

**Canadian Gun Control Policy, 1989-2012:  
A Test of Rational Choice Institutionalism**

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## Canadian Gun Control Policy, 1989-2012: A Test of Rational Choice Institutionalism

### Introduction

For many, the starting point for explaining public policy is the assumption that policies are the product of intentional, logical choices by political actors who are pursuing a particular goal or set of goals. Inspired by theories of human behaviour from the field of Economics, that see individuals as “utility maximizers,” rational choice theory rapidly became one of the leading approaches in political science by the 1960s. However, the approach has been refined over the years by acknowledging that many factors limit or shape the ability of individuals to choose their preferred course of action. Of particular importance are institutions, such as the formal structures and processes of the state, that reward or punish certain actions, and frustrate or facilitate knowledge and cooperation. This paper employs a form of Rational Choice Institutionalism (RCI) to assess the impact of federalism, the Westminster parliamentary system, and the electoral and party systems on gun control policy from 1989-2012. While some have applied the logic of RCI to earlier episodes of gun control (Mauser and Margolis 1992, L. Pal 2003, Bottomley 2004, Fleming 2012), they did not do so systematically and the analysis ends before the era of Conservative Party governments under Stephen Harper.

### Rational Choice Institutionalism

RCI represents a diverse family of approaches (Hall and Taylor 1996, Shepsle 2008), including actor-centred institutionalism (Scharpf 1997), veto-player theory (Tsebelis 2002, König, Debus and Tsebelis 2011), nested games (Tsebelis 1990), and institutional analysis and development (IAD) (Ostrom, Gardner and Walker 1994). What unites them is the observation that existing institutions often frustrate rational actors from pursuing their sincere preferences, leading them to instead accept the best outcome possible under the circumstances.

The central unit of analysis in RCI is those political actors who have the power to make policy decisions, or “methodological individualism.” Actors are assumed to have preferences, and to act rationally to maximize the realization of those preferences in public policy. Although individuals actors are typically the focus in RCI, many treat collective actors (such as political parties) as if they are individuals, because decision-making power within the group is highly centralized (Tsebelis 2011). Canada’s Westminster parliamentary system of government is distinguished by the extraordinary centralization of power in the Prime Minister and his inner circle, especially during the regular periods of majority government. Similarly, Canadian political parties are highly centralized in terms of their governance and campaign strategy.

A signature feature of RCI, and rational choice theory generally, is the use of *simplified* assumptions about actor preferences. No one seriously disputes that people have complex and sometimes conflicting goals, and have practical and cognitive limits on their ability to examine their goals and all possible strategies—in other words, that actors are “boundedly rational” (Simon 1956, 1957). But simplification allows for what is the greatest strength of rational choice theory: the deductive testing of hypotheses based on those assumed preferences. A common critique of inductive research—which starts by observing empirical evidence and pulling out (inferring) a theoretical explanation—is that it is vulnerable to selective reading by the researcher in order to find his or her preferred conclusion (more colloquially known as “cherry picking”). The inductive approach may also lead to circularity, or tautological

conclusions, since there is no independent evidence to confirm the hypothesis other than the very evidence used to generate it. The assumed preferences used to create hypotheses in RCI are based on previous research or logical reasoning, and then tested against new evidence to determine whether at least part of the explanation is correct (Flanagan 1998). That is, the hypotheses are falsifiable, and may lead researchers to reject or refine their assumptions, hypotheses, or explanatory variables (Scharpf 2000).

A critical assumption in RCI regarding elected politicians is that policy preferences are secondary to the desire to obtain and retain power (Downs 1957), since the ability to make policy requires first winning the election. This may be less true for parties that have little hope of winning, or in highly-fragmented party systems with coalition-style government where there's an advantage to strong party branding. But it is more likely to apply to competitive parties where single-party government is the norm, as in Canada, which also helps explain the leading parties' historically weak attachment to ideology and rapid swings in policy positions (including often promising one thing during the campaign and doing another once in power). In this account, office-oriented politicians make policy in order to win elections (Shepsle 2008), in contrast to some other theories (such as ACF) where policy goals are primary. As such, the competitive landscape of the party system, and the incentive structures contained in the electoral system, condition the policy choices of politicians.

The definition of "institutions" and how they matter vary greatly within RCI. First, we can distinguish between structured and unstructured institutions, where the former are durable over time and usually formalized—things like the Constitution (including the federal division of powers and the Charter of Rights and Freedoms), the electoral system, or the structure of the legislative branch (Shepsle 2008). Unstructured institutions are more fluid and informal, like certain norms or cooperative arrangements. Constitutional conventions, such as responsible government in Canada, fall somewhere between these poles as they are highly durable but technically an informal norm or principle. As we are focusing on firearms policy made by Parliament, the institutions relevant to our analysis will include both structured and unstructured institutions. Second, institutions may be "exogenous"—taken as givens by political actors—or "endogenous"—created by the current actors themselves (like when the dealer in poker declares that deuces are wild). For our purposes, the institutions will be treated as mainly exogenous, with the focus on the Constitution, the structure of Parliament, and the electoral system. Finally, to use Hall and Taylor's (1996) terminology, institutions can be thought of as "constitutive" of actor preferences or as affecting the "calculus" of actors seeking to maximize their pre-existing preferences. The constitutive account holds that institutions help to form actor preferences by encouraging certain values, norms, or role perceptions that "go with the job," such as judicial impartiality. In contrast, the calculus approach sees actors as already having preferences, and institutions are (usually exogenous) incentive structures that influence how much actors can pursue them. The calculus approach is the dominant one in RCI (Shepsle 2008) and the one used here. This view also contains an important caveat about institutions: they may shape behaviour, but they are not automatic or deterministic (Scharpf 1997, 42), and actors can choose to ignore them if they are willing to pay the price.

A key concept associated with RCI is that of "veto points" or "veto players" (Immergut 1990, Maioni 1997, Tsebelis 2002). A veto point is an institution—or more accurately, those actors who occupy an institution—that can block policy change. In general, the more veto points that exist, the less likely policy change will occur, and less likely that any change will be dramatic. It is often been observed that the American "separation of powers," with robust bicameralism and the Presidential veto over

legislation, creates more veto points than the Canadian Westminster parliamentary system, where during periods of majority government the Cabinet executive is able to dominate the legislative branch, and the unelected upper chamber almost always defers to the elected House. Similarly, in many democracies coalition government is the norm, in which case some or all of the parties in the coalition are veto players. Coalition government is very rare in Canada, however, and even when the party with the most seats does not have a majority, it almost always chooses to govern alone as a minority government rather than share power.<sup>1</sup>

The constitutional rights and the federal division of powers, enforced via judicial review, can make courts and other levels of government potential veto points as well. In the US, the Second Amendment's right to bear arms and the Fifth Amendment's property rights create significant barriers to gun control laws. There are no analogous rights in the Canadian constitution, however (Augustine 1986, Johansen 1991).<sup>2</sup> As Constantelos (2014) concludes in his study of Ontario and Michigan's economic stimulus policies after the 2008 recession, we should not expect robust policy changes from a single level of government unless it has unfettered jurisdiction. In Canada, gun control falls under the federal Parliament's expansive criminal law power (s.91(27) of the *Constitution Act, 1867*), which is paramount in cases of conflict with provincial jurisdiction over such areas as "property and civil rights" (s.92(13)) and "the administration of justice" (s.92(14)). Ottawa can therefore enact gun control laws without the cooperation of the provinces (L. Pal 2003, Newman and Head 2017), and this was definitively confirmed by the Supreme Court of Canada in *Reference re Firearms Act (Can.)* (2000 SCC 31). As such, there are very few veto players in the policy area of Canadian gun control: primarily, the House of Commons during periods of minority government, and potentially the government caucus itself.

While veto points can be individuals (such the U.S. President) they are usually a collective veto player (Tsebelis 2002), that is, an institution that can block policy change but composed of people who individually cannot; legislative chambers are a good example. Collective actors can come in many varieties (Scharpf 1997, 51-96), and may introduce much greater complexity into one's analysis. A key factor is the degree of *internal cohesion* (Tsebelis 2002) or hierarchical control within the collective veto player: the more rigidly centralized it is, the more we can treat it like an individual actor. Governing parties in Canada are distinguished by the exceptional degree to which they are centralized and dominated by their leaders, as the institutional convention of responsible government and relatively small government caucuses produces extremely strong party discipline in the caucus (Franks 1987). Moreover, Cabinets—another potential veto point—are usually subservient to the Prime Minister, on whose pleasure the members of Cabinet serve. Based on these factors, we can make the simplified assumption that governing parties in Canada can be treated as individual actors, with policy direction coming from the leader or a minister with the leader's support; the evidence will indicate to what extent that assumption proves accurate in the context of gun control.

The number of veto points and the internal cohesion of collective veto players are important, but insufficient on their own to explain policy change. Equally important are the respective policy positions,

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<sup>1</sup> A rare exception is currently underway in British Columbia, where there is a formal coalition between the NDP and the Green Party. The last formal coalition government at the federal level was Sir Robert Borden's 1917 Union Government during World War I.

<sup>2</sup> This conclusion was confirmed by the Supreme Court of Canada's rulings in *R. v. Hasselwander*, [2003] 2 S.C.R. 398 and *R. v. Wiles*, 2005 SCC 84.

or extent of policy *congruence*, within and amongst the veto points (Weaver and Rockman 1993, Tsebelis 2002). If, for example, a minority government wanted stronger gun control and all major parties agreed, then the mere fact of minority government should not be a significant obstacle to policy change. This is precisely what occurred in New Zealand in 2019, when strict new gun laws banning “military-style” semiautomatics were passed only 26 days after the horrific mosque shootings in Christchurch left 50 people dead. Policy positions are very difficult to map in an abstract or predictive manner (Tsebelis 2002, Ganghof 2003),<sup>3</sup> but fortunately our goal is to explain policy change after the fact, not prediction (Scharpf 1997, 25). It is therefore relatively easy to determine which parties opposed or supported policy change at the time, or what we can think of as the veto players that are *external* to the governing party. Measuring policy positions within the governing party—that is, the *internal* veto point of the caucus—is considerably trickier, however, given the strong tradition of party discipline and that disagreements within caucus are only infrequently made public.

A final concept worth mentioning is game theory, which is the branch of rational choice theory concerned with situations when decision-making choices and outcomes are interdependent. Decision-makers rarely act in isolation. The classic example is the prisoners’ dilemma, where the outcome (the sentence received) for each of the two partners in crime depends on what the other person does: admit nothing or implicate their partner, but they each decide in isolation. In that example, although it would be best for both of them if neither confessed, the individual payoff structure—which harshly punishes the person who admits nothing if the other confesses—encourages both of them to confess. Game theory typically involves complex quantitative modelling, and while it would be possible to use it here, we employ a more qualitative approach that simply acknowledges game theory’s insight that political parties react to each other’s positions. In a public policy context, we know that parties take positions either to distinguish themselves from other parties, or to “steal the thunder” of another party that promotes a popular policy. “Wedge politics” (Wilson and Turnbull 2001) is a particularly aggressive version of the former, where a party highlights an issue that is very important to at least some of its voters (but of low importance nationally) and produces dissension within opposing parties (Giasson and Dumouchel 2012). Giasson and Dumouchel (2012) conclude that gun control became a wedge issue for the Conservatives under PM Stephen Harper. While this was arguably not the case for the Chrétien Liberals in the 1990s, as discussed below gun control allowed the party to distinguish itself from the Reform Party while appealing to Quebec voters.

## Hypotheses

In light of the foregoing, we can make some hypotheses about the likelihood of gun control policy change based on the number of veto points, the relative policy position of the veto players, and the internal cohesion of the government. Majority governments from 1989-2012 faced virtually no veto points in this area, given that neither federalism nor bicameralism<sup>4</sup> represented any significant limit on

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<sup>3</sup> For instance, campaign platforms are not a reliable guide as they may not mention the policy issue at all, and governments may (and often do in Canada) reverse themselves on key policy promises made during the campaign.

<sup>4</sup> In theory, the Senate could be a veto player, having most of the same legislative competences as the House, and there are periods (such as during the first Chrétien and Harper governments) that opposition parties were the majority in the Senate. Preliminary analysis revealed, however, that the Senate did not function as a veto point on any of the episodes discussed below, even when it was expected it might in 1995.

the government's ability to enact its preferred policies. The government's own caucus was its most significant potential barrier, and in normal periods party discipline should weaken this threat considerably. However, during minority governments the Opposition parties in the House of Commons became a collective veto player, and potentially the government caucus more so since the Cabinet was vulnerable to non-confidence votes. As such, we follow Constantelos (2014) in hypothesizing that policy change was more robust—that is, lower policy stability—in Canada's Westminster parliamentary system when there was a single-party majority government, and that when the government lacked a majority, we expect to see a delayed, blocked or less ambitious policy response. As noted above, the effect of veto points is tempered by the internal cohesion of the primary collective decision maker (the governing party) and the policy positions of the key external veto players (the opposition parties) relative to the government's.

Combining these factors produces two general hypotheses about the capacity of governments to change gun control laws:

*H<sub>1</sub>: There will be lower policy stability (robust change more likely) in periods of majority government but only if party cohesion is high.*

*H<sub>2</sub>: There will be higher policy stability in periods of minority government, but only if there is low congruence between government and opposition parties.*

These speak to the capacity for governments to act, but what about the anticipated direction of policy change, or the degree of change from the status quo (magnitude)? The most obvious starting point in building hypotheses for these is to consider what factors are likely to influence the government party's position on gun control. Two immediately stand out: 1) the degree of rural representation in the government caucus, and 2) how much the government party relies on seats in Quebec. These require some elaboration, along with an explanation of how—consistent with RCI—various institutions amplify the importance of rural and Quebec voters.

For decades, it has been commonplace for media and political commentators to suggest that rural voters are less likely to support gun control, or that rural MPs fear that supporting such measures will endanger their prospects for re-election (Bottomley 2004, Page 2006, Ibbitson 2010, Mitchell 2010, EKOS Politics 2017, Rana 2017). The rationale is captured nicely by a recent quotation from Global News: "A standard response to why government doesn't go further to crack down on guns is politics and the perception that urban Canadians view the issue far differently than rural dwellers, who use guns to hunt for food or protect themselves in remote regions beyond the every-day reach of law enforcement" (Levitz 2017). More generally, there is much evidence that rural residents tend to vote differently from urban and suburban residents (Cutler and Jenkins 2002, Roy, Perrella and Borden 2015), with Bittner calling it "one of the main cleavages of Canadian politics" (2007, 939). It is also the case that since 1989 rural MPs have been more likely to oppose tighter restrictions on firearms (Page 2006). As such, it is reasonable to assume that parties who have more rural MPs will be less likely to support gun control, or at least less likely to support robust new restrictions. Another reason to focus on rural representation is that Canada's electoral system significantly amplifies the influence of rural MPs. Although the system is ostensibly based on "representation by population," which would require ridings to be of roughly equal population, the law and those with the power to set electoral boundaries have long sought to protect

rural interests from being diluted by the urban majority (Smith 2002, Courtney 2004, Pal and Choudhry 2007). The result is that urban areas are significantly underrepresented relative to rural ones.<sup>5</sup>

*H<sub>3</sub>: The greater the level of rural representation in the governing caucus, the less likely that the government will adopt robust new restrictions on firearms, and the more likely to weaken gun control.*

It must be acknowledged that this hypothesis is not uncontroversial. Despite the conventional wisdom about greater rural opposition to gun control, which is accurate in the US (Igielnik 2017), there is little evidence that this is actually true in Canada. Repeated polling over the past 30 years, by both gun control advocates and opponents, finds that a majority of rural voters favour stronger gun control, and even the federal long-run registry when it was initially introduced (Mauser and Margolis 1992, Rathjen and Montpetit 1999, Bottomley 2004, Page 2006). The main finding to the contrary was a 2002 Ipsos-Reid poll that found rural residents were about 10 per cent more likely than urbanites to favour cancelling the long-gun registry (Fleming 2012, 101), but that may reflect greater frustration with the soaring cost of the registry than more hostility in principle to gun control. Nonetheless, it is clear that rural MPs are historically less supportive of gun control; indeed, Page (2006) concludes that gun control is a policy area where many rural MPs ignored public opinion polls and thus did not accurately reflect their constituents' views.

Since the Montreal Massacre, support for gun control has consistently been strong in Quebec, and higher than in other regions (Page 2006). No doubt some of this is because the Massacre happened in Quebec, and the subsequent high-profile shootings in Montreal at Concordia University (1992) and Dawson College (2006). Although voters in Quebec are not significantly different from those elsewhere in Canada (Nadeau and Bélanger 2012, McGrane and Berdahl 2013), an exception (along with the centrality of the sovereignty issue to vote choice, at least until 2011) is that Quebecers are less morally- and religiously-conservative, including more support for feminism, a 'softer' (less-punitive) approach on crime, and—most importantly for our purposes—for registering and restricting access to firearms (Nadeau and Bélanger 2012, 146). It is therefore reasonable to assume that MPs from Quebec are more likely to support strengthening gun control and to oppose attempts to weaken it, producing the following hypothesis:

*H<sub>4</sub>: The larger the proportion of Quebec seats in the governing caucus, the less likely the government will be able to weaken gun control, and the more likely to adopt robust new restrictions on firearms.*

There are several political and institutional factors that reinforce the importance of Quebecers' political attitudes. The first is Quebec's electoral importance: as the second-largest province its 75 seats represent a significant proportion of the House, and traditionally a party with Quebec's support was well on its way to forming a majority government (Johnston 2017). The second is that during the period of our study there was a constitutional crisis about Quebec's place in Canada, including the failed Meech

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<sup>5</sup> In 2015, the average riding size in the most urbanized and populous provinces (Alberta, BC, Ontario, and Quebec) was 38% larger than in the other six provinces (Elections Canada 2015). Moreover, riding sizes *within* each province can vary by +/-25% around the average constituency population—a 50% range, with even wider divergence permitted for small northern and Indigenous "communities of interest" (Smith 2002). Notably, this has the effect of underrepresenting visible minority voters and those who cannot vote (youths, new and longer-term non-citizen immigrants), who overwhelmingly live in Canada's largest cities (Pal and Choudhry 2007).

Lake and Charlottetown Accords and the 1995 referendum in Quebec on secession. Third is the disruption of the party system during the period of our study, particularly in Quebec. At the beginning of our period, the Progressive Conservative (PC) government under Brian Mulroney, with a comfortable majority, was a truly national party but dominated by an alliance of Quebec, Western, and many Ontario MPs. But a product of the constitutional crisis was the 1993 collapse of the federal PCs and emergence of the separatist and social-democratic Bloc Québécois (BQ) and conservative Western-based Reform Party, and a Liberal Party based primarily in Ontario, Montreal, and Atlantic Canada. This “balkanized” party system (Bickerton, Gagnon and Smith 1999, Carty, Cross and Young 2000), led by three successive Liberal majority governments (1993, 1997, 2001) and a minority in 2004, was in line with Cairns’s (1968) conclusion that Canada’s single member plurality (SMP) electoral system rewards smaller regionally-based parties, but more generally, regionally-targeted appeals to voters. While the party system had somewhat reconsolidated by the early 2000s into three main parties competing nationally—the Liberals, Conservatives (still dominant in the West), and NDP—a distinct Quebec party system dominated by the BQ was still in place (Pruysers 2014). The consequence of these party system developments was that by 1993 the Liberals sought to woo Quebec voters both to prevent secession and to bolster the party’s fortunes; with the Reform Party’s insurmountable hold on the West, the Liberals needed to maintain their dominance in Eastern Canada and try to grow in Quebec, and gun control was an obvious issue that would both appeal to Quebecers and distinguish the Liberals from its rivals outside Quebec (Bottomley 2004, 64). After “uniting the right” under Stephen Harper in 2003, the Conservative Party sought to expand into Ontario and Quebec at the Liberals’ expense, which it eventually did on its way to forming three governments, two minority (2006, 2008) and one majority (2011).

### Operationalization

While our hypotheses are admittedly simple, and the conditions arguably self-evident, they allow us to operationalize several testable variables:

#### *Independent Variables*

$x_1$  = Is there a majority government? (yes/no)

$x_2$  = Was there unwhipped dissent in government caucus? (yes/no)

$x_3$  = Did Opposition parties opposed to government’s policy preference represent a majority of the House? (yes/no)

$x_4$  = Percentage of government caucus from rural ridings

$x_5$  = Percentage of government caucus from Quebec

#### *Dependent Variables*

$y_1$  = Did policy change occur? (yes/no)

$y_2$  = Direction and magnitude of proposed policy changes (see below)

To test Hypotheses 1 and 2, three independent variables are employed: whether there was a majority government; whether there was open dissent in the government caucus on the change to gun control legislation that the Prime Minister did not whip to overcome (internal cohesion); and did the opposition parties who opposed the government’s proposed change represent a majority of the House (congruence)? Open caucus dissent by government party MPs is rare in Canada given the power of the



PM and party discipline, and as such usually receives media attention when it occurs. We therefore use media and secondary sources (such as Bottomley 2004, Page 2006, Brown 2012) to identify when the PM whipped caucus. To clarify, higher internal cohesion is signified both by a *lack* of open caucus dissent (i.e., whipping was not necessary) and the PM's exercise of the whip. The policy positions of the opposition on legislation regarding firearms were obtained from media sources and the parties' statements and votes in the House; assessing whether opposition parties constituted a majority is simple arithmetic based on the composition of the House. It should be acknowledged that  $x_1$  and  $x_3$  are not truly independent of each other, as if  $x_3$  is true then  $x_1$  is "no" by definition: opposition parties cannot represent a majority in a majority government situation. This would be more of a problem if we were combining these variables in a quantitative formula such as multiple regression, but we are not.  $X_3$  should simply be understood as a refinement that allows us to test for both the effect of minority government by itself ( $x_1$ ) and also for the effect of the external veto players' policy positions.

Turning to the directional variables, surprisingly there is no uniform definition of a "rural riding." To date Sayers (2013) has the most sophisticated approach to measurement, using a multi-factor index to determine the "urban-ness" of Cabinets and federal government parties. His data on individual ridings are not publicly available, however, and the analysis ends in 2008. Several authors examine rural/suburban/urban distinctions in voting behaviour and public opinion (Walks 2005, Wasko and O'Neill 2007, Roy, Perrella and Borden 2015, McGrane, Berdahl and Bell 2017), but such studies only measure the respondents' immediate community, not their riding. We follow the OECD (2011) and a Maclean's (Taylor-Vaisey 2015) study in using a population density of less than 150 people per km<sup>2</sup> as the threshold for a "rural" constituency. While population density is an admittedly crude indicator (and can be misled by gerrymandering that combines cities with vast rural areas, as in Saskatoon's three ridings), "density does increase as one moves from country to suburban and finally city ridings" and it is "a widely used measure with the advantages of being both linear and simple to apply" (Sayers 2013, 98).<sup>6</sup> Statistics Canada's Census provides population density for federal electoral districts (FEDs) after 2001, but for earlier elections it was calculated using Census population counts for FEDs and area data from digital mapping software.<sup>7</sup> Ridings were then cross-referenced to party of winning MP using information from Elections Canada and PARLINFO at the Parliament of Canada website,<sup>8</sup> and the rural proportion of caucus calculated; the same was done for Quebec ridings at the point in time when the bill was introduced.<sup>9</sup>

Our first dependent variable is simply whether policy change occurred. To capture the direction and magnitude of policy change, we constructed a series of variables to reflect the fact that gun control can regulate *who* can use guns, *how* guns can be used, and *what* can be used (Bottomley 2004, L. Pal 2003, Brown 2012). In recognition of the fact that policy is not made in a vacuum, the policy status quo at the time of the attempted change is used as the point of reference and we measure whether the

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<sup>6</sup> Moreover, Sayers found that population density was almost perfectly correlated to his more sophisticated index measure (personal correspondence with author, Feb. 8, 2019).

<sup>7</sup> Our deepest thanks to Brock University's data librarian Heather Whipple and map librarian Sharon Janzen for providing this information. The data is available online at Brock's public archive, [add link when available].

<sup>8</sup> [https://lop.parl.ca/sites/ParlInfo/default/en\\_CA/Parliament/Parliaments](https://lop.parl.ca/sites/ParlInfo/default/en_CA/Parliament/Parliaments)

<sup>9</sup> With the exception of C-391, which as a private member's bill does not technically signal the government's position by its introduction. Instead, we use the date of the final vote on C-391, September 22, 2010 to assess the various parties' positions.

government's policy strengthened or weakened gun control along several dimensions. While this approach does not allow us to assess how much change occurred with mathematical or categorical precision,<sup>10</sup> the qualitative analysis will tell us in general terms whether changes on each dimension were marginal or significant, and also if there was change along multiple dimensions. It is expected that a policy reform that affects multiple dimensions is more robust, though we acknowledge that a dramatic movement on a single dimension may also represent major policy change.

### **Ownership Controls – Licencing Requirements**

*Background Checks and Ownership Restrictions (criminal record, waiting periods, etc.):* are these being relaxed or tightened?

*Training Requirements:* are these being relaxed or tightened?

**Weapon Restrictions:** are more categories of weapons being restricted (or banned), or fewer?

**Registration/Tracking of Gun Ownership:** are more or fewer categories of firearms being registered?

### **Penalties for Firearms Offences**

*Specific Firearms Offences:* are new firearms offences being added, or removed?

*Sentencing for Firearms Offences:* are existing sentences being increased or decreased?

Where applicable, a decision to grandfather new restrictions is evidence of less-robust change. Similarly, voluntary guidelines instead of legal requirements are evidence of less-robust change, or weakening of existing gun control if requirements are being replaced with voluntary compliance. While the dimensions above are phrased in dichotomous terms, we will also examine qualitatively how much new or proposed policies strengthen or relax each factor.

## **Data and Cases**

Six policy episodes are used as comparative case studies to test the explanatory power of an RCI-based approach. They provide variance on most of our key factors discussed below, including the outcomes. In chronological order, starting shortly after the 1989 Montreal Massacre, the policy episodes are:

- I. Bill C-80 (1990-91), Mulroney PC majority government (failed)
- II. Bill C-17 (1991), Mulroney PC majority government (successful)
- III. Bill C-68 (1993-95), Chrétien Liberal majority government (successful)
- IV. Bills C-21 and C-24 (2006-08), Harper Conservative minority government (failed)
- V. Bill C-391 (2009-11), Private Member's Bill (Hoeppner, CON), supported by Harper minority government (failed)

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<sup>10</sup> Strict categories proved too difficult to construct for all dimensions. For example, if the measure concerned whether to allow or to restrict more types of weapons, what types would be "worth" more on the scale: handguns, or semi-automatics? As well, some measures work better in relative terms (such as punishments for gun crime) and it was preferable to use a consistent approach.

## VI. Bill C-19 (2011-13), Harper Conservative majority government (successful)

For each case we collected evidence on our dependent variables using primary sources, such as official versions of bills from LEGISinfo and HeinOnline, and existing secondary sources.<sup>11</sup> The independent variables are operationalized as explained above.

### *Bill C-80*

Bill C-80 was the Mulroney PC government's initial attempt, in June 1990, to respond to the Montreal Massacre, but was widely seen as very weak. The PSQ was laid out mainly in C-51, adopted by Pierre Trudeau's Liberals in 1977, which had significantly changed firearms regulation, although national registries for handguns and fully automatic weapons have existed since 1934 and 1951 respectively. Under C-51, all new gun owners required a Firearms Acquisition Certificate (FAC) for any type of firearm purchase, but existing owners were exempted and a FAC-holder could purchase an unlimited number of rifles and shotguns without giving any reasons (Friedland 1984, 118). FACs expired after five years. Safety training was not required for a FAC by C-51, but provinces were empowered to create such requirements (Royal Canadian Mounted Police 2016). An important change introduced in 1977 was the prohibition of fully automatic weapons, and a ban on private citizens from carrying a "restricted" weapon (primarily handguns and certain models of semi-automatics) to protect their property. C-80 proposed only incremental changes to this regime, adding bans on military and para-military weapons, high-capacity magazines, and semi-automatics converted from automatics (Bottomley 2004, 32). Some semi-automatic models of assault weapons were added to the "restricted" list, but notably not the one used by the Polytechnique shooter (Rathjen and Montpetit 1999, 57). A four-week waiting period for FAC applications was also introduced.

Despite its limited scope, C-80 generated significant backlash within the PC caucus (Rathjen and Montpetit 1999, Brown 2012), particularly amongst its western and rural members. Rural MPs represented 60 per cent of the caucus, but Mulroney's majority government also relied heavily on representation from Quebec. The 55 Quebec PC MPs made up just over a third of the government party, the highest proportion in our study; notably, it had been even higher until May 1990—only seven weeks before C-80 was introduced—when seven MPs led by Lucien Bouchard left the party to form the Bloc Québécois in protest over the failed Meech Lake Accord.<sup>12</sup> As such, one might have expected the PCs to be particularly sensitive to the prevailing attitudes in Quebec on gun control, but that does not appear to be the case. Perhaps this outcome reflected the growing frustration within the party toward Quebec and constitutional politics, which would ultimately decimate the PCs in the West and enable the rise of the Reform Party in the 1993 election. In the face of internal opposition, Justice Minister Kim Campbell—the first female to hold the post, and representing downtown Vancouver—referred the bill

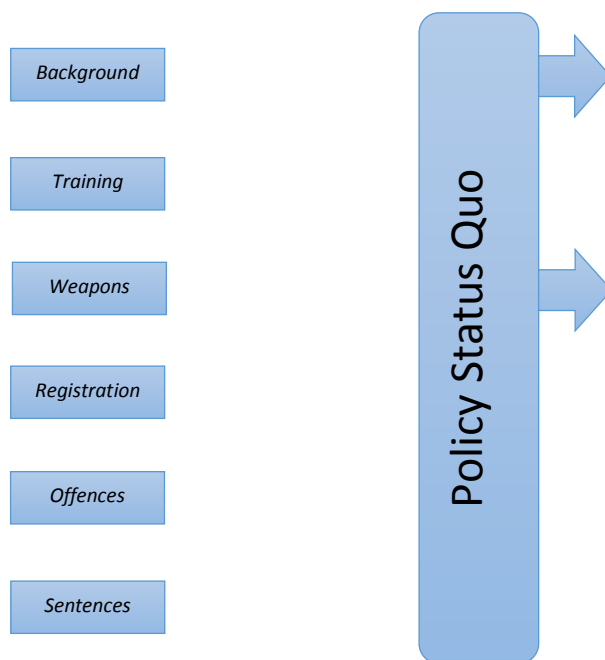
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<sup>11</sup> With the exception of C-80, which predates coverage in LEGISinfo and does not appear in HeinOnline which only includes successfully-enacted statutes. We rely on information from secondary sources for C-80.

<sup>12</sup> Two Quebec Liberals also left for the BQ, while another died in office in 1989 and was replaced by Gilles Duceppe who joined the BQ (later to become its leader). Another Quebec PC MP resigned due to a criminal conviction and was replaced in February 1990 by an NDP MP. An Alberta PC MP died shortly after the election and was replaced in 1989 by Deborah Grey, the first Reform MP. Also during the C-80 episode, an Alberta PC defected to the Liberals over the GST, and another from Nova Scotia left the PCs to sit as an Independent. The calculations above and in Table 2 (see Appendix) reflect these developments.

to committee, which recommended 32 amendments. Rather than invoking party discipline Prime Minister Mulroney briefly prorogued Parliament on May 12, 1991, effectively killing C-80.

**Fig. 1: Bill C-80**



To summarize how C-80 scored on our measures:

$x_1$  = majority government

$x_2$  = unwhipped dissent in government caucus

$x_3$  = opposing parties not a majority

$x_4$  = 60% of government caucus rural

$x_5$  = 35% of government caucus from QC (55 MPs)

$y_1$  = No policy change

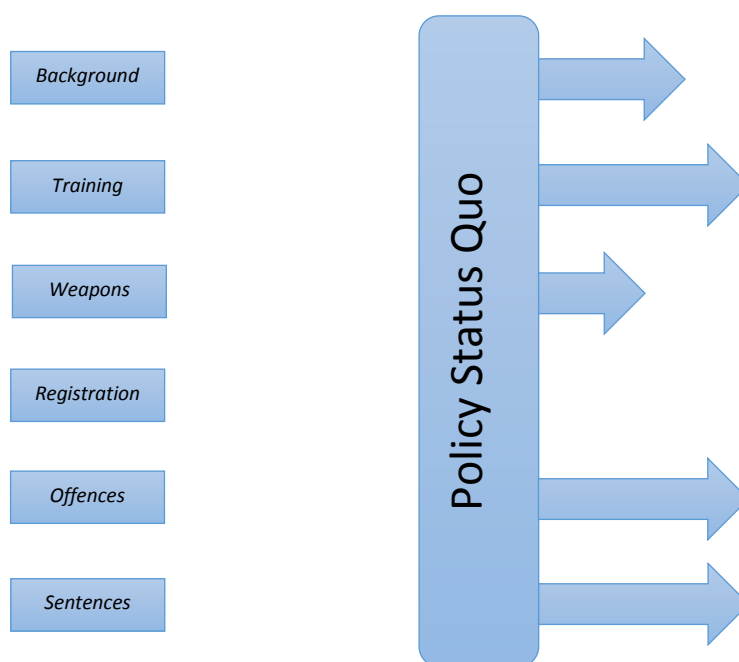
$y_2$  = incremental pro-gun control changes proposed on only two of our six measures

### **Bill C-17**

Justice Minister Campbell tabled new firearms legislation in C-17 only two weeks after the demise of C-80, meaning that most of the independent variables are identical to our first case study. However, both the substance and outcome of the bill, and the process used, differed considerably. C-17 included the main provisions of C-80 regarding banning the most powerful weapons but went further, moving about 200 models into the prohibited and restricted categories (again, though, not Marc Lépine's semi-automatic) (Brown 2012, 211). As well, large-capacity cartridge magazines for automatics and semi-automatics were banned (Royal Canadian Mounted Police 2016). That said, existing owners of converted

semi-automatics were grandfathered, and the power of the Justice Minister to reclassify weapons unilaterally was weakened by the introduction of a Parliamentary oversight and reversal mechanism (Brown 2012). The licencing requirements were strengthened, with not only C-80's four-week waiting period but mandatory safety training and more detailed background checks, including character references and potentially interviews with family, neighbours, social workers, and co-workers. FACs would still expire after five years, and firearms purchases still would not require justification. C-17 required judges to consider imposing firearm prohibitions as a condition of bail for those charged with violent or drug trafficking offences or of a peace bond in domestic disputes. Firearm prohibitions for those convicted of drug trafficking were introduced, while existing bans for violent offenders were doubled, and made permanent for repeat offenders. As well, the minimum age to obtain a FAC was raised from 16 to 18 for those without parental consent. Penalties for firearms-related offences were doubled, and a set of new firearms offences were created along with regulations governing storage, handling, and transportation of firearms.

**Fig. 2: Bill C-17**



C-17 again sparked considerable internal dissent, especially when it came back from committee hearings strengthened (Rathjen and Montpetit 1999, 113-119). This time, however, PM Mulroney invoked party discipline, although many MPs continued to demonstrate their opposition by refusing to show up for the vote (Brown 2012, 209-211). The bill passed easily (189-14) on November 7, 1991 with widespread support from opposition parties and unanimous support in the Senate, and came into effect on August 2, 1992. To summarize how C-17 scored on our measures:

$x_1$  = majority government

$x_2$  = whipped dissent in government caucus

$x_3$  = opposing parties not a majority  
 $x_4$  = 60% of government caucus rural

$x_5$  = 35% of government caucus from QC (55  
 MPs)

$y_1$  = policy change

$y_2$  = significant pro-gun control changes on five of six measures

### *Bill C-68*

While some (perhaps unfairly) described C-17 as “cosmetic” and “incremental” (L. Pal 2003, 250), C-68 was undoubtedly a dramatic change in favour of stronger gun control. The biggest change by the Liberal majority government under Jean Chrétien was the creation of a universal gun registry, with ownership of an unregistered firearm made a criminal offence. There were also significant changes to licencing. The FAC regime was replaced with a mandatory Possession and Acquisition Licence (PAL) even to own firearms and ammunition, whereas FACs had only been required for new purchases. A particularly controversial provision was that PALs were required for models not classified as restricted or prohibited, which included popular hunting rifles and shotguns. A PAL required the successful completion of the Canadian Firearms Safety Course (or provincial equivalent before 1995), and a special safety course to possess a restricted weapon, which effectively ended the exemption for many existing gun-owners under the FAC system. C-68 also required handgun owners to justify possession every five years, and banned (rather than “restricted”) many models of handguns and semi-automatic assault rifles, though without prohibiting either category completely. Sentences for serious gun crimes were also increased, including mandatory minimums.

The proposed changes were strongly supported by the BQ (the Official Opposition), but sparked dissent within the other parties, including the Liberals whose rural members spoke openly against the bill and at least 30 of whom evaded party discipline by refusing to show up for C-68’s second reading (Harper 1995). Even the Reform Party, which would quickly become the party most critical of the registry, was initially ambivalent as the party was committed to populism and many urban constituents favoured stronger gun control, even in Alberta.<sup>13</sup> PM Chrétien’s response to internal dissent was strict enforcement of party discipline, and three Liberal MPs who voted against C-68 at second reading were removed from their respective committee positions (Harper 1995, Docherty 1997, Bottomley 2004, L. Pal 2003).<sup>14</sup> The bill passed 3<sup>rd</sup> reading easily (192-63) on June 13, 1995 and despite some concerns that the slim majority of PC Senators would require substantial weakening or reject C-68 outright, neither occurred;<sup>15</sup> it received Royal Assent on December 6, 1995. The BQ’s strong support for C-68—and Reform’s hostility, with no Quebec MPs—is in keeping without our hypothesis regarding the influence of Quebec, but Quebec MPs represented only about 11 per cent of the Liberal caucus (20 seats on June 13, 1995, mostly in the Montreal and Outaouais areas), far less than in Mulroney’s government during C-80

<sup>13</sup> For example, in what would eventually become the greatest irony regarding the Registry, Calgary West MP Stephen Harper voted in favour of C-68 at 2<sup>nd</sup> reading based on the results of a mail-back survey of his riding (Bottomley 2004, 43). He reversed this on 3<sup>rd</sup> reading, but three other Reform MPs ultimately voted for C-68 (Bottomley 2004, 49).

<sup>14</sup> MPs Rex Crawford, Benoît Serré, and Paul Steckle.

<sup>15</sup> The PC Senators’ amendments were rejected (53-46), and C-68 passed easily (64-28) (Bottomley 2004, 50).

and C-17. Meanwhile, rural MPs made up half of the Liberal caucus—a large proportion which helps explain the internal dissent, but the lowest figure of all the governments in this study, and far less than the Reform Party (71 per cent) and NDP (78 per cent) (see Appendix for summary tables). That said, the pro-gun control BQ is significantly *more* rural (64 per cent) than the Liberals. Summarizing according to our measures:

$x_1$  = majority government

$x_4$  = 50% of government caucus rural

$x_2$  = whipped dissent in government caucus

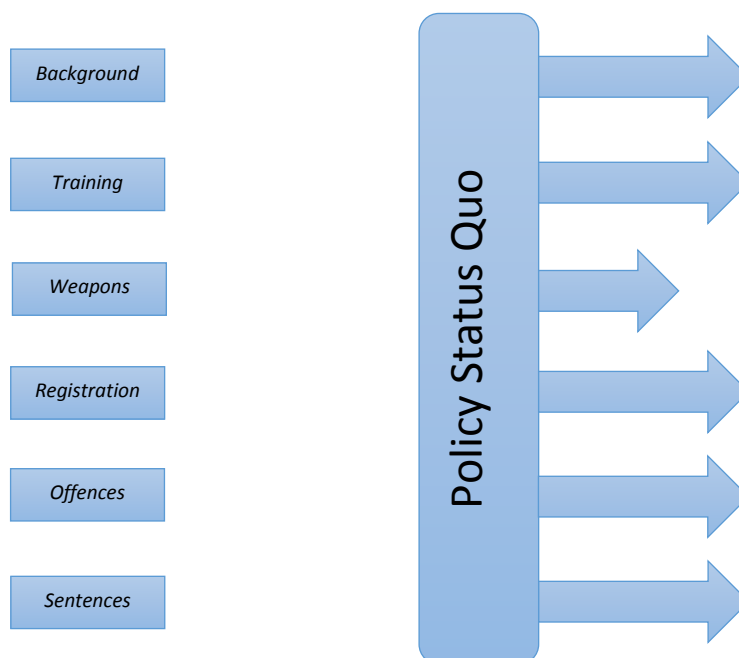
$x_5$  = 11.5% of government caucus from QC (20 MPs)

$x_3$  = opposing parties not a majority

$y_1$  = policy change

$y_2$  = very significant pro-gun control changes on all six measures

**Fig. 3: Bill C-68**



### ***Bills C-21 and C-24***

The long run of Liberal governments came to an end with the election of Stephen Harper's minority Conservatives on January 23, 2006. C-21 was introduced by the government on June 19, 2006, and sought to do only one thing: end the "long-gun" portion of the registry. Technically, it did this by eliminating registration (and the associated criminal offences for non-registration) for everything except restricted and prohibited weapons, which meant handguns, automatics, and many categories of semi-automatics were unaffected by C-21. It did not, however, try to reverse C-68's many other changes, including the PAL system and mandatory safety training, or change the sentences for firearms offences.

The bill delivered on a key campaign promise made by the Conservatives and their predecessors in the Reform Party and Canadian Alliance, but it faced intense opposition from the BQ, Liberals, and NDP, who together constituted a majority in the House. C-21 died on the order table when PM Harper prorogued Parliament in September 2007, and it was reintroduced as C-24 in November 2007. C-24 made it no further than 1<sup>st</sup> reading when the House was dissolved in September 2008 for an election. C-21 and -24 can thus be dealt with together as they were identical, and suffered essentially the same fate.

This policy episode presents us with an important aspect of veto points, as represented here by the opposition parties in a minority government, which is that they may operate via pre-emption rather than being formal exercised. Neither C-21 nor C-24 was voted down by the opposition parties; the Conservatives avoided that fate by refusing to move the bills to 2<sup>nd</sup> reading, and ultimately both bills died by the Conservatives' own hand via prorogation and dissolution. However, as a CBC report noted at the time, "all three opposition parties support the registry and would probably defeat any legislation that would dismantle it" (CBC News 2006). Further evidence of the pre-emptive effect of a hostile parliamentary veto point is provided by the government's efforts in May 2006 (just before the introduction of C-21) to weaken the registry via administrative changes (budget cuts, elimination of registration fees for long-gun owners, amnesties for non-registration, registry administration moved to RCMP) that did not need Parliament's approval.

Regarding the effects of rural and Quebec representation, the Conservative government was exceptionally rural (65% of caucus) but had only slightly fewer Quebec MPs (8.1%) than the Liberals during the C-68 episode (see Table 2 in Appendix).<sup>16</sup> The presence of Quebec MPs, and the need for the Conservatives to grow the party beyond its western and rural base to achieve majority status, may help explain limited scope of the proposed changes. Summarizing this episode according to our measures:

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<sup>16</sup> Floor crossings (such David Emerson from the Liberals to Conservatives shortly after the election) and other changes to party standings between the election and when C-21 and -24 were introduced are accounted for in these figures.



$x_1$  = minority government

$x_2$  = no dissent in government caucus

$x_3$  = opposing parties a majority

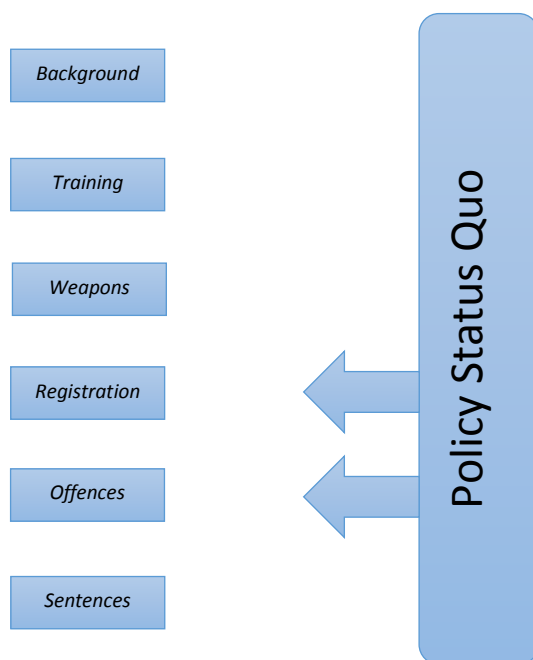
$x_4$  = 65% of government caucus rural

$x_5$  = 8.1% of government caucus from QC (10 MPs)

$y_1$  = no policy change

$y_2$  = significant anti-gun control proposal but on only two measures

**Fig 4: Bills C-21, C-24, C-391, C-19**



### **Bill C-391**

The October 2008 election returned another (albeit larger) Conservative minority government, this time equally rural and with no gains in Quebec.<sup>17</sup> The government did not propose any cuts to the registry, but vigorously endorsed several attempts by its MPs (mainly Garry Breitkreuz and Candice Hoepner) to

<sup>17</sup> The Conservatives gained an 11th Quebec seat from the BQ in a by-election before the final vote on C-391.

introduce private members' bills (PMBs) that were virtually identical to C-21 and C-24.<sup>18</sup> We focus on Hoepfner's C-391, which came the closest to adoption after being stalled by PM Harper's controversial 2009 prorogation to avoid a non-confidence vote by a Liberal-NDP-BQ coalition (CBC News 2009). The bill had made it to second reading and referral to committee before prorogation, and after the government survived that scare, C-391 was reintroduced and proceeded to committee in mid-2010. Once there, however, the bill ran into stiff opposition from the other parties who represented a majority, and the committee's formal recommendation in June 2010 was for Parliament to reject C-391. The Conservatives spent the summer visiting rural ridings campaign-style to promote C-391 (Ibbitson 2010), dispelling any illusions this was truly a PMB. The bill was narrowly defeated 153-151 on September 22, 2010, in a vote that saw some rural opposition MPs defy party discipline to support the bill (Mackreal 2013). This episode can be summarized as:

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<sup>18</sup> The same bill was also introduced in the Senate by a Conservative Deputy Government Leader Gerald Comeau as Bill S-5 (2009) but did not proceed further.

$x_1$  = minority government

$x_2$  = no dissent in government caucus

$x_3$  = opposing parties a majority

$x_4$  = 64% of government caucus rural

$x_5$  = 7.7% of government caucus from QC (11 MPs)

$y_1$  = no policy change

$y_2$  = significant anti-gun control proposal but on only two measures

### **Bill C-19**

Our final policy episode is Bill C-19, the *Ending of the Long-Gun Registry Act* that finally delivered on the Conservatives' signature promise to the end the long-gun registry (Friesen and Ibbitson 2011). With only minor changes, the bill was effectively identical to those tabled as C-21, -24, and -391, and thus modest in scope beyond the registration issue. This was despite the fact that there was now a key difference, essential to C-19's success: the Conservatives had won a majority government in early May 2011, and killed the registry only six months later with no internal dissent. In other respects, this government was similar to its immediate predecessors, if somewhat less rural (57%) due to successful forays into Ontario's ("905") suburbs, and even less reliant on Quebec (down to 3%, and only 5 MPs). The latter reflects a shift in the Conservatives' mindset, acknowledged by their strategist Tom Flanagan, that after failing to break through in Quebec in 2008 the party "realized that Quebec would not be the route towards a majority government and shifted its priorities towards wooing ethnocultural minority voters. This change resulted in the government pursuing several policy changes that ran directly against the desires of most Quebec voters, such as its law-and-order criminal justice policy agenda that involved changes to the Youth Criminal Justice Act and the dismantling of the long-gun registry" (Puddister and Kelly 2017, 167). That said, between 2006 and 2008, when they were ostensibly still courting Quebec voters, the Conservatives had twice tried to eliminate the long-gun registry.

$x_1$  = majority government

$x_2$  = no dissent in government caucus

$x_3$  = opposing parties not a majority

$x_4$  = 57% of government caucus rural

$x_5$  = 3% of government caucus from QC (5 MPs)

$y_1$  = policy change

$y_2$  = significant anti-gun control but on only two measures

### **Discussion and Conclusions**

The case studies above reveal qualified support for the explanatory value of rational choice institutionalism in Canadian gun control policy from 1989-2012, at least as conceptualized here. The findings indicate that the hypotheses concerning institutional constraints on the *capacity* to enact policy changes fared well, and better than those regarding the direction and magnitude of change.

*H<sub>1</sub>: There will be lower policy stability (robust change more likely) in periods of majority government but only if party cohesion is high.*

Consistent with veto player theory, majority government alone did not explain robust policy change, as indicated by C-80. Party cohesion was indeed the key, as vigorous dissent went unwhipped in that period, but caucus objections were overcome by the prime minister's intervention on both C-17 and C-68, producing significant policy changes. Party cohesion was also very high in PM Harper's majority government—naturally, due to broad ideological agreement on gun control—and resulted in the major change of cancelling the long-gun registry and associated offences. That said, it is notable that the Conservative majority government did not seek further weakening of gun control in C-19, although subsequent changes to regulations and the *Common Sense Firearms Licensing Act* (S.C. 2015, c. 27) did so.

*H<sub>2</sub>: There will be higher policy stability in periods of minority government, but only if there is low congruence between government and opposition parties.*

This was decidedly confirmed, as periods of minority government with low congruence (C-21, -24, -391) could not pass new firearms legislation. Unfortunately, there is no natural experiment to examine a minority government with high congruence (for example, Paul Martin's minority Liberal government did not pursue further restrictions on guns, despite sympathetic opposition parties in the BQ and NDP). Similarly, there is no way to test how minority government affects the magnitude of policy change, since no such government managed to pass new legislation during the period of our study. That said, it is telling that in 2006 the Conservatives weakened gun control using administrative actions entirely within the jurisdiction of the executive branch, precisely because it could not relax firearms restrictions through legislation.

*H<sub>3</sub>: The greater the level of rural representation in the governing caucus, the less likely that the government will adopt robust new restrictions on firearms, and the more likely to weaken gun control.*

The evidence supports the directional influence of rural MPs, but only to a point. It is the case that the least rural government proposed the most aggressive restrictions on firearms, and the most rural ones sought to weaken the gun registry. As well, the high level of rural representation within the Liberal caucus in 1995 and the PCs in 1990-91 was correlated with strong internal opposition to gun control that required the Prime Minister's direct intervention. But there is also contradictory evidence. The PC caucus that adopted new gun control measures in C-17 was almost as rural as those during the first two Conservative governments, and actually slightly *more* rural than the government that ended the long-gun registry. As well, the BQ was consistently pro-gun control despite having an even more rural caucus than the Liberals in 1995. As well, even with an extraordinarily rural caucus, the Conservatives never tried to weaken gun control beyond the long-gun registry. This may well reflect the fact, noted earlier, that while many Canadian rural voters became highly critical of the registry, they did not reject gun control per se. As well, as Ibbitson (2010) observes, the only path to majority government for any federal party is through Canada's cities and suburbs, where support for gun control is very high.

*H<sub>4</sub>: The larger the proportion of Quebec seats in the governing caucus, the less likely the government will be able to weaken gun control, and the more likely to adopt robust new restrictions on firearms.*

There is only weak support for this factor. The Mulroney PCs had much more QC representation than any subsequent government, yet initially failed to pass even modest gun control measures, even with a majority and in the middle of a constitutional crisis centring on Quebec. C-17 entailed more robust

change, but as noted above, it required the direct intervention of PM Mulroney to pass over stiff caucus objection, with many Western and rural MPs abstaining. The expansive new restrictions in C-68 came from a Liberal government that had significant QC representation, but far less than the PCs in 1989-1993 and only slightly more than the 2006 Conservative government that vowed to kill the long-gun registry. This suggests that the rural factor might be more relevant, since Conservative MPs from Quebec were from rural areas, where there was opposition to registry. Still, the BQ's strong preference for gun control—even going so far as to vote for C-68 while the Official Opposition—provides some support for the directional influence of Quebec.

This first systematic test of RCI to explain Canadian firearms policy from 1989-2012 is encouraging, and points to the need for further analysis. For example, one could assess the impact of rural and Quebec representation *in Cabinet*, since that is a more important source of government policy than caucus. As well, the emphasis here has been on policy change, with no effort to explain *why* the various governments dedicated political capital to gun control; that is, there is no account of agenda-setting. Fleming (2012) undertakes such analysis by looking at “focusing events,” and Giasson and Dumouchel (2012) point to the concept of “wedge politics” to explain the Conservatives’ fixation on ending the long-gun registry, and a more fulsome application of RCI (and especially game theory) to that issue is both necessary and beyond the scope of this paper. Given the dearth of attention paid by policy theorists in Canada to gun control, there is still much to learn from and about this important area.

## Appendix

**Table 1: Rural Representation by Party and Policy Episode**

Percentage of Caucus, (Number of MPs)					
Party	C-80, C-17	C-68	C-21, C-24	C-391	C-19
BQ	40.0 (4)	64.2 (34)	44.2 (23)	43.8 (21)	75.0 (3)
CON	n/a	n/a	<b>65.3 (81)</b>	<b>63.6 (91)</b>	<b>57.2 (95)</b>
LIB	48.8 (39)	<b>50.8 (90)</b>	30.4 (31)	21.1 (16)	31.4 (11)
NDP	68.2 (30)	77.8 (7)	31.0 (9)	38.8 (14)	35.3 (36)
PC	<b>60.4 (96)</b>	71.2 (37)	n/a	n/a	n/a
REF	100.0 (1)	0	n/a	n/a	n/a

Calculations by author. Government party **bolded**

**Table 2: Quebec Representation by Party and Policy Episode**

Percentage of Caucus, (Number of MPs)					
Party	C-80, C-17	C-68	C-21, C-24	C-391	C-19
BQ	100.0 (10)	100.0 (53)	100.0 (51)	100.0 (48)	100.0 (4)
CON	n/a	n/a	<b>8.1 (10)</b>	<b>7.7 (11)</b>	<b>3.0 (5)</b>
LIB	11.1 (9)	<b>11.4 (20)</b>	12.6 (13)*	8.0 (14)	20.6 (7)
NDP	2.3 (1)	0	0	2.8 (1)	51.5 (9)
PC	<b>34.8 (55)</b>	50.0 (1)	n/a	n/a	n/a
REF	0	0	n/a	n/a	n/a

Calculations by author. Government party **bolded**

\*Liberals 13% (13/100) for C-24 as 3 defections from caucus after vote on C-21.

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