political activities and participate in the democratic public sphere (Fung, 2003, p. 342-343; Gidengil et al., 2004). While these qualities are certainly important to the depth and breadth of deliberation, they also impose artificial barriers to entry that call into question the inclusivity and representativeness of the public sphere. Both of these characteristics are important in contemporary democratic societies (Rehg & Bohman, 2002) as they help to ensure that diverse perspectives are represented during deliberation in the public sphere. Arendt (1998) calls attention to this when she notes that "the reality of the public realm relies on the simultaneous presence of innumerable perspectives and aspects in which the common world presents itself" (p. 57).

Thus, three representational criteria for the public sphere have emerged from the literature. First, although idealistic, all citizens should be able to participate in the proceedings of the public sphere. Second, the public sphere should be inclusive and, third, representative. The concept of universal access, which has been interpreted here to mean representation within the public sphere, goes beyond merely physical access to its spaces of action – a subject which was examined in detail in Chapter 1 of this thesis. Instead, representation refers to direct inclusion in the proceedings of the public sphere as well as the ideas and opinions that are re-presented within its spaces of action. Thus, as Rehg and Bohman (2002) note, "the inclusive participation of *citizens* in the public sphere [can be] translated into the inclusion of *arguments* in Parliament and in other legislative bodies" (p. 42, *emphasis in original*). As such, the representational dimension of the House of Commons will therefore concern itself with both direct and indirect forms of representation within its spaces of action.

2.2 Elections: Gaining Direct Access to the Chamber Floor

One method for examining representation in the House of Commons is to consider who can gain direct access to its Chamber floor and is therefore able to speak and participate in its proceedings. As discussed in Chapter 1, apart from those individuals listed under Section 65 of the *Canada Elections Act*, all Canadian citizens who are 18 years of age or older on the date of an election can present themselves as candidates. This is a democratic right guaranteed to all Canadian citizens under the *Charter of Rights and Freedoms*. For the purpose of this study, a Canadian citizen refers to an individual who was born in Canada, who has become a citizen through the naturalization process, or who was born outside of Canada to a Canadian citizen (Citizenship and Immigration Canada, 2009).

As Canada subscribes to a first-past-the-post (FPTP) single-member-plurality (SMP) democratic electoral system, it is the candidate who receives the most votes in each federal riding that becomes its representative and acts as its Member of Parliament in the House of Commons. It can therefore be understood that, apart from the individuals identified under Section 65 of the *Canada Elections Act*, any Canadian citizen over the age of 18 is eligible for election to the House of Commons and therefore has the potential to be able to gain direct access to the Chamber floor.

There does, however, exist a distinction between one's *eligibility* and one's *ability* to be elected. Eligibility, as described above, relates to certain external criteria that have been established by the *Canada Elections Act*. Ability, on the other hand, refers to factors within and beyond the control of candidates. The former includes one's innate skills and abilities as well as the staff that one chooses to employ during an electoral campaign. Internally-controlled factors are therefore the cumulative result of one's personal and professional experience and inevitably

vary from candidate to candidate. A study conducted by MacMillan and Loat (2010), which examined, among other things, the range of the previously-held careers of former parliamentarians, suggests that "there [is] no 'political class' in Canada" (p. 8). An examination of the 2008 Conservative caucus also supports this finding. While "the previous [Liberal] government's caucus had a higher proportion of people with professional background such as law, academics, and finance, the new [Conservative] caucus is made of people who are more likely to be small business owners and farmers [...]" (Howe, 2009, p. 4). Thus, although they may vary by party, some internally-controlled factors such as employment experience can be interpreted as having little to no influence on one's ability to be elected. By comparison, many external factors including the population of one's geographic location, gender and other demographic characteristics, and the effects of political affiliation, have been found to impact the likelihood of election – or one's *electability*. Each of these factors will be discussed in further detail below.

Seats in the House of Commons are distributed based on two principles: representation by geographic population and the senatorial floor rule. The former means that each province is allotted a certain number of seats on the basis of its share of the total Canadian population as calculated after each decennial census. The latter states that each province requires as many seats in the House as it has in the Senate – irrespective of its population. In addition to provincial representation, one seat in the House is allotted to each of the three territories. Thus, as Thurlow (2009) notes, "under the current system, we deliberately weight certain votes to ensure regional representation" (p. 31). Today's House of Commons consists of 308 Members, although this number has fluctuated in the past and will most likely continue to do so in the future to account

for changes in population. The breakdown of the number of seats in today's House of Commons, as well as that of the Senate, by province and territory can be found in Table 1.

Table 1: Representation in the House of Commons and the Senate of Canada by Province and Territory		
Province/Territory	**Number of Seats in the House of Commons**	**Number of Seats in the Senate of Canada**
Ontario	106	24
Quebec	75	24
British Columbia	36	6
Alberta	28	6
Manitoba	14	6
Saskatchewan	14	6
Nova Scotia	11	10
New Brunswick	10	10
Newfoundland & Labrador	7	6
Prince Edward Island	4	4
Northwest Territories	1	1
Nunavut	1	1
Yukon	1	1

The allotment of seats according to the principles of representation by geographic population and the senatorial floor rule has been criticized for overrepresenting some provinces and underrepresenting others (Gordon, 2006, p. 14; Ibbitson, 2010; Maclean's, 2010). These criticisms argue that the current system not only produces power inequalities between provinces but also fails to adequately account for population growth and migration into and between these areas. From this perspective, provinces experience varying degrees of representativeness in the House of Commons. Geographically, then, one's electability would vary based on the total number of eligible candidates present in each province or territory. This inequality could also be said to exist between more densely populated areas and less densely populated areas within the same province.

Additional electability criticisms have also been raised in the context of the gender and ethnic representativeness of the House of Commons. In an analysis of the electoral results of the

1993 and 1997 elections, Black (2000) found that, in light of the size of their population, visible minorities were numerically underrepresented in the House. More recently, Docherty and White (2004) have called attention to the continued underrepresentation of women and visible minorities in the House of Commons, despite inroads that have been made in increasing the political participation of both groups. These findings suggest that discrepancies exist between the *potential* and the *actual* representational diversity of the House – that is, between the percentage of women and visible minorities who present themselves as candidates and the percentage that are elected.

The importance of representativeness and diversity in the House of Commons, as well as within party caucuses and the Cabinet has been recognized by many authors (Galloway, 2010; Gordon, 2006, p. 7; Smith, 2008). Broadbent (2010), for example, has suggested that the Alberta Energy Crisis of the 1970s and early 1980s could have been avoided if the Liberal Cabinet – or even the Liberal caucus – of the day had any representatives from Alberta. Forsey (2005) has also called attention to this, noting that it is custom for every province to be represented by at least one Minister in Cabinet and for Ontario and Quebec to each be represented by ten to twelve (p. 41). These 'quotas' are of course contingent upon the governing party earning a sufficient number of elected seats in each province.

A final consideration of electability is the effects of political affiliation, which have been found to influence electability in two ways. The first relates to the nomination process for candidates in individual ridings and the second to the overall strength of party affiliation. Electoral candidates have the option to run for office either under the banner of a recognized political party or as an independent. In the incidence of the former, party leaders must sign the nomination papers of each candidate and therefore consent to their association with a political

party (Hall & Stanbury, 2010, p. 10). Anyone not endorsed by a political party who would still like to run for office must then do so as an independent. This would put some candidates at a disadvantage as many studies have found that, although possible, independents rarely win a seat in the House of Commons (MacMillan & Loat, 2010, p. 17; Thurlow, 2009, p. 31). In general, party-affiliated candidates are more likely to be elected. Voting patterns can therefore be argued to be modelled on specific values and interests that are represented by a political party or leader rather than on an individual candidate's qualifications (Taber, 2011). As an example, religion has historically been found to influence voting patterns, with Roman Catholics traditionally supporting the Liberal party, Protestants the right-of-centre parties, and self-identified atheists the left-of-centre parties (Blake, 1972, p. 71; Johnston, 1985; McDonald, 2010; Walks, 2004a, p. 280)

The influence of political parties also creates electability disparities within and between ridings in the form of 'safe seats'. This phenomenon refers to ridings where specific political parties are expected to win, irrespective of the candidates they endorse (Pearse, 2005, p. 28). In Alberta, for example, it could be argued that, based on previous electoral results, a Conservative party candidate has a higher probability of being elected than does either a New Democrat or Liberal candidate in the same riding, or even a Conservative candidate in a different riding that is traditionally won by another party. This is exemplified by Walks' (2004a) analysis of intra-urban voting patterns in the 1965, 1985, and 2000 elections which found that "residents of the Prairies [were] between two and three times more likely to vote NDP (than residents of other Canadian regions), [and] Albertans [were] more than twice as likely to vote for the party furthest to the right" (p. 280). The existence of these party strongholds can be explained in part by the influence of region (Blake, 1972) and, increasingly, intra-urban place of residence (Walks, 2004a) in

determining party preference and voting patterns in Canada. This phenomenon creates electoral inequalities between different-party candidates in the same riding, as well as between same-party candidates in different ridings.

In conclusion, apart from the individuals identified under Section 65 of the *Canada Elections Act*, all Canadian citizens over the age of 18 are able to present themselves as candidates for election and are therefore eligible to gain direct access to the Chamber floor of the House of Commons. There exists, however, numerous limitations to this eligibility that are derived from both internal and external factors. While internal factors inevitably vary from candidate to candidate based on their personal and professional experience, they have been found to have little or no influence on electability. In comparison, external factors such as gender, ethnicity, geographic population and the effects of political affiliation have been found to significantly influence electability. The causes of these factors will therefore be examined in further detail in the next section of this thesis.

2.3 Explaining Access Inequalities: The Electoral System and Party Policies:

Electability inequalities as well as discrepancies between the actual and the potential representativeness of the House of Commons, the Cabinet, and party caucuses, can all be explained by two interrelated factors, although others may certainly exist. One contributing factor is the electoral system to which Canada subscribes. Blais and Massicotte (2003) call attention to the effect of electoral systems on election outcomes, noting that "[the selection of] an electoral system is not a purely technical decision. It may have huge consequences for the operation of the political system" (p. 40). As previously mentioned, Canada subscribes to a first-past-the-post single-member-plurality democratic electoral system. In this system, each federal

riding is represented in the House of Commons by a single Member of Parliament who received the most votes in their riding during an election.

Like all electoral systems, the Canadian system has both its advantages and disadvantages. Although it allows for direct and accountable representation (Mahler & MacInnis, 2002, p. 159; Pearse, 2005, p. 28), it has been criticized for favouring large parties at the expense of smaller ones and for overrepresenting majorities (Davies, in Chong et al., 2010, p. 7; Mahler & MacInnis, 2002, p. 159; Thurlow, 2009, p. 30). It has also been criticized for underrepresenting certain groups, such as women and ethnic minorities and for favouring geographically-clustered bases of support. Walks (2004b) argues that the election of regional parties such as the Bloc Québécois and the Reform Party as the official opposition in 1993 and 1997, respectively, "points to the continued regionalization of Canadian politics" (p. 416).

Reforming Canada's electoral system to one based on proportional representation has been advocated by some as a solution to these discrepancies (Broadbent, 2010; Davies, in Chong et al., 2010, p. 7; Gordon, 2006; Gordon, 2010). One advantage of proportional representation systems is that they "[allow] for a greater diversity of viewpoints to be [directly] expressed in the legislature and in government" (Blais & Massicotte, 2003, p. 62). Henderson (2006) has found this to be true, noting that "aggregate data across different systems does suggest that proportional systems provide better rates of representation for women" (p. 48). She cautions, however, that electoral systems are not in and of themselves sufficient to increase the representation of women, or other underrepresented groups for that matter, in legislatures. The policies of political parties also play an important role. Specifically, Henderson (2006) finds that "the extent to which improved gender representation is possible is related to the willingness of parties to adopt formal and informal mechanisms to improve the chances of female candidates" (p. 52). A second

contributing factor to diverse representation in the House of Commons is therefore the policies of political parties. These policies influence not only which candidates receive party nominations, but also determine the ridings in which they may run.

While important to recognize, these representational limitations are the by-products of the current party-dominated electoral system rather than of the House itself. As such, they can be offset by two considerations. First, apart from those under the age of 18 and those individuals listed under Section 65 of the *Canada Elections Act*, all Canadian citizens *can* put forward their candidacy for election to the House of Commons. Second, regardless of gender, ethnicity, geographic location or one's political affiliation, "every single [Member of Parliament] is elected in the same way. They [must] campaign in a demarcated area against other individuals who are seeking the same office" (Thurlow, 2009, p. 29). In principle, it can therefore be argued that all Canadian citizens who have reached the legal age of majority have an equal opportunity to have direct access to the floor of the House of Commons. Whether they will succeed in doing so depends on a confluence of external circumstances.

2.4 Re-presentation Mechanisms: An Indirect Form of Access to the House of Commons

Although the House of Commons may not be perfectly representative of society in terms of geographic distribution or some other demographic measurement, this does not mean that diverse perspectives are not included within the House. This is because "there is typically a reasonable and widespread expectation that [elected individuals] will represent the interests of their constituents" in representative democracies like Canada (Soroka, Penner & Blidook, 2009, p. 566). This sentiment is echoed by former Conservative MP Jay Hill who argues that "it is your job as a Member of Parliament to represent your constituents" (Hill, 2010, p. 5), as well as by

Thurlow (2009) who notes that "baring a vacancy [in the House of Commons], there are exactly zero Canadians who do not have an MP they can turn to for assistance or hold directly accountable at the polls" (p. 28).

Thus, an argument can be made that the role of democratically-elected Members of Parliament is to act as delegates who re-present "the will of the constituency" within the spaces of the House of Commons (Pearse, 2005, p. 27). There are, however, other ways to view the role of an elected representative. A Member of Parliament can also be seen as a "trustee", who has been "elected by their constituents in recognition of their wisdom, to exercise their judgement as they see best" (Pearse, 2005, p. 27). From this perspective, elected representatives are expected to employ reasoning and critical thinking to make decisions on behalf of the constituency. As well, the role of a Member of Parliament can also be viewed along partisan lines, with the expectation that Members will ultimately act in the interests of their political party. Each of these personas – delegate, trustee, and party member – has its own set of responsibilities and expected behaviours to which a Member of Parliament must adhere.

In today's House of Commons, Members of Parliament must negotiate and balance the duties of each persona, which, in reality, are often in opposition to one another. This tension between the role of delegate, trustee, and party member was prominent during the debate over Bill C-391, *An Act to amend the Criminal Code and the Firearms Act (repeal of long-gun registry),* in the 3rd Session of the 40th Parliament. Although framed as a women's issue, the long-gun registry positioned the predominantly urban-based Liberals against the rural-based Conservatives and left the rural-urban New Democrats caught in the middle (Tibbetts, 2010a).

In a final vote on Bill C-391 in September 2010, both Conservatives and Liberals whipped the vote, requiring their members to either support or oppose the bill respectively. By

doing so, some Members of Parliament were unable to re-present the views of some of their constituents in the House of Commons. CUPE P.E.I. representative Lori MacKay, for example, called on Conservative Member of Parliament Gail Shea to support the registry and therefore oppose the bill because "not all Islanders want to see it abolished" (MacKay, 2010). As well, the then-Liberal representative for the riding of Esquimalt-Juan de Fuca, Keith Martin, responded to protests against the registry outside his constituency office by saying that "If it costs me my job, so be it. It was the right thing to do" (Tibbetts, 2010b).

As a comparison, Niki Ashton and Carol Hughes, two New Democrat MPs felt that they voted with their riding. Carol Hughes argued that she "[took] everything into consideration" – reports and written testimony, what she heard from people within her riding and across Canada and from various interests groups – in her vote to oppose Bill C-391 (Agrell, 2010). Niki Ashton, in contrast, supported the Bill, most likely due to the fact that "a lot of people in [her] northern Manitoba [riding] feel the gun registry does not work for [them]" (Canadian Press, 2010). Regardless of the manner in which they voted, Candice Hoeppner, the Conservative Member behind the legislation, said that "opposition MPs who did an about-face [on the bill] will pay the price at the ballot box" (as paraphrased by Dunning, 2010). Thus, despite the fact that Members of Parliament must balance the duties of their tripartite personas, they are directly accountable to their constituents and are therefore expected to re-present their views in the House. I posit that it is through re-presentation mechanisms such as voting that Members of Parliament are able to act as a form of indirect access to the House of Commons.

Petitions are another example of such re-presentations. Every day during the time allotted for Routine Proceedings, Members of Parliament are given the opportunity to present petitions on behalf of Canadians. As petitions put forward the views of citizens on issues of interest to

public policy formation, they "constitute one of the most direct means of communication between the people and Parliament" (Marleau & Montpetit, 2000, *Public Petitions*). One limitation to the presentation of petitions is time – only 15 minutes per sitting day are allotted for this purpose. A second limitation is that Members of Parliament are not obligated to put forward all petitions brought to them by constituents. However, as MPs are not required to be in agreement with the contents of any petitions they do put forward, they should not be held accountable for its position. I posit that this 'caveat' mitigates a disincentive to the presentation of petitions by creating a distinction between presenting a petition on behalf of constituents and endorsing one. Petitions therefore allow Members of Parliament to simultaneously re-present the views of their constituents while distancing themselves from its contents if they feel it is necessary to do so.

Among other parliamentary mechanisms, Blidook (2010) lists Private Members' Business, Statements by Members, and parliamentary committees as additional opportunities where Members of Parliament have "a voice as a representative" (p. 33). Each of these re-presentation mechanisms will be discussed in further detail.

Private Members' Business (PMB) refers to legislation or motions that have been introduced by any Member of Parliament who is not a member of Cabinet, including backbenchers from the governing party. This type of legislation is often influenced by issues of importance to a Member's constituency. As such, consultations are sometimes undertaken by Members of Parliament prior to the introduction of Private Members' Business. As an example, in 2010, New Democrats launched an essay-writing contest targeting youth, asking them to put forward ideas to improve Canada. Many of these ideas were then introduced in the House as motions or bills (CBC News, 2010b; CBC News, 2010d; Rabson, 2010). In addition, Michael

Chong's private members' motion M-517 was influenced not only by the views of his constituents by also those of Canadians in general, many of whom expressed disdain for the decorum that occurred during Question Period (Chong, as cited in Kennedy, 2010; Delacourt, 2010; Public Policy Forum & Pollara Strategic Insights, 2010a, p. 1). As with petitions, however, the time allotted for Private Members' Business is limited. Nevertheless, PMB functions as an opportunity for MPs to not only re-present the views of their constituents but also involve them as participants in parliamentary proceedings.

During Statements by Members, any Member of Parliament who is not a Minister or a Minister of State can deliver a one-minute oration on any subject. This is often used as an opportunity to recognize issues of national, international, or local interest, but can also be used to criticize or applaud the policies of the government. Statements by Members face numerous constraints – specifically, those of time, procedure and party discipline. Procedural limitations, such as the *Standing Orders* and the Speaker of the House, have been discussed in Chapter 1. The effect of time and party discipline on proceedings of the House of Commons will be examined in further detail in Chapter 3. Despite these constraints, the time allotted for Statements by Members nevertheless provides an opportunity for Members of Parliament to act in and re-present the interests of their constituents.

The final mechanism recognized by Blidook (2010) that will be discussed here is parliamentary committees. As has been demonstrated in Chapter 1, the committees of the House of Commons provide members of the general public, as well as academics, subject-matter experts, and advocacy groups the opportunity to appear as a witness and directly present their views to Members of Parliament. In addition, Members of Parliament can also appear before a committee as a witness – a common occurrence when committees examine private members'

legislation. But, do committees offer Members of Parliament other opportunities to re-present the views of their constituents?

The answer to this question is yes, and evidence in support of this argument can be found in an examination of committee transcripts, and, in particular, the questions that Members of Parliament pose to witnesses. When hearing from expert witnesses and government officials, Members of Parliament often ask questions related to their constituency – they may be geographically-focused and address the implications of policy on a specific area or may focus on a specific type of region and discuss the impact of policy on, as an example, rural versus urban places. For example, on February 28, 2011, during a study of the implementation of Canada's transition to over-the-air digital television by the Standing Committee on Canadian Heritage, both Dean Del Mastro and former MP Carole Lavallée asked questions related to the impact of the transition on their riding or region, respectively (House of Commons, 2011). Committees therefore grant Members of Parliament the opportunity to ask questions from the perspective of their constituents and re-present their views and concerns in the House of Commons.

Soroka, Penner, and Blidook (2009) further extend representation to the act of position-taking by arguing that Members of Parliament are able to "represent constituency interests in Oral Questions" (p. 568). Oral Questions – more commonly known as Question Period – allow Members of Parliament, including government backbenchers, to question and seek information from Cabinet on government legislation, actions, and policies. Question Period is one of the most visible occurrences of the House of Commons and is closely monitored by political and departmental staff, members of the public, and the press. Due to its visibility, Question Period is "sufficiently public" for position-taking (Soroka, et al., 2009, p. 568).

Procedural limitations, which have been previously discussed in Chapter 1, as well as status and time, which will be discussed in further detail in Chapter 3, limit the ability of Members of Parliament to act in the interest of their constituents during Question Period. This is because opposition parties are given precedence to the governing party, and are therefore allotted the majority of the questions – with only one or two questions reserved for government backbenchers each day. Some authors suggest that this allotment results in a "limited [...] ability to reflect the constituency concerns of Government members" (Soroka et al., 2009, p. 569). This representational inequality is further compounded by the fact that Cabinet members and their Parliamentary Secretaries are not permitted to ask questions. Although logical – Cabinet members and Parliamentary Secretaries can be called upon to respond to questions – it nevertheless means that some constituents are not re-presented during Question Period. Furthermore, this opportunity is also denied to the Speaker of the House of Commons, another democratically-elected Member of Parliament. This limitation can be explained by the fact that the Speaker is responsible for maintaining order in the House, ruling on its proceedings, and recognizing individuals who wish to speak. As with Cabinet members and Parliamentary Secretaries, although logical, this limitations means that the views of an additional constituency cannot be re-presented during Question Period.

Conservative MP Michael Chong recognized these limitations and, in 2010, put forward M-517, a private members' motion which, among other things, called for the increased representation of government backbenchers during Question Period. However, as noted by Soroka et al. (2009), backbench members of the governing party actually have the opportunity to ask more questions than Cabinet members – who, as previously discussed, are not permitted to ask any. In addition, backbenchers on the opposition side of the House – where the majority of

the questions are reserved for each party's shadow cabinet – are actually at a much larger disadvantage than those on the government side (Soroka et al., 2009, p. 572). This allotment can, in large part, be attributed to the policies of political parties, a subject that will be discussed in further detail in Chapter 3, rather than to the institutional design of the House of Commons itself.

On the basis of the preceding discussion, there are various mechanisms in the House of Commons – including petitions, Private Members' Business, Statements by Members, committees, and Oral Questions – that Members of Parliament can utilize to re-present the views of their constituents. While all of these parliamentary vehicles face constraints, opportunities for the re-presentation of views not directly present in the House of Commons can nevertheless be said to exist. Through these vehicles, Members of Parliament therefore act as an indirect form of access to the House.

2.5 The Representational Dimension of the Public Sphere and the House of Commons

The dominant theme that emerged from the literature on the representational dimension of the public sphere related to universal and equal access. This notion of access, however, extends beyond merely physical access to the public sphere, a subject that has been discussed in detail in Chapter 1. In the context of representation, access was found to refer to *both* the participants and the points of views that were included in the proceedings of the public sphere. This interpretation of access was therefore found to be closely linked to concepts of inclusiveness and representativeness. Although idealistic, many theorists (Arendt, 1998; Habermas, 1974; Rehg & Bohman, 2002) argue that universal access, inclusivity, and representativeness are three essential features of the public sphere.

Members of Parliament are one of two groups of individuals who are granted physical access to the floor of the Chamber of the House of Commons – the other group, which was not examined in this thesis, consists of employees of the House of Commons. Physical access to the Chamber floor grants Members of Parliament the opportunity to directly participate in the proceedings of the House. Thus, this chapter was guided in part by the research question: who can become a Member of Parliament? This question was examined in terms of three criteria – eligibility, ability, and electability.

An examination and comparison of the *Canadian Charter of Right and Freedoms* and the *Canada Elections Act* determined which individuals are eligible to present themselves as candidates for election. Although the *Charter* states that all Canadian citizens are guaranteed the opportunity to run for elected office, the *Canada Elections Act* restricts this privilege to those citizens over the age of 18 who are not listed under Section 65 of the Act. Thus, in general, it was concluded that Canadian citizens over the age of 18 are eligible to run for office. The ability of potential candidates was found to vary significantly and be based on a combination of personal and professional experience. A discussion of a study on the previously-held employment positions of former Members of Parliaments illustrated that ability, when conceptualized as skills gained through employment and other such personal experiences, had a minimal impact on whether a candidate was elected to the House of Commons.

In contrast, electability – which can be understood as a combination of external factors beyond the control of a candidate – was found to influence the likelihood of election. In particular, three factors were identified as contributing to a candidate's electability: the population of their geographic location, their demographic constitution, and the effects of their political affiliation. As seats in the House of Commons are allocated based on principles of

representation by population and the senatorial floor rule, geography was found to create imbalances between provinces as well as between more densely and less densely populated areas. Specifically, likelihood of election varies based on the total number of eligible candidates present in each area and the number of seats allotted to it.

In combination with party affiliation, geographic location can also create inequalities in the form of 'safe seats', where likelihood of election varies between different-party candidates in the same riding and same-party candidates in different ridings. This can be explained, at least in part, by the fact that party-affiliated candidates are more likely to be elected than independents because votes are often cast along party lines. Finally, as evidenced by a discrepancy between the number of women and ethnic candidates who run for office and the number that are elected, ascriptive demographic characteristics, such as gender and ethnicity, were also found to affect electability.

Electability inequalities and discrepancies between the potential and actual demographic constitution of the House of Commons – whether along lines of geography, gender, or ethnicity – call into question claims of universal access, inclusiveness and representativeness. These discrepancies were found to be explicated by two aspects of the Canadian political system: the electoral system and the policies of political parties. Although the Canadian first-past-the-post single-member-plurality electoral system allows for direct and accountable representation, it also favours large parties at the expense of smaller ones, overrepresents majorities, and underrepresents certain groups such as women and ethnic minorities. Thus, an examination of an electoral system based on proportional representation (PR) was considered. While some studies have found that PR-based systems do allow for a greater diversity of viewpoints to be directly

present in legislatures, it was also determined that the policies of political parties have significant influence over the nomination, endorsement, and electability of candidates.

Despite inequalities that may exist as a result of Canada's party-dominated, first-past-the-post single-member-plurality electoral system, these were found to be offset by two considerations. First, that the *Canada Elections Act* guarantees that Canadian citizens over the age of 18 can present themselves as candidates for election, and second that all candidates – regardless of their party affiliation, geographic location, or demographic constitution – must be elected in the same way, by campaigning against other candidates and winning the most votes in a federal riding. Based on these considerations, it has been argued that, in principle, Canadian citizens over the age of 18 have the potential to *be able* to gain direct access to the floor of the House of Commons.

The concept of representation was expanded beyond direct access to the proceedings of the public sphere to include the arguments and points of view re-presented therein. As such, this chapter also considered whether Members of Parliament functioned as indirect forms of access to the House of Commons. Theories of representative democracy argue that there is a general expectation on behalf of electors that their interests will be re-presented by their elected counterparts in legislatures. An examination of the numerous roles that Canada's Members of Parliament must balance – specifically those of delegate, trustee, and party member – found that despite other obligations, MPs are ultimately accountable to voters during elections and, as such, are expected to serve the interests of their constituents in the House.

With the supremacy of the role of delegate in mind, five procedural mechanisms of the House of Commons were examined to determine if Members of Parliament are able to re-present the interests of their constituents within its Main Chamber and committee rooms. The

time allotted for the presentation of petitions allows Members of Parliament the opportunity to put forward petitions on behalf of their constituents. Although MPs are not obligated to put forward to the House all of the petitions that are brought to them by constituents, the fact that they are not required to be in agreement with their contents was found to mitigate a disincentive to the presentation of petitions. As well, Members of Parliament frequently engage in consultations with their constituents to inform Private Members' legislation and motions. Despite the limitations of time, procedure and party discipline, Private Members' Business nevertheless offers the opportunity to present legislation that is of direct interest to and influenced by constituents. In addition, Members of Parliament are also able to raise the concerns of their constituents and re-present their views during committee meetings by asking geographic- or demographic-specific questions of witnesses.

Finally, Statements by Members and Question Period were also identified as two mechanisms for 'position-taking' that allow Members of Parliament to put forward the views of their constituents in the House. While the former is limited by time and party discipline, the latter is faced with numerous representational inequalities. Specifically, procedural limitations that prohibit Cabinet members and the Speaker of the House from asking questions during Question Period severely limit the ability of these Members to raise the concerns of their constituents during this time. As well, various inequalities were also identified between the number of questions allotted to the shadow cabinet of opposition parties and opposition backbenchers. While the restrictions imposed on Cabinet members and the Speaker of the House were deemed necessary to ensure fairness and order within the House of Commons, the inequality between shadow cabinet members and opposition backbenchers was found to be primarily the result of party politics rather than a by-product of the House of Commons itself.

In conclusion, the representational dimension of the public sphere was divided into three interrelated characteristics: accessibility, inclusivity, and representativeness. Public sphere theory dictates that all citizens should be able to directly participate in the proceedings of the public sphere and that it should include diverse and multiple points of view. As such, the ability to be able to directly participate in the proceedings of the public sphere was operationalized as one's ability to be able to be elected to the House of Commons and gain direct access to its proceedings. While the effects of a candidate's eligibility and ability were found to be negligible, numerous electability inequalities were identified which called into question the inclusiveness and representativeness of the House of Commons. These inequalities, however, were determined to be the result of the current electoral system and the policies of political parties – rather than a by-product of the House itself. In addition to direct representation, indirect access and inclusion were also considered through the concept of re-presentation. Five procedural mechanisms of the House of Commons were examined and found to provide Members of Parliament with the opportunity to re-present the views of their constituents within the House. Although these re-presentation mechanisms were found to be limited by time, procedure, and party politics, they nevertheless provide a forum for the indirect re-presentation of multiple viewpoints within the House. As the House of Commons was found, in principle, to be directly and indirectly accessible, inclusive, and representative, it can be argued that the House satisfies all of the requirements of the representational dimension of the public sphere.

Chapter 3: The Interactional Dimension

While Chapters 1 and 2 considered how the spaces of the public sphere were designed and who could gain access to them, this chapter concerns itself with how the spaces of the public sphere are used. The purpose of this chapter is therefore to determine whether the Canadian House of Commons satisfies the requirements of the interactional dimension of the public sphere. From a review of the literature, three criteria emerge that are compared to the proceedings of the House of Commons: real deliberation, discursive equality and inclusivity, and communicative freedom. Following this comparison, it is concluded that the House of Commons fails to satisfy the interactional dimension of the public sphere. Ultimately, this chapter demonstrates that the manner in which the spaces of the House of Commons are used undermines its ability to qualify as a form of the public sphere.

3.1 Literature Review

Space – either physical or virtual - is a necessary, rather than a sufficient, condition for the public sphere. Ultimately, it is the combination of space and activity that determines whether a place is a form of the public sphere (Stromer-Galley, 2002, p. 37). In particular, Papacharissi (2002) argues that the public sphere exists *only* when deliberation occurs democratically within public space. To be democratic, or "real" as others have referred to it (Davis, 2009; Rehg & Bohman, 2002, p. 42), deliberation should involve the "reciprocal critique of normative positions that are provided with reasons rather than simply asserted" (Dahlberg, 2001, p. 623). This type of deliberation requires participants to identify a problem and its potential causes, and then present and justify possible solutions before making an informed collective decision (Fung, 2003, p. 344; Heikklä & Lehtonen, 2003, p. 159). Real deliberation, simply put, is substantial debate that

involves defending one's claims and critiquing those of others on the basis of the evidence that is put forward to support them.

One precondition for real deliberation stipulates that all participants be made aware of the rules and procedures to which they are bound (Gimmler, 2001, p. 30). In addition, they should also have equal access to available resources – including preparatory materials and any subject-relevant information. This is important because, as Howard (2005) notes, "citizens must be confident that everyone [in the public sphere] has access to the same quality of information" (p. 154). To do this, the public sphere requires not only a "shared text [that is] regularly published and generally accessible" (Howard, 2005, p. 154), but also a commitment from each of its participants to "provide all information relevant to a particular problem under consideration, including information regarding intentions, needs, and desires" (Dahlberg, 2001, p. 623). Rehg and Bohman (2002) also call attention to this when they argue that "in a well-functioning system, all the relevant information, arguments and viewpoints should come together" (p. 42). Equal access to preparatory materials – whether they be rules and procedures or background information relevant for debate – is important because it helps to ensure discursive equality between participants within the public sphere, which is another precondition for real deliberation (Dahlberg, 2001, p. 623; Davis, 2009, p. 284).

Merely requiring that information and other resources be made available, however, does little to ensure that diverse persons are able to fully and equally participate in deliberation within the public sphere. Dahlgren (2000) calls attention to this when he states that "materials must be comprehensible, cast in modes that communicate well with different collectivities" (p. 337). Furthermore, in their study on the role of the identity representative in the Belgian parliamentary system, Celis and Wauters (2010) found that "complex and juridical jargon [was] a real obstacle"

for some working class representatives, thereby "[excluding] them from full and independent participation in parliamentary activities" (p. 385). The rules and procedures of the public sphere, as well as any ideas and opinions expressed therein, must therefore be communicated in such a way that all participants can comprehend them. This helps to achieve discursive equality while simultaneously eliminating barriers to discursive inclusion – two concepts that are closely related.

Discursive inclusion, for its part, can be understood in three ways. First, as was examined in detail in Chapter 2, inclusion refers to the diversity and representativeness of both the direct participants and the perspectives re-presented in the public sphere. Second, discursive inclusion can also be understood in terms of the breadth of subjects discussed during deliberation within the public sphere. In his original thesis, Habermas (1991) limited debate within the public sphere to matters of public interest and common concern, thereby excluding private matters. This limitation has been criticized for contributing to access inequalities to the public sphere. For example, Benhabib (1992) argues that classifications such as public and private prevented women from entering the public sphere as they were traditionally associated with private matters such as childrearing, housework, and other domestic activities. Many authors therefore call for the elimination of such artificial barriers and argue that what constitutes *common concern* can only be determined following deliberation (Benhabib, 1992; Fraser, 1992, p. 129-132). This idea is also supported by Fung (2003) who notes that "all issues [should] be fair game for debate in the broad public sphere" (p. 343).

A final conceptualization of discursive inclusion relates closely to discursive equality and refers to the degree to which individuals are able to participate in deliberation. As previously discussed, one mechanism for ensuring inclusion requires that all preparatory materials be

comprehensible to diverse persons. Despite such mechanisms, discursive inclusion can be limited if discourse is dominated by a few individuals while "others struggle to get their voices heard" (Dahlberg, 2001, p. 623). Fraser (1992) highlights such findings from feminist research. In the context of mixed-sex deliberative bodies, she notes that "men tend to interrupt women more than women interrupt men; [that] men also tend to speak more than women, taking more turns and longer turns; and [that] women's interventions are more often ignored or not responded to than men's" (p. 119). As well, studies on the virtual public sphere have found that online political forums tend to be dominated by a few participants (Cammaerts & van Audenhove, 2005; Tsaliki, 2002). Such instances provide support to the criticism that "deliberative processes disadvantage those who speak less well, or who speak in ways devalued by the dominant culture" (Mansbridge, 1980 and Sanders, 1997, as cited in Fung, 2003). These barriers to inclusion are, as has been previously mentioned, closely linked to discursive equality.

Many authors call for the implementation of specific mechanisms to ensure equality between participants in the public sphere. Fung (2003), for example, states that "public spheres should be constructed in ways that, first and foremost, allow those without voice and will to find and form it" (p. 344). Rehg and Bohman (2002) further argue that "it is important to design procedural mechanisms that compensate for the distorting effects of self-interest and power, so that the chances are increased that the stronger arguments will in fact prevail at the moment of decision" regardless of whose arguments those are (p. 42).

One possible means through which equality can be achieved within the public sphere is to disregard the exogenous social status of all participants. As required by Habermas (1991), this would, in effect, make all participants equal and would allow them to "share the floor without discrimination" (Howard, 2005, p. 154). Fraser (1992), however, questions whether such tactics

actually result in equality, or merely simulate it. Specifically, she argues that "the bracketing of social inequalities in deliberation means proceeding as if they don't exist when they do, [which] does not foster participatory parity" (p. 120). Instead, Fraser calls for the elimination of all systemic social inequalities. As an alternative and, perhaps, more achievable mechanism, I propose that discursive equality can be achieved if the same consideration is given to all items that are put forward in the public sphere, regardless of whose perspective it is. Thus, for the purpose of this thesis, equal consideration is operationalized as the duration and frequency of speech, as well as the amount of time allotted for the deliberation of various items put forward within the public sphere.

Finally, following from Habermas (1974), many authors argue that communication in the public sphere should be "unrestricted" (p. 49). Dahlgren (2005), for example, states that "the circulation of information, ideas, [and] debates [should occur] ideally in an unfettered manner" within the public sphere (p. 148). As well, Stromer-Galley (2002) calls attention to the importance of "unconstrained political discussion of social issues and public affairs" in the public sphere (p. 25). To ensure free and unrestricted communication, Habermas (1974) guarantees "freedom of assembly and association and the freedom to express and publish [one's] opinions" to participants of the public sphere (p. 49). An important tension emerges here in the literature, with one perspective arguing for mechanisms to ensure equality of consideration and, as has been discussed in Chapter 1, productive and orderly debate, and a second perspective calling for unrestricted and free communication. To reconcile this tension, I posit that a balance needs to be achieved within the public sphere where freedom of expression is limited *only* when it hinders deliberation. It is through this proposition that the concept of 'unrestricted communication' will be explored.

In conclusion, the interactional dimension of the public sphere can be discussed in terms of three deliberative characteristics. First, 'real deliberation' based on the presentation and critique of arguments, rather than mere assertions, must occur. Second, both discursive inclusion and discursive equality - two interrelated preconditions for real deliberation - must be present in the public sphere. From an interactional perspective, discursive inclusion refers to the perspectives included in the public sphere as well as the subjects debated therein. Discursive equality has been operationalized as both equal access to all preparatory materials and equality of consideration. The third and final characteristic of the interactional dimension calls for unrestricted and unfettered communication, except in instances when such communication hinders deliberation. In the following sections, the activities of the House of Commons will be compared to the deliberative characteristics of the interactional dimension to determine whether the House satisfies the third dimension of the public sphere.

3.2 Duties, Debate, [Dis]engagement, and Other Distractions: The 4 D's of Real Deliberation

Opposition parties play a distinct role in Canada's parliamentary system, primarily that of holding the governing party accountable for their actions. The composition of opposition parties is therefore designed to mirror that of the Cabinet. Thus, while the Cabinet is composed of Ministers and Ministers of State who are each assigned a *portfolio* – a set of federal departments and agencies – for which they are responsible, so is the opposition. Shadow cabinets are made up of numerous subject-matter critics that closely reflect the breakdown of federal departments and Cabinet responsibilities.

This breakdown of responsibility on both the government and opposition sides of the House can be attributed, in part, to the fact that people have a "limited capacity [...] to process

the amount of information involved in political engagement" (Muhlberger, 2005, p. 175). Davis (2009) recognizes this as a limitation to substantial debate in parliamentary systems, noting that representatives "[cannot] meaningfully address more than 10-20 percent of the issues and legislation passing through parliament" (p. 285). Although many pieces of legislation on various and diverse subjects do indeed pass through the House of Commons and its committees, this does not mean that Members of Parliament *cannot* to speak to them all. For example, in the month of December 2010 alone, former New Democrat MP Jim Maloway spoke to sixteen diverse issues, ranging from the import of Mexican-made vehicles to immigration reform, human rights to white-collared crime, and the census to autism (Wherry, 2011a, p. 18).

The legitimacy of debates and voting in the House of Commons is, however, severely questioned when "virtually all speeches for Debates are written in the various leaders' or ministers' offices. Members [of Parliament...] are literally reading someone else's words into Hansard [the official record of the proceedings of the House of Commons]" (Chong, 2008, p. 6). Chong (2008) also questions the relevancy of debates in light of whipped votes as they imply that "the outcome of Debate is all but preordained before Debate has even begun. [...] If members know how they are voting before Debate begins, then there is no real reason to listen or to participate in Debate" (p. 6). As Chong observes, this sort of fixed-fate vote can help to explain the poor attendance that plagues many House of Commons proceedings.

As an example, recent studies conducted by *Maclean's* and *The Globe and Mail* both demonstrated that absenteeism is rampant in the House. *The Globe and Mail* study, which examined House of Commons records since 2006, found that "34 MPs showed no activity at all on the [Parliament] Hill; they neither voted nor said a word in House debates, nor did they attend a single committee meeting" (Sher & Galloway, 2011a). As well, the *Maclean's* study, which

chronicled the activities of the Main Chamber over the course of one full sitting day, found that apart from Question Period, "the vast room sits empty for almost the entire day" (Wherry, 2011a, p. 20).

A second possible explanation for these elevated rates of absenteeism is technology. Viewing the broadcast version of House of Commons proceedings seems to function as a proxy for attending them. As has been previously discussed in Chapter 1, the majority of the proceedings of the House of Commons and its committees are made available on television and over the Internet. While viewing experiences may differ between in-person and broadcast observation, technology nevertheless eliminates a barrier to access – geography. In addition to members of the public and the press, Members of Parliament can also take advantage of technology and may elect to watch proceedings from their Hill office rather than observing them directly in the venues of the House of Commons.

While "a convenience", former NDP MP Bill Blaikie (2008) suggests that television, and technology as a whole, has severely impacted civility and collegiality among Members of Parliament (p. 3). Specifically, he argues that Members spend more time paying attention to their electronic devices than they do to each other. I would argue that, in addition, it has also impacted the calibre of deliberation in the House, as many Members of Parliament now use their personal communication devices during proceedings (Wherry, 2011a, p. 20). When such devices are used in public spaces, it results in the emergence of a private sphere or "cocoon" of activity – or, as Hampton & Gupta (2008) refer to it, a sort of "public privatism". This *public privatism* has a significant impact on interaction as it "contradicts common expectations of public behaviour, and diverts attention away from co-present others" (p. 835). The presence of personal communication devices in the House of Commons, as well as in other public spaces, therefore results in

"unfocused interaction", where "individuals are mutually present [but] not involved together in conversation" (Goffman, 1963, p. 83). This inattention decreases the significance of deliberation that occurs in the House, thereby rendering debate, and by extension, decisions taken on the floor irrelevant.

It should be noted that other, non-technological factors also contribute to unfocused interaction. Members of Parliament who are assigned to House duty also use the time to do paperwork, write correspondence, or catch up on reading, thereby making it "difficult to say who is paying attention to what is being said" (Wherry, 2011a, p. 20). Rather than acting as a forum for in-depth and considered deliberation, such inattention reduces the House of Commons to a stage for political theatrics and partisan rhetoric. This sentiment is echoed by former Conservative House Leader Jay Hill (2010), who argues that cameras have "undoubtedly changed the way Members of Parliament handle themselves while in the House" (p. 5). Hill sees Question Period as one casualty of technology – its deterioration into "simple theatre" and "an almost circus-like spectacle" are the result of MPs vying for television coverage of their declarations in the House of Commons (2010, p. 5). Conservative MP Michael Chong, who proposed numerous reforms to Question Period in 2010 in his private members' motion M-517, argues that "Question Period has become more about scoring cheap political points than about the issues that really matter to Canadians" (Chong et al., 2010, p. 2). Theatricality, when conceptualized as partisan spectacle rather than as a stage for the performance – or enactment – of public roles, is therefore an undesirable characteristic as it detracts from the effectiveness of the House of Commons.

This type of theatricality is exemplified by the disintegration of decorum that occurred in many House of Commons' committees during the 3rd session of the 40th Parliament. Reflecting

upon the session before the 2010 summer recess, Martin (2010b) argued that "committee sessions [were] becoming more like Question Period. They [were] all about obstruction on the government side and lynch-mobbing on the opposition side". Prior to the recess, government and opposition members on the Government Operations and Estimates committee came to verbal – and, as some reports stated, nearly physical – blows during a study on the lobbying of renewable energy projects. One meeting, where three Conservative Cabinet Ministers presented themselves as witnesses, was referred to as a "theatre of the absurd" and a "circus" by participating committee members, and resulted in the Committee Chair calling on all participants to refrain from acting like "a school of Grade 5s playing across one another" (Barber & Ling, 2010; CBC News, 2010a). While such occurrences make for some very exciting political news coverage, they are not conducive to productive deliberation. Here, fervent party discipline – which manifested as extremely partisan rhetoric – virtually halted and trivialized committee proceedings.

Interestingly, during a series of exit interviews with former Members of Parliament, Macmillan and Loat (2011) found that the most "collaborative and constructive work" of the House occurred in private and semi-private spaces that were subjected to less media scrutiny (p. 7). Their findings suggest that the more public a venue, the greater the likelihood that its deliberations will be based on partisan rhetoric and, ultimately, result in theatrical performances.

Based on the preceding discussion, it can be concluded that real deliberation does not occur in the public venues of today's House of Commons. Although Members of Parliament have numerous opportunities to engage in the deliberation of diverse issues in the Main Chamber, few attend its proceedings and even fewer actually participate. The elevated rate of absenteeism in the Main Chamber of the House of Commons, coupled with the fact that

Members of Parliament assigned to House duty focus their attention on paperwork and personal communication devices rather than on the debate itself, undermines the concept of real deliberation. Similar to the analogy of a tree falling in the woods, this scenario begs the question: If words are spoken in the House of Commons and no one is around to hear them – or no one is paying attention – do they still have an impact? In response to this question, I posit that instead of real deliberation, participants of the House of Commons are merely engaging in a partisan theatrical performance. This hypothesis is further supported by the notion that the majority of the speeches delivered in the House are written in the offices of party leaders and Ministers, rather than in those of Members of Parliament. Finally, emerging research by Macmillan and Loat (2011) suggests that it is the 'publicness' of proceedings that undermines them. Specifically, these findings demonstrate that because Members of Parliament are under constant observation and scrutiny in the Main Chamber of the House of Commons and its committee rooms, they are encouraged to tow the party line rather than engage in real deliberation.

3.3 Discursive Inclusion, Items of Common Concern and the Accessibility of Shared Texts

As a federalist state, Canada's legislative authority and responsibility is divided between the federal level of government and the provincial level. Specifically, Sections 91 to 94 of the *Constitution Act* distribute power over specific jurisdictions to each level of government. As well, Section 95 also grants concurrent jurisdiction for the areas of agriculture and immigration. In addition, the *Constitution Act* gives residual powers to the federal government, thereby granting it authority over any subject not specifically mentioned in the Act (Dickerson & Flanagan, 2002, p. 364-365; Smith, 2010).

A division of power between federal and provincial levels of government presupposes that certain areas will be *ultra vires*, or beyond the control of the federal government, and therefore excluded from deliberation within the House of Commons. The Canadian federal system has, however, gone through periods of "cooperative federalism" – where "the classical vision of each level of government being sovereign in its jurisdictions [has been] substituted by a cooperative federalism more open to overlapping and informal compromises" (Rocher, 2000, p. 275). For example, while Section 93 of the *Constitution Act* grants provincial legislatures authority over education "in and for each province", the federal government nevertheless provides support to post-secondary institutions and the research they conduct (Dickerson & Flanagan, 2000, p. 365; Smith, 2010, p. 105). Thus, as Smith (2010) notes, "the federal government has come to play a more direct role in matters considered to fall to the provinces" (p. 143). Increasingly, then, very few subjects are excluded from debate within the House of Commons for constitutional reasons associated with the distribution of powers and jurisdiction.

A second rationale that could explain the exclusion of certain topics from debate within the House of Commons is politics. This is because certain topics may be perceived as taboo or divisive and therefore be considered politically untenable. These subject areas are often values- or religion-based and, as a result, are highly contentious. For example, in a discussion of Bill C-510 – a Conservative private members' bill which would have made coerced abortion a crime – Andrea Mrozek, the founding director of Pro Woman Pro Life, said that there's "almost an allergy to the A word [on Parliament Hill as a result of] a complete incapacity to speak about abortion because politicians are so scared of it" (Lewis, 2010). Yet, as was also the case with the issue of funding for maternal health programs in advance of the 2010 G8 and G20 summits as well as that of gender identity and gender rights, an aversion to controversial issues does not

automatically exclude them from the purview of the House of Commons (Martin, L., 2010a, p. 245-246).

Interestingly, an examination of the *Standing Orders of the House of Commons* finds that one area of common concern is banned from discussions within the Main Chamber of the House: the attendance records of Members of Parliament. Despite public and media interest in the frequency with which MPs participate in proceedings of the House of Commons – a subject that has been discussed in detail earlier in Chapter 3 – Members of Parliament are not permitted to call attention to the absence of their colleagues during speeches they pronounce in the Main Chamber. This restriction can be explained by two considerations. First, although the primary duty of Members of Parliament is to serve as the representatives of their constituents in the Main Chamber, it is not their sole responsibility. Members may therefore be legitimately absent from proceedings in the Main Chamber due to other House of Commons responsibilities such as committee. Second, it is the party whips that are responsible for assigning House duty and ensuring party representation during debates and voting. As such, a Member's attendance may therefore be limited or influenced by party discipline.

Regardless, this restriction can be – and often is – circumvented by creative tactics such as "welcoming a member back, or saying how nice it is to see the member's fresh face arrive in the House, and that sort of thing" (Testimony of Peter Milliken, Standing Committee on Procedure and House Affairs, 2010) or, increasingly, through the use of emerging technologies and social media. In conclusion, while the *Standing Orders* prohibit the discussion of certain topics during proceedings of the House of Commons, Members of Parliament sometimes use innovative methods to address them. As such, very few subjects are excluded from debate for procedural reasons.

Irrespective of the subject of deliberation, Members of Parliament require access to all relevant materials into order to be able to adequately prepare for and participate in proceedings. From this perspective, access to both background information and the rules of procedure of the House of Commons ensure that MPs are not only included in debate but are able to make informed decisions. All official documentation, including reports from federal departments, should therefore be made available to Members prior to votes and other decisions that are taken on legislation.

The importance of full disclosure came to light during the 3rd session of the 40th Parliament, when it was revealed that the Conservative government delayed the release of a RCMP report supporting the long-gun registry and, therefore, opposing a Conservative private members' bill that called for its abolition. NDP MP Charlie Angus emphasized the importance of informed decision-making when he stated that "I cannot support a bill [C-391] if it does not have evidence behind it" (CBC News, 2010c). The suppression of this RCMP report was only one of many insistences where the governing Conservatives withheld information from or misled Parliament. Among other things, there was also the high-profile Afghan detainee controversy, which culminated in then-Speaker Peter Milliken's ruling that the government's actions were in breach of parliamentary privilege (Coyne, 2010; Geddes, 2010; Hall & Stanbury, 2010; Martin, L., 2010a, p. 231-240).

It should be acknowledged, however, that, as Coyne (2011) points out, the Conservatives are not the only party to attempt to mislead or withhold information from the House – "Recall that [former Liberal Prime Minister] Jean Chrétien shut down a judicial inquiry into the Somalia affair when he didn't like where it was headed" (p. 24). Rather, due to their minority status, the Conservative government was more frequently called to account for their actions than a majority

government might have been. Thus, what can be concluded here is that despite the fact that making informed decisions on the basis of all evidence is a cornerstone of deliberation, this occurs infrequently in the House of Commons in both majority and minority contexts, and irrespective of which political party is in power.

In contrast, less controversial documents such as the *Standing Orders of the House of Commons,* which guide the procedure and decorum of the House, are made available to all Members of Parliament, as well as to their staff, members of the public and members of the press without question. Access to the *Standing Orders* is important as it ensures that MPs have the opportunity to become informed about the rules to which they will be subject to in the House. Numerous other preparatory documents are also made available when the House of Commons is in session. For example, the *Projected Order of Business* is published daily and provides a tentative agenda of the items to be discussed on a particular day. Also published daily, the *Order Paper and Notice Paper* list all items that may be raised on a particular day as well as all items for which notice has been given. These documents are tools that help Members prepare for deliberation – it allows them the opportunity to conduct research and draft speeches on items that could be raised in the House. Besides preparatory materials, documentation that provides a permanent record of the business and decisions that take place in the House of Commons is also made available following all proceedings. These documents are useful for, among other things, predicting the behaviour and voting patterns of opposing political parties as well as preparing speeches as they allow Members to cite statements made by others in the House.

The bilingual nature of all parliamentary proceedings, including those of the House of Commons, is a unique characteristic of Canada's political culture. As stipulated under the *Constitution Act* and the *Official Languages Act*, the records and journals of Parliament – and

therefore the House of Commons – are made available and given equal status in both French and English. This provision ensures that culturally and linguistically distinct persons, specifically Francophones and Anglophones, are able to comprehend the proceedings of the House of Commons. Furthermore, simultaneous translation is made available to Members of Parliament, as well as to members of the press and the general public, for all proceedings of the House. All Members are therefore able to participate in and listen to all proceedings in the official language of their choice.

Access to documentation and proceedings in both official languages does not, however, guarantee that all Members of Parliament will be equal in their ability to understand these shared texts. Docherty and White (2004), for example, argue that the high turnover rate of Canadian politicians leads to the election of inexperienced Members of Parliament which, in turn, causes an imbalance in the House of Commons. In their discussion of the 1993 election results, they make the case that Cabinet went unchallenged during its first term because "the lion's share of experience resided in the government" and "the two major Opposition parties consisted almost entirely of first-term members, who were outmatched in their understanding of parliamentary strategy" (p. 623). Such an imbalance threatens both the discursive inclusivity and equality of the House of Commons.

Two mechanisms help offset such imbalances, when they do occur. First, the House Administration and the Library of Parliament's *Members' Orientation and Election Readiness Program* provides both newly-elected and re-elected Members of Parliament with training and assistance to fulfill their responsibilities as elected representatives (Galloway, 2011). Second, the Library of Parliament also offers non-partisan information and research services to support the work of Members of Parliaments and their staff. Thus, while a Member of Parliament's limited

experience in the House of Commons has the potential to hinder their participation in its proceedings, numerous mechanisms are in place to support Members and remove obstacles to their engagement.

Ultimately, this section considered both discourse inclusivity and equality in the House of Commons in terms of the diversity of issues deliberated upon within its forums and the accessibility and comprehensibility of the shared texts required to fully engage in those deliberations. Although three explanations account for why certain issues may be excluded from debate in the House of Commons – constitutional, political, and procedural reasons – it was concluded that very few issues actually are. Additionally, the accessibility of shared texts was called into question because governments have historically failed to fully disclose all documentation required for informed and substantial deliberation on matters of common concern. This limitation aside, Members of Parliament do have equal access to all of the procedural documents and preparatory material originating from the House itself. Finally, the accessibility of these shared texts was also examined in terms of their comprehensibility and it was concluded that sufficient mechanisms exist to ensure that in- or under-experienced Members of Parliament have the necessary support and training to be able to fully and independently engage in the proceedings of the House. However, due to the fact that governments have a tendency to withhold information from Parliament – and by extension the House of Commons – yet another criteria for deliberation goes unfulfilled. Ultimately, this is a result of partisan politics rather than a by-product of the House itself.

3.4 Equal Consideration: Examining the Role of Status and Time in the House of Commons

All Members of Parliament are elected to represent one constituency and, as such, they should all be equal within the House of Commons. One mechanism for ensuring parity between Members and the perspectives they re-present is to disregard their exogenous social status. It is difficult to determine whether a Member of Parliament's exogenous social status influences their status within the House. While in some cases it certainly provides a level of credibility – such as the appointment of astronaut Marc Garneau as the Liberal critic for industry, science and technology during the 40th Parliament – there are no procedural mechanisms within the House of Commons that would give precedence to Members on such criteria. Rather, it is one's endogenous status that has an impact on the proceedings of the House of Commons. This is evidenced by the fact that both the Prime Minister and the Leader of the Official Opposition are given certain privileges and rights that are not available to other representatives in the House of Commons (Parliament of Canada, 2010, *Parliamentary Framework*).

Within the House of Commons, a hierarchy actually emerges that positions certain Members above others. The Prime Minister, who "was originally thought to be *primus inter pares* – 'first among equals'" (Dickerson & Flanagan, 2002, p. 329), occupies the highest position in the House of Commons, followed closely on the government side by the Minister of Finance (Walks, 2004b) and on the opposition side by the Leader of the Official Opposition. This hierarchy exists both within political parties and between them.

An initial examination of the time allotted for the debate of different types of legislation in the House – as shown in Figure 3 – demonstrates that the majority of the time in the House of Commons is reserved for the debate of Government Orders, or bills that have been put forward by the Cabinet. Thus, even in a minority context where the governing party holds fewer seats

than all of the opposition parties combined, legislation put forward by Cabinet nevertheless receives the most time for consideration. In comparison, only five hours per week are reserved for Private Members' Business, which is the only venue for opposition members to put forward legislation.

Various procedural mechanisms function, as a whole, to offset this inter-party disparity. For example, twenty-one days per calendar year are allotted for Opposition Days where the time normally reserved for government legislation is instead designated to debate a single issue raised by one of the opposition parties. In addition, during Question Period, the majority of the questions are allocated to opposition parties – with only one or

Figure 3: The House of Commons Daily Program

Hours	Monday	Tuesday	Wednesday	Thursday	Friday	Hours
10:00 - 11:00		ROUTINE PROCEEDINGS ----		ROUTINE PROCEEDINGS ----	Government Orders	10:00 - 11:00
11:00 - 11:15	Private Members' Business				Statements by Members	11:00 - 11:15
11:15 - 12:00					Oral Questions	11:15 - 12:00
12:00 - 1:00		Government Orders	Review of Delegated Legislation*	Government Orders	ROUTINE PROCEEDINGS ---- Government Orders	12:00 - 1:00
1:00 - 1:30	Government Orders					1:00 - 1:30
1:30 - 2:00					Private Members' Business	1:30 - 2:00
2:00 - 2:15	Statements by Members	Statements by Members	Statements by Members	Statements by Members		2:00 - 2:15
2:15 - 2:30	Oral Questions	Oral Questions	Oral Questions	Oral Questions		2:15 - 2:30
2:30 - 3:00						2:30 - 3:00
3:00 - 5:30	ROUTINE PROCEEDINGS ---- Government Orders	Government Orders	ROUTINE PROCEEDINGS ---- Notices of Motions for the Production of Papers ---- Government Orders	Government Orders		3:00 - 5:30
5:30 - 6:30		Private Members' Business	Private Members' Business	Private Members' Business		5:30 - 6:30
6:30 - 7:00	Adjournment Proceedings	Adjournment Proceedings	Adjournment Proceedings	Adjournment Proceedings		6:30 - 7:00

Source: Marleau & Montpetit, 2000, The Daily Program

two being reserved for government backbenchers – and no questions are allocated to either Cabinet members or their parliamentary secretaries. This allocation of questions offsets the fact that it is the government, and in particular Cabinet members, who are responsible for the majority of legislation. From this perspective, both Question Period and Opposition Days function as part of a larger system of 'checks-and-balances' to ensure equality between the two sides of the House.

While Opposition Days and Question Period help to ensure equality between the governing party and the opposition, they nevertheless produce inter-party inequalities on the

opposition side of the House. Opposition Days, for example, are divided up among recognized parties on the basis of the proportion of seats they hold in the House. The allocation of questions during Question Period is done in a similar manner – to the exception of the few questions that are reserved for government backbenchers. In addition to inter-party inequalities, numerous intra-party inequalities also emerge during Question Period as a result of the limitation of time.

Although Question Period is a daily occurrence, it takes place for only forty-five minutes. As all questions and answers are currently limited to thirty-five seconds each, this means that approximately thirty-eight questions can be asked on a daily basis. While this may seem an impressive feat – asking and responding to thirty-eight questions in forty-five minutes – it nevertheless denotes that not all Members of Parliament will have a daily opportunity to ask questions. This inequality is further compounded by the fact that opposition party leaders are each granted three questions at the beginning of Question Period, after which only twenty-nine are left to be divided up among the remaining Members of Parliament. Thus, opposition leaders are given priority over their intra-party colleagues. In addition, the majority of opposition questions are allocated to party critics rather than backbenchers, further exacerbating intra-party inequalities. A historical examination of Question Period, however, finds that this latter intra-party inequality is the result of policy rather than the design of the House of Commons.

Prior to the implementation of the informal list system used today, all backbench Members of Parliament, including party critics, were faced with the same challenge during Question Period – getting the opportunity to ask a question. After opposition party leaders posed their daily questions, "members would rise and try to 'catch the Speaker's eye' in order to be recognized and ask their question" (Ryan, 2009, p. 19). Hill (2010) argues that the implementation of the list system occurred after "cameras were introduced [...] because having

all Members standing up and down at once didn't look good on camera" (p. 5). In this instance, where appearances tend to trump equality, the use of a list system is viewed pessimistically as a constraint on deliberation. In other cases, the use of a list system helps to offset political pressures and ensures equality between Members. In Private Members' Business, for example, "the list system, whereby MPs are chosen by lottery to have their PMB items debated, ensures that no MP is permitted any priority above another MP (that is, based on party or position)" (Blidook, 2010, p. 39). It can therefore be concluded that many procedural mechanisms can be implemented to ensure equality. The manner in which they are used, however, dictates whether they will limit inequalities or exacerbate them.

As a whole, the House of Commons can be said to employ various mechanisms, such as Opposition Days and Question Period, which function collectively as a system of 'checks-and-balances' to ensure equality between the government and opposition sides of the House. Although some proceedings may grant more time for the consideration of legislation or other items put forward by one side of the House, this is frequently offset by institutional features which allot more time for the other side during a different proceeding. Inter-party inequalities between opposition parties as well as intra-party inequalities on both sides of the House nevertheless emerge. In Question Period, for example, the majority of questions are allocated to opposition critics at the expense of backbench members of the opposition. This distribution of questions, however, is the result of party policies and not the design of the House itself. The manner in which the consideration of private members' business occurs is a prime example of how procedural mechanisms that are free from party influence can ensure equality between Members. Thus, it can be concluded that the 'checks-and-balances' system of the House of Commons does, in principle, ensure that equality between the two opposing sides of the House is

achievable. In practice, however, these mechanisms are often subject to the influence of party policies and therefore create both inter- and intra-party inequalities.

3.5 Time, Procedure, and Party Discipline: The Myth of Unrestricted Communication

Numerous limitations to communication and behaviour in the House of Commons have been discussed in Chapter 1, as well as in earlier sections of this chapter. While both time and institutional features have been found to restrict proceedings in an attempt to maintain equality, order, and decorum, what has yet to be addressed is the role of culture in the House of Commons. In particular, this section considers how Canadian political culture affects the proceedings of the House.

Marleau and Montpetit (2000) define a political party as an organization "bound together by a common ideology, or other ties, which seek political power in order to implement their policies" (*Parliamentary Institutions*). After a general election, the political party with the most representatives in the House of Commons becomes the government, and it is this party's leader who becomes the Prime Minister. The political party with the second highest number of representatives in the House of Commons becomes the Official Opposition, and its leader becomes the Leader of the Official Opposition.

The dynamics of the House of Commons are heavily influenced by the type of government that is elected. In a majority context, the governing party holds more than half of the seats in the House of Commons and does not require the cooperation of any of the opposition parties to pass legislation. A minority government, on the other hand, requires the support of one or more of the opposition parties to hold the confidence of the House. While this confidence requirement provides opposition parties with an increased ability to influence government policy

(Thomas, 2007, p. 29), it also results in an unstable and often hostile parliamentary environment dominated by party discipline (Van Hasselt, 2010). Hill (2010), for example, attributes the decline of decorum in the House of Commons to "successive minority governments" (p. 5), as it creates both uncertainty and a solidarity of sorts among members within the same political party.

Party discipline, or what Soroka et al. (2009) characterize more positively as "strong party cohesiveness" (p. 569), is used, among other things, to ensure that members vote and speak along party lines. The influence of party discipline is exemplified in Question Period, which Chong (in Chong et al., 2010) and others refer to as "the heart of Parliament" (p. 2) and "the focal point of Canadian democracy" (Macmillan & Loat, 2011, p. 6). As one of the most visible occurrences of the House of Commons, it is also one of the most carefully controlled. Party whips, and often party leaders, must approve not only the subject and text of questions, but also who will be called upon to ask them on behalf of the party. A list detailing who should be called upon is therefore provided to the Speaker by each party prior to the beginning of Question Period. As it restricts the behaviour of MPs and often results in the exclusion of less prominent Members of Parliament, Chong (in Chong et al., 2010) refers to this as "a denial of the right of the backbench members of Parliament to represent their constituents and to ask questions of the government in relation to their constituencies" (p. 3). The point to underscore here is that the use of a list system during Question Period not only undermines the foundational principles of representative democracy, but also functions to control the information deliberated upon during its proceedings.

In addition to the prominence of the list system, Ryan's (2009) discussion of 'planted' questions further demonstrates the supremacy of party discipline during Question Period. Planted questions are often used by the governing party to make announcements in the House and to

highlight recent government initiatives. They can also be used to counter criticisms and policies proposed by the opposition. Ultimately, their purpose is not to meaningfully engage the government on a particular issue, but rather to "give a Minister a chance to hit one out of the [ball]park" (Ryan, 2009, p. 19). Members ask these questions because to do otherwise would result in being reprimanded by the party whip or party leader (Ryan, 2009, p. 19). Thus, as noted by Soroka et al. (2009), in Canada, "leaders have considerable power to reward and punish MPs" (p. 566), and many MPs therefore fall in line out of a sense of self-preservation. Under Jean Chrétien, for example, "Government MPs lost their committee chairs, were removed from committees or [were] demoted in other ways during his first term in office" for breaking ranks (Docherty & White, 2004, p. 623). Great risk can therefore be associated with disobeying party directives – especially when they originate in the leader's office.

While party discipline and its resulting consequences serve as a strong incentive to tow the party line, some Members of Parliament nevertheless take a stand against policies they do not agree with. For example, in 2006, Conservative Michael Chong resigned from his position as Minister when Prime Minister Stephen Harper introduced a motion recognizing Quebec as a nation – a motion Chong didn't agree with (Martin, L., 2010a, p. 83-86). As well, it is not uncommon for Members of Parliament to either 'cross the floor' and sit with another party (Martin, L., 2010a, p. 2), or denounce all party affiliation and sit as an independent (McDonald, 2010, p. 351) when they disagree with their party's policies. Members of Parliament also have the opportunity to abstain from voting on legislation if they feel compelled to do so. As an example, Conservative MP Steven Fletcher abstained from a vote on Bill C-384, a private members' bill on doctor-assisted suicide because, as a quadriplegic himself, he felt that he "[could not] vote against empowering Canadians to make deeply personal decisions for

themselves" (Fletcher, 2009). Members of Parliament therefore have numerous mechanisms at their disposal which can be used to dissent from party policies – although a study by Macmillan and Loat (2011) reveals that few MPs know which mechanisms are the most appropriate to use (p. 19-20).

In conclusion, it has been argued that the dynamics of the House of Commons are dependent upon whether a majority or minority government is elected. In a minority context, where the governing party requires the support of at least one of the opposition parties to pass legislation, party discipline is used to ensure that party members vote and speak along party lines – thereby curtailing the communicative freedom of Members of Parliament. Examples of rampant party discipline were identified in this section through an examination of Question Period, and earlier sections of Chapter 3 also discussed the effect of party discipline in committee. As well, numerous mechanisms were identified that can be employed by Members of Parliament to express dissent with party policies. The use of these mechanisms can, however, have political repercussions if party leaders and whips enforce party discipline. Based on the preceding discussion, while limits on communicative freedom are reasonably curtailed by time and procedure, they are also restricted for strategic reasons by political parties. This restriction violates the premise that freedom of expression should only be limited when it hinders deliberation, thereby leaving another requirement of the interactional dimension unfulfilled.

3.6 The Interactional Dimension of the Public Sphere and the House of Commons

The interactional dimension of the public sphere considered how its spaces were used for deliberation. The theoretical framework of this dimension called for deliberation that was 'real', or democratic. Numerous criteria emerged that qualified the characteristics of such deliberation –

each of which was examined in detail in this chapter and then compared with the proceedings of the House of Commons.

First, real deliberation involves substantial debate that is based upon the reciprocal critique of arguments rather than assertions. An examination of the deliberation that occurs in the House of Commons revealed that many of the speeches delivered in the House are, in fact, written in the offices of either party leaders or Ministers and often have little input from the Members that are pronouncing them. This, coupled with the fact that votes on legislation are often whipped and fall along party lines, undermines the quality of deliberation in the House. It does explain, however, why proceedings of the House are poorly attended. In addition to a high rate of absenteeism, supporting documentation also revealed that Members of Parliament in attendance do not engage in the active listening required for meaningful deliberation. Rather, MPs assigned to House duty often use the time to catch up on e-mails and do constituency work. As a result, instead of real deliberation, Members of Parliament partake in a theatrical performance of partisan rhetoric in the House of Commons.

Real deliberation also requires that participants have equal access to all preparatory materials needed to fully participate in proceedings of the public sphere. These materials include both the rules and procedures to which their behaviour will be bound as well as all information required to make informed decisions. This helps to ensure both discursive equality and discursive inclusivity in the public sphere. Both the procedural documents of the House of Commons and other non-partisan preparatory materials were found to be accessible as they were regularly published and made available in both official languages. In addition, they were also determined to be comprehensible as Members of Parliament are offered training and other resources to support them in their roles and reduce barriers to participation. It was concluded, however, that

governments often restrict access to information that opposes their legislative agenda or exposes them to criticism. This limits the ability of Members of Parliament – especially those on the opposition side of the House – to engage in meaningful deliberation and make informed decisions based on all relevant information. As such, a second requirement of real deliberation is unfulfilled due to partisan politics.

A further component of discursive inclusivity relates to the breadth of subjects deliberated upon in the public sphere. Recent public sphere theory dictates that no topics should be excluded from deliberation, prior to receiving consideration. Three categories of possible explanations for topic exclusion emerged from the literature on the House of Commons – the Constitution, politics, and procedure. It was determined that very few, if any, subjects were excluded on either constitutional or political grounds, despite a political aversion to controversial issues. In addition, while procedure barred certain topics from deliberation within the House of Commons, most notably the absence and presence of Members in the House, it was shown that Members often employ creative tactics to circumvent this restriction. As such, it was concluded that no subjects were excluded from deliberation within the House of Commons.

Discursive equality, on the other hand, requires that all participants have the same opportunity to engage in deliberation. Two mechanisms were proposed to ensure deliberative equality: disregarding the exogenous social status of participants and equal consideration – the latter of which was operationalized as equal time for the deliberation of all items put forward in the House. An examination of the proceedings of the House of Commons found that the endogenous status of Members of Parliament, rather than their exogenous status, created both inter- and intra-party inequalities. These inequalities were determined to be the result of either procedure or politics. While procedural inequalities between the government and opposition side

of the House were found to be mitigated by a system of checks-and-balances, procedural and political inequalities between parties and party members on the same side of the House were not.

Finally, many theorists advocate for unrestricted communication in the public sphere (e.g. Dahlgren, 2005, p. 48; Habermas, 1974, p. 49; Stromer-Galley, 2002, p. 25). This recommendation was found to be in contradiction to earlier assertions that called for the implementation of specific mechanisms to ensure equality of consideration as well as productive and orderly debate. Thus, it was concluded that freedom of expression and other forms of unrestricted communication should be limited *only* when they hinder deliberation. An examination of the House of Commons determined that political culture significantly influenced the manner in which Members of Parliament were able to participate in the proceedings of the House. In particular, party discipline is used to control the communicative actions of Members, especially in minority government situations. The use of planted questions during Question Period is one example of how party discipline undermines and hinders real deliberation in the House of Commons.

Based on the preceding discussion, it can be concluded that the House of Commons fails to satisfy many requirements of the interactional dimension of the public sphere. Although some of these failings can be attributed to procedure, the majority are the result of partisan politics. As the interactional dimension is the only dimension that fails to comply with the characteristics of the public sphere, recommendations for reform should begin by addressing, among other things, the role of partisan politics in the perversion of the Canadian public sphere.

Conclusion

An in-depth examination of the literature on the public sphere exposed a tension regarding the role of the state in public sphere theory. From this tension, a research question emerged that guided this thesis work: Does the Canadian House of Commons constitute a form of the public sphere? To answer the research question, public sphere theory was investigated along three dimensions – structure, representation, and interaction – whose constitutive features were compared with the components and activities of the House of Commons.

Ultimately, this study found that the House of Commons satisfies both the structural and representational dimensions of the public sphere. While some aspects of the interactional dimension were satisfied in principle, in practice they were found to be severely lacking. In particular, it was determined that the information Members of Parliament require to fully and rationally participate in the proceedings of the House of Commons is often withheld by the governing party, thereby limiting their ability to make informed decisions. In addition, a high rate of absenteeism and the use of personal communication devices such as Blackberries were found to undermine and detract from the calibre of deliberation within the House. Finally, the dominating forces of party discipline and partisan politics were found to constrain freedom of speech and limit the participation of Members of Parliament so severely that they in fact disrupt the proceedings of the House. In combination, these three factors have resulted in a perversion of the House of Commons – which should, arguably, be the highest-ranking and most prominent of Canada's public spheres.

<u>Limitations and Areas for Further Research</u>

Exploring the public sphere through the lens of the Canadian House of Commons limits the findings of this study in numerous ways. Canada's unique political culture, situated in the context of a constitutional monarchy and a federalist parliamentary democracy, limits the generalizability of this study to other states and institutions governed by these two political systems. A further limitation arises due to the equal status granted to French and English in Canada and in the proceedings of the House. This limits the generalizability of the findings of this study to other states and institutions with bilingual proceedings.

In addition, as was noted in the introduction of this thesis, much of the research and analysis that supports this work was conducted in a minority government context. This limits the generalizability of findings to other minority governments, as the dynamics of the House of Commons differ drastically in a majority context (Smith, 2009, p. 125). The findings of this study are also limited temporally to the current social, economic, and political environments in Canada. Certainly, the external validity of these findings would be called into question if they were applied in a time period with differing environments. Finally, the delimitation of this study to the House of Commons means that its findings are not generalizable to Senate. This is because the dynamics and interests of the Senate differ considerably from those of the House of Commons (Thomas, 2003).

These limitations aside, the theoretical framework developed in this thesis nevertheless makes an important contribution to public sphere theory. Not only can the framework be used to test whether additional institutions constitute a form of the public sphere, but it also provides clarity as to the role of the state in the public sphere. The findings of this thesis, as well as its

limitations, illustrate that there is still much research to be done on parliaments and their role in the public sphere. Possible areas for further research include:

A comparative study of the House of Commons and the Senate

One extension of this thesis research could involve applying the theoretical framework of the public sphere to the Senate of Canada. Specifically, the components and activities of the Senate could be compared to the constitutive features of the three dimensions of the public sphere developed in this thesis. Following this comparison, conclusions could be drawn from the studies that would further elucidate the role of these two branches of Canada's parliamentary system in the public sphere.

Additional studies examining the role of elected legislatures in the public sphere

This thesis used the Canadian House of Commons as a lens through which public sphere theory was examined because it is the only component of the federal parliamentary system that is elected. Examining elected legislatures in other countries – or even at a different level of government within Canada – using the framework developed in this thesis has the potential to validate the findings of this thesis work.

A quantitative test of the findings of this thesis

Quantitatively testing the findings of this thesis would develop measures that could be used to assess the degree to which parliaments conform to the interactional, structural, and representational dimensions of the public sphere. An example of such a study would be to examine the degree to which party discipline influences the behaviour of Members of Parliament

in both majority and minority contexts. One mechanism to assess this would be to examine the voting patterns of Members of Parliament in light of their constituency's characteristics. Similar to the methodology employed by Soroka et al. (2009), constituency profiles could be developed to predict the voting patterns of MPs and then compared with their actual voting behaviour. A Member of Parliament who represents a constituency in which there is, for example, a military base or a university would therefore be expected to vote in favour of policies that benefit the population of these institutions. This study would require the clear operationalization of independent and dependent variables as well as a large-N sample, similar to the study conducted by Soroka et al. (2009) that examined 43,426 oral questions over the course of five parliaments to assess the degree of constituency influence in the House of Commons.

An examination of the effects of institutional features on proceedings of the House of Commons
Chapter 1 of this thesis explored the structural dimension of the public sphere and considered the effects of various institutional features on the proceedings of the House of Commons. Further research could be undertaken to determine whether the presence of the large centre aisle of the Main Chamber does in fact increase the auditory volume of exchanges in the House. Additionally, research could also be undertaken to assess the influence of seating arrangements and design on proceedings of the House. These studies would most likely require some type of experiment to assess the effects of various arrangements.

Policy Recommendations

Many practitioners and theorists have targeted reforms to the structural dimension of the House of Commons, such as M-517 which addressed specific proceedings and procedures of the House, or the representational dimension, such as Bill C-12 which sought to increase the number of seats in the House and adjust provincial representation. I posit that it is, in fact, the interactional dimension that needs to be reformed. In light of the findings of this thesis, I propose the following policy recommendations:

Increase the quorum for proceedings that occur in the Main Chamber. And enforce it.

Apart from Question Period and whipped votes, attendance in the Main Chamber is abysmal. While some countries such as Australia take attendance during its proceedings and use these records to issue politicians their sitting allowance (Sher & Galloway, 2011a), it remains to be seen whether such a system would work in Canada. In the meantime, I propose that increasing the quorum will balance the need to improve the attendance of proceedings while allowing MPs to fulfill their other duties. A caveat to this recommendation is that the Speaker of the House must enforce quorum when it is not met, both before a sitting and during it.

Additionally, to increase the participation of Members of Parliament during votes, I recommend that Canada adopt a system similar to that of France where fines are imposed upon representatives for missing them (Sher & Galloway, 2011a),.

Ban constituency work and Internet access from the Main Chamber.

Many Members of Parliament assigned to House duty use this time to catch up on reading, constituency work, and e-mails. Others use their time in the House to engage the public, the

media, or sometimes each other on Twitter, Facebook, and other social media tools. Either scenario suggests that, although physically present in the House of Commons, few MPs are mentally engaged in its proceedings. Prohibiting constituency work and Internet access in the Main Chamber presupposes that Members of Parliament would be forced to commit their undivided attention to the arguments and points of view being put forward by their colleagues. Ultimately, this recommendation encourages MPs to be participants rather than spectators (Chong, 2010c) and hopefully, in time, will elevate the level of engagement and deliberation within the House.

Encourage public servants to disclose withheld information

It has been demonstrated that governing parties often withhold damaging or oppositional information from the House of Commons, even though it could be information critical to deliberation and decision-making. I therefore recommend encouraging public servants to speak out when the House is intentionally being misled or misinformed. Using the RCMP report in support of the long-gun registry discussed in Chapter 3 as an example to illustrate this recommendation, there must have been at least one RCMP employee who was aware that this report existed. This recommendation would therefore call on such employees to speak out and make public this information. In addition, members of the public service who engage in such whistleblowing practices should be protected and be able to do so anonymously.

A caveat to this recommendation calls for the creation of an independent officer of Parliament who can act as a liaison between public service whistleblowers and the House of Commons. This would protect public servants and allow for the handling of sensitive information, such as that related to national security.

Reduce the influence of party discipline and empower Members of Parliament

While the use of a list system in Question Period has been criticized for reducing the opportunities for and abilities of Members of Parliament to re-present their constituents in the House of Commons, the use of a list system in Private Members' Business has been lauded as a tool that ensures equality and loosens the grip of party discipline. The difference between these two list-based systems is that the former is drafted by political parties and the latter is based on a random draw.

I therefore recommend the implementation of a random selection list-based system, where possible. During Question Period, for example, I propose reducing the number of daily questions allotted to each opposition leader to two, and then distributing the remainder among non-Cabinet members at random. Once each eligible MP has been able to ask one question, the random selection would begin anew. I posit that this would empower backbench Members of Parliament by increasing the frequency with which they are able to pose questions.

Certainly, there are other mechanisms and proceedings in which the influence of party discipline can be greatly reduced. The purpose of highlighting one proceeding and mechanism is to provide an illustrative example of how this recommendation could be implemented in practice.

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Annex 1: The Permanent Membership of Select House of Commons' Committees

The permanent membership of eighteen committees of the House of Commons, which were selected at random, is presented in Table 2. A list of the committees profiled, along with their full titles and official abbreviations, precedes Table 2. This information was obtained on the Parliament of Canada website (www.parl.gc.ca) on April 24th, 2011, and represents the permanent membership of the eighteen committees upon the dissolution of the 3rd Session of the 40th Parliament on March 26th, 2011.

Associate membership was not considered for two reasons. First, while the permanent membership of standing committees is limited to a fixed number, their associate membership is not. Second, it is difficult to determine the frequency with which associate members participate in the proceedings of a standing committee. To do so would require an in-depth examination of all committee transcripts as well as an analysis of the frequency and duration of the speeches of associate members. Such an in-depth analysis is beyond the scope of this Annex.

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List of Committees Profiled:

AANO	Standing Committee on Aboriginal Affairs and Northern Development
ACVA	Standing Committee on Veteran Affairs
AFGH	Special Committee on the Canadian Mission in Afghanistan
CC32	Legislative Committee on Bill C-32, *Copyright Modernization Act*
CC49	Legislative Committee on Bill C-49, *Preventing Human Smugglers from Abusing Canada's Immigration System Act*
CHPC	Standing Committee on Canadian Heritage
FAAE	Standing Committee on Foreign Affairs and International Development
FEWO	Standing Commitee on the Status of Women
HESA	Standing Committee on Health
INDU	Standing Committee on Industry, Science and Technology
JUST	Standing Committee on Justice and Human Rights
LANG	Standing Committee on Official Languages
NDDN	Standing Committee on National Defence
PACP	Standing Committee on Public Accounts
RNNR	Standing Committee on Natural Resources
SDIR	Subcommittee on International Human Rights
SECU	Standing Committee on Public Safety and National Security
SMND	Subcommittee on Neurological Disease

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Member of Parliament	AANO	ACVA	AFGH	CC32	CC49	CHPC	FAAE	FEWO	HESA	INDU	JUST	LANG	NDDN	PACP	RNNR	SDIR	SECU	SMND
Allen, M.															X			
Allison, D.							X											
André, G.		X																
Angus, C.			X			X												
Anderson, D.															X			
Andrews, S.															X			
Armstrong, S.						X												
Bachand, C.			X										X					
Bagnell, L.	X																	
Bains, N.														X				
Beaudoin, J.								X										
Bélanger, M.												X						
Benoit, L.															X			
Bernier, M.			X									X						
Blaney, S.												X						
Boucher, S.								X				X						
Boughen, R.								X					X					
Bouchard, R.									X									
Braid, P.			X								X		X					
Breitkreuz, G.		X																
Brown, G.			X															
Brown, L.			X				X											
Brown, P.						X			X									X
Brunelle, P.															X			
Cadman, D.								X										
Calandra, P.				X														
Cardin, S.			X							X								
Carrie, C.									X									
Chong, M.							X											
Chow, O.					X													
Christopherson, D.														X				
Clarke, R.	X																	
Coderre, D.															X			
Comartin, J.											X							
Cotler, I.																X		
Crombie, B.						X												
Crowder, J.	X																	
Cullen, N.															X			
D'Amours, J.-C.														X				
Davidson, P.									X									
Davies, D.																	X	
Dechert, B.			X								X							
Del Mastro, D.				X		X												

Member of Parliament	Committee Name																	
	AANO	**ACVA**	**AFGH**	**CC32**	**CC49**	**CHPC**	**FAAE**	**FEWO**	**HESA**	**INDU**	**JUST**	**LANG**	**NDDN**	**PACP**	**RNNR**	**SDIR**	**SECU**	**SMND**
Demers, N.								X										
Deschamps, J.						X										X		
Desnoyers, L.								X										
Dewar, P.						X												
Dhalla, R.									X									
Dion, S.			X															
Dorion, J.			X				X											
Dosanjh, U.									X									
Dreeshen, E.	X													X				
Duncan, K.		X							X									X
Dryden, K.													X					
Dykstra, R.				X														
Faille, M.													X					
Fast, E.				X							X							
Fry, H.								X										
Galipeau, R.					X							X						
Gallant, C.													X					
Garneau, M.				X						X								
Gaudet, R.																	X	
Généreux, B.										X		X						
Godin, Y.												X						
Goldring, P.																		
Gourde, J.												X						
Grewal, N.								X										
Guay, M.												X						
Harris, J.			X										X					
Harris, R.															X			
Hawn, L.			X										X					
Hiebert, R.																X		
Hoback, R.														X				
Holland, M.					X												X	
Hughes, C.																		X
Jennings, M.											X							
Kania, A.																	X	
Kerr, G.		X																
Kramp, D.														X				
Lake, M.				X						X								
Lamoureux, K.		X																
Lavallée, C.				X	X													
Lauzon, G.												X						
LeBlanc, D.														X				
Lee, D.											X							
Lemay, M.	X										X							
Leslie, M.									X									

Member of Parliament	Committee Name																	
	AANO	**ACVA**	**AFGH**	**CC32**	**CC49**	**CHPC**	**FAAE**	**FEWO**	**HESA**	**INDU**	**JUST**	**LANG**	**NDDN**	**PACP**	**RNNR**	**SDIR**	**SECU**	**SMND**
Lévesque, Y.	X																	
Lobb, B.		X															X	
Lunney, J.						X												
MacKenzie, D.			X		X												X	
Malo, L.									X									X
Masse, B.										X								
Marston, W.																X		
Mathyssen, I.								X										
Mayes, C.		X																
McColeman, P.		X															X	
McTeague, D.			X							X								
Ménard, S.											X							
Mendes, A.																	X	
Mourani, M.					X												X	
Murphy, B.											X	X						
Nadeau, R.												X		X				
Neville, A.	X							X										
Norlock, R.											X						X	
O'Neill-Gordon, T.								X	X									
Obhrai, D.			X					X										
Oliphant, R.					X													
Paillé, P.-P.														X				
Patry, B.								X										
Payne, L.	X																	
Pearson, G.								X										
Petit, D.											X							
Pomerleau, R.						X									X			
Rae, B.			X					X										
Rathgeber, B.											X						X	
Reid, S.																X		
Richards, B.						X												
Rickford, G.	X																	
Rodriguez, P.			X		X													
Rota, A.										X								
Russell, T.	X																	
Saxton, A.														X				
Scheer, A.					X													
Schellenberger, G.		X																
Sgro, J.		X																
Shipley, B.														X				
Shory, D.															X			
Silva, M.																X		
Simms, S.						X												
Simson, M.								X										

Member of Parliament	Committee Name																	
	AANO	ACVA	AFGH	CC32	CC49	CHPC	FAAE	FEWO	HESA	INDU	JUST	LANG	NDDN	PACP	RNNR	SDIR	SECU	SMND
Smith, J.									X									
Sorenson, K.																	X	
St-Cyr, T.				X														
Stanton, B.	X																	
Stoffer, P.		X																
Storseth, B.																		
Sweet, D.				X						X						X		
Tonks, A.															X			
Trudeau, J.				X														
Uppal, T.										X								X
Van Kesteren, D.						X				X								
Vincent, R.		X																
Volpe, J.														X				
Wallace, M.										X								
Warkentin, C.					X													
Weston, J.	X																	
Wilfert, B.			X											X				
Woodworth, S.											X							
Young, T.														X				
Zarac, L.												X						

Summary of Findings

In total, 152 Members of Parliament were identified as permanent members of the eighteen committees of the House of Commons. Of these 152 Members, five participated in three different committees, and 40 in two committees. This demonstrates that there are some Members of Parliament who are more active in committees than others.

In terms of the specific membership of committees, two of the MPs who participated in three committees were randomly selected and the subject-matter and membership of their committees was examined in closer detail to determine, first, if Members of Parliament participated in committees on various subjects, and, second, if these committees were composed of a variety of participants. The two Members of Parliament selected at random were MP Braid and MP Sweet.

MP Braid participated on the Legislative Committee on Bill C-32 (CC32), the Standing Committee on Industry, Science and Technology (INDU), and the Standing Committee on National Defence (NDDN). In contrast, MP Sweet participated on the Legislative Committee on Bill C-49 (CC49), the Standing Committee on Industry, Science and Technology (INDU), and the Subcommittee on International Human Rights (SDIR). While two of the committees that MP Braid sits on are closely linked – the *Copyright Modernization Act* was joint legislation between the Departments of Industry and Canadian Heritage – there is no obvious subject link between the three committees to which MP Sweet is a permanent member. Thus, Members of Parliament can and do participate on committees of diverse issues.

Finally, in terms of the membership constitution of the committees to which MP Braid was a participant, almost half of the permanent members of INDU and CC32 were the same – most likely due to their related subject. In contrast, only one other member of either committee was a participant on NDDN with MP Braid. Although MP Sweet participated on INDU with MP Braid, there were no instances where permanent members of INDU, SDIR and CC49 were the same. This suggests that Members of Parliament can and do interact with a variety of participants in committee.

Annex 2: Permission to Reprint Photo(s)

On March 26th, 2011, a request to reprint the photo of the Main Chamber of the House of Commons found in Section 1.3 was sent to the Library of Parliament (LPPhotosBP@parl.gc.ca) via e-mail.

The completed request form is below followed by the response received from the Library of Parliament on March 28th, 2011, granting permission to reprint the image.

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Email	*Removed to comply with the Freedom of Information and Protection of Privacy Act*
Address	*Removed to comply with the Freedom of Information and Protection of Privacy Act*
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Hello Jennifer,   2011-03-28

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