

Weapons of the (Politically) Weak?
Speaker Selection as Strategic Dissent in the Ontario Legislature

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Abstract:

The majority of academic studies examining legislative dissent have focused on public acts of dissent – that is, legislators physically standing and voting against their party or criticizing them in the media. This is understandable, as nearly all votes in legislatures are public. However, there is a lone secret ballot vote conducted in legislatures: the vote to elect a Speaker. In this paper, we examine Speaker selection in Ontario and find that in the seven votes to select a Speaker since the Ontario legislature began using a secret ballot, the Premier has rarely seen his choice for Speaker elected. In four out of seven votes, their caucus has voted against them. We ask why this private act of dissent is more common than public acts of dissent, testing three factors identified as likely to increase dissent: party popularity, cabinet size and the percentage of new MPs entering the party at each legislative term. We find that individual level indicators best explain the paradox of private acts of dissent and that the Speaker selection process involves three groups of actors, each with their own preference order in decision-making: 1) the government backbench, 2) the Premier's Office, the Premier and Cabinet and 3) the opposition. Overall, we find that the private vote matters a great deal. Public voting reduces the levels of dissent experienced in caucus, but if MPPs were allowed to vote by secret ballot on more matters, the consequences could be much more severe for a governing party.

Introduction:

Party discipline is generally quite strong in Canada (Franks 1987: 100). A Member of Parliament who votes against their party is rare and when such examples of legislative dissent do occur, they garner both media attention and scholarly examination. The majority of these academic studies, however, focus on public acts of dissent (Norton 1975, 1980; Müller and Strøm, 1999; Gaines and Garrett, 1993). What about private acts of dissent? Are they more frequent? Are they, perhaps, more damaging to a governing party?

In Canadian legislatures, the majority of votes are public. Members of Parliament must stand and publicly indicate their preference on nearly all issues facing a legislature, except for one: the selection of the Speaker of the House. MPs are able to vote privately, by secret ballot, to determine which of their colleagues will act as Speaker. This sole private vote allows for an examination of private acts of dissent.

This paper will examine the role of dissent in Speaker selection votes in the Ontario legislature. Specifically, this paper seeks to present a new perspective on how speaker selection in the Ontario Legislature is understood. To this end, the process of Speaker selection ought to be understood as a method of signaling dissatisfaction from the backbenches to the Premier and Premier's inner circle.

Why choose Ontario? Canada's largest province provides a good case study to begin examining strategic, private dissent amongst governing backbenchers. First, there have been consecutive majority governments in Ontario since the procedure to select the Speaker was changed to a secret ballot in 1990. Second, each major party – the New Democrats, Progressive Conservatives, and Liberals – has held office during this time period, allowing for us to hold certain variables, such as intra-party political culture,

constant. Third, with one of Canada's largest legislatures, there are more Members of Provincial Parliament elected, which increases the chances of dissent occurring. Finally, the number of legislators was reduced through the *Fewer Politicians Act* of 1996, which reduced the number of Members of Provincial Parliament from 130 to 103, allowing us to test changes in legislature, caucus and cabinet size as a contributing variable. As such, Ontario represents a "crucial" case study in what could be a burgeoning area in the study of parliamentary dissent (Eckstein, 1975).

Why not the federal legislature? The House of Commons is a frequent unit of analysis for those studying legislative behaviour (Franks, 1987; Docherty 1997, 2004; Smith, 2007). While the House of Commons generally provides a good venue to test theories of Canadian politics, it provides a poor case study for this project. Since 2004, there have been consecutive minority parliaments in Ottawa. It has been argued in the press that during minority parliaments, party and caucus unity tightens and dissent decreases (McGregor 2010). This simple fact alone could alter our findings and their generalizability. As such, we have decided to focus on a single, "crucial" case.

We begin our investigation by examining existing theories of parliamentary dissent, legislative behaviour, and individual legislator expectations, in addition to reviewing the political culture of Queen's Park and the process of changing the Speaker selection exercise to a secret ballot. Next, we briefly introduce our methodology and detail the expected decision-making process of backbench MPPs during private votes in the Ontario legislature. In the next section, we detail the events surrounding the selection of Speaker since the introduction of the secret ballot in 1990. Following that, we test three factors identified by Kam (2009) as likely to increase the probability of legislative dissent: party popularity, cabinet size and the percentage of new MPs entering the party at each legislative term. The final section concludes the study.

Context:

The Role of the Backbench MP and MPP

While there may be varying degrees of agreement on the cause or result of party discipline, legislators in Canada do not enjoy the independence of the American Congressman or the dissenting capacities of the British MP. C.E.S. Franks, in his monograph on Canada's Parliament, suggests that the heavy hand of party discipline is a result of the short tenures of parliamentarians, rather than a factor in and of itself. Franks argues that the relatively short tenure of Canadian legislators directly influences their ability to independently drive an individual agenda (Franks 1987: 23). This is in apparent contrast to David Docherty's study of the 33rd and 34th Parliaments in which he found that more seasoned legislators were in fact less likely to dissent from party leadership (Docherty 1997: 149). While this may or may not be contradictory, the fact remains that there is a disconnect between the two theories. A possible reconciliation of these two viewpoints is through the learning potential of legislators. More experienced legislators, as Docherty notes, tend towards stricter party discipline. This could partially be explained by the fact that more experienced representatives have learned other, less overt mechanisms to influence party policy internally.

While Canadian legislators are generally under the heavy hand of party discipline, this is at least equally true of the provincial legislatures. As Graham White notes, the

provincial premier is just as powerful, if not more powerful than their federal counterpart in the PMO (White 2005: 74). In an earlier work, White emphasizes both the party discipline and the self-discipline of members themselves:

To be sure, it is widely understood, particularly on the government side, that life is much easier for those who conform, and that MPPs' self-censoring behavior stems not so much from explicit direction as from anticipated consequences, which often render actual threats unnecessary (White 1989: 78)

These norms did not spring magically from the corridors of Queen's Park. They are the result of a lengthy tradition and historical establishment of practices necessary to the execution of government within a fused legislature and executive. Even before the legislator is elected, the learning process has already begun. This learning phase continues throughout the election campaign and into incumbency (Deans 1993). It is no surprise that Queen's Park has adopted the tradition of strong party leaders with strong control over their caucuses. This is consistent with the federal experience and the experience of similar Westminster Parliaments to varying degrees. However, despite widespread examples of party discipline in Canada, single examples of reforms have been advocated and achieved. One such example is the introduction of the secret ballot in selecting the Speaker.

The Genesis of the Secret Ballot:

The secret ballot has never been a core part of Westminster Parliaments. Indeed, Westminster itself first used the secret ballot to elect its Speaker only in 2009 when Speaker John Bercow was elected. Speaker Bercow was elected to the chair following Speaker Michael Martin's forced resignation over the so-called M.P. Expense Scandal. However, Canada's history with the secret ballot dates to the mid-1980s.

In the wake of Brian Mulroney's historic electoral landslide, a select committee of backbenchers was struck to propose reforms to the House of Commons. The Special Committee on the Reform of the House of Commons – referred to as the McGrath Commission in light of its chair, the James McGrath of Newfoundland – submitted three reports to the House of Commons. While the reports focused on a variety of issues, the most significant change was the adoption of the secret ballot for the election of the Speaker. The House of Commons would not need to wait long to see the secret ballot in action. In 1986, Speaker John Bosley resigned, making way for an historic secret ballot election of the Speaker. After seven ballots, the Honourable John Fraser was elected Speaker.

Two different Members of Parliament have been elected Speaker since Fraser. At the time of dissolution of the 40th Parliament, the Speaker was both an opposition Member of Parliament in addition to being the longest-serving Speaker in Canadian parliamentary history. This process and its supposed benefits now appear to be firmly enshrined within the parliamentary psyche.¹ The removal of the executive's ability to

¹ See, for example: Audrey O'Brien, "Election of a Speaker by Secret Ballot: A Milestone for the House of Commons," *Canadian Parliamentary Review* 29, no. 3 (2006) and Bill Blaikie, et al., "The Wisdom of the Elders: A Round Table on Reform of the House of Commons," *Canadian Parliamentary Review* 29, no. 3 (2006).

anoint a Speaker and placing that power instead in the hands of individual backbenchers represents a symbolic success for those who advocate reform within the framework of a Westminster Parliament. Its subsequent adoption in provincial legislatures demonstrates an added precedential benefit.

The Speaker at the Pink Palace:

Ontario, like its provincial counterparts, eventually adopted a similar process within the Legislative Assembly. Prior to the adoption of the secret ballot, the election of the Speaker of the Legislative Assembly embodied all of the hallmarks of backroom dealings. Until 1990, the Speaker was traditionally “nominated and acclaimed by the Legislative Assembly through an understanding between the Premier and the Leader of the Opposition” (Bell and Pascoe 1988: 19). This is demonstrated in the last public vote in electing Hugh Edighoffer as Speaker on June 4, 1985. Edighoffer, a long-time Liberal MPP from riding of Perth, Ontario was elected unanimously after endorsements from all three party leaders (Ontario Debate Records 1985). However, this system would become the first legislative casualty of Ontario’s first-ever New Democratic government.

It is not entirely surprising that this change was enacted under an NDP government. While there had been a tradition in the Ontario Legislature for the premier to undertake all-party consultations prior to appointing the Speaker, this was not always the case. In a 1981 episode, the leader of the NDP strongly protested the Premier’s unilateral appointment of John M. Turner as Speaker (White 1989: 56). However, despite this episode, Speaker election reforms recommended to the legislature in 1986 and again in 1988 were not adopted. White, writing in 1989, attributes this to the fact that even with a secret ballot, the choice would still rest with the Premier. This, we will find is no longer the case. While White argues that the Speakership in Canada pales to its Westminster counterpart in both respect and independence (White 1989: 56), the ability of legislators to hide their dissent through a secret ballot was more than enough leverage to wrest away the Premier’s power to appoint the Speaker.

Ontario has had its fair share of both colourful and colourfully bland premiers during its legislative history. However, the Office of the Premier itself, like other chief executives in Westminster parliaments, is known for its powerful and influential position in relation to the legislature. While most of the literature on the first minister centres on the Prime Minister at the federal level, the provinces offer ten distinct case studies, while still adhering to the same general tenets seen at the federal level. Graham White, in his volume for the Democratic Audit Series, notes that the provinces are no more immune from powerful first ministers than Ottawa (White 2005).

Herein rests the paradox: how is it that within a system that favours both a strong first minister and strict party discipline, the backbench has so successfully dissented on the choice for speaker? What follows is our attempt to provide some tentative explanations for how Speaker selection ought to be reframed as a tool for political dissent that is immune from political repercussions.

Methodology:

Traditional models of parliamentary dissent have focused heavily on public acts of dissent, such as voting against the governing party or criticizing them in the

Legislature or press. In these scenarios, the cost of dissent is a simple equation of punishment versus reward. Certain factors, such as local party conditions, the centralization of government, and group loyalty to guiding ideologies can be seen as increasing the chances of dissent (Schwartz and Lambert, 1971), while other factors, such as generational change, are seen to have little to no effect on the likelihood of parliamentary dissent (Franklin, Baxter and Jorden, 1986). Other models (Kam, 2006) add electoral conditions to the decision-making process. In this governing model of MP dissent, a calculation of the net utility of loyalty versus dissent is made. Adhering to the party line provides the MP with a better chance of promotion, but may expose the member to harsh electoral conditions. As such, there is an inevitable trade-off between promotion and electoral security.

Each model, however, focuses on the public acts of dissent, in some cases even open rebellion or caucus upheaval. While the causation and timing of such events are interesting in their own right, these are costly, and thus rare, instances in the Canadian parliamentary system. What would happen if dissent were relatively costless, held little chance for reprisal on the part of the government, and did not affect career trajectory? Would this increase dissent? Speaker selection via secret ballot may help answer these questions. In such scenarios, backbench MPPs can engage in a signaling exercise with other parliamentary actors, expressing their dissatisfaction with the government's actions. Once completed, there is little chance for reprisal on the part of the Premier or cabinet, as it is unclear which members voted against the government.

Data:

Since the procedure for selecting a Speaker was changed in 1990, there have been seven Speaker elections. The history of this secret ballot Speaker selection procedure and the results are listed below in Table 1:

Government	Premier's Choice	Candidates	Winner	Term
NDP Majority: 35 th Legislature	David Werner	Gilles Morin (Lib); Jean Poirier (Lib); David Werner (NDP)	David Werner	Nov. 19, 1990 – Sept. 26, 1995
PC Majority: 36 th Legislature	Margaret Marland	Margaret Marland (PC); Gilles Morin (Lib); Al McLean (PC)	Al McLean	Sept. 26, 1995 - Sept. 26, 1996
	N/A	N/A	Edward Doyle	Interim Speaker
	Margaret Marland	Margaret Marland (PC); David Tilson (PC); Gary Leadston (PC); Derwyn Shea (PC); Jack Carroll (PC); Chris Stockwell	Chris Stockwell	Oct. 3, 1996 – Oct. 20, 1999

		(PC); Gilles Morin (Lib); Floyd Laughren (NDP)		
PC Majority: 37 th Legislature	David Tilson	David Tilson (PC); Gary Carr (PC)	Gary Carr	Oct. 20, 1999 – Nov. 19, 2003
Liberal Majority: 38 th Legislature	Alvin Curling	Alvin Curling (Lib)	Alvin Curling	Nov. 19, 2003 – Aug. 19, 2005
	Mike Brown	Mike Brown (Lib); Ted Arnott (PC)	Mike Brown	Oct. 11, 2005 – Nov. 28, 2007
Liberal Majority: 38 th Legislature	Mike Brown	Mike Brown (Lib); David Zimmer (Lib); Lorenzo Beradeinetti (Lib); Steve Peters (Lib); Ted Arnott (PC)	Steve Peters	Nov. 18, 2007 – Present

In each election, the Premier articulated a choice, either publicly or implicitly. This information was gained through popular media accounts of the Speaker elections. Of the seven races, the Premier's choice was elected three times. Certain trends emerge that create a pattern of strategic dissent among government backbench MPs, which will be examined below.

This paper presents seven Speaker selections over the lifetime of five legislatures. From this, it can be seen that there are two types of dissent that, while they appear to be linked, should be separated for clarity prior to analyzing these seven cases. Strategic dissent may occur in two ways or in two parts. The first is when a Member of Provincial Parliament enters the race for Speaker as a form of dissent against the party's leadership. In this action, the MPP is undertaking a public display of dissent by challenging one's own party's leadership. This can be seen in the elections of Chris Stockwell and Steve Peters. This paper, however, is more focused on the second aspect of dissent: the private dissent during voting. What follows is a discussion of the seven case studies in which the Speaker of the Ontario Legislature was chosen by secret ballot. By voting against their own Premier's preferred choice for Speaker, the individual MPP is exercising an act of private dissent, unknown to the party's leadership, but nonetheless a signal of unrest.

The NDP Years: 1990 – 1995

Upon coming to power for the first time in Ontario, the New Democrats quickly began reforming the Legislature. Premier Bob Rae decided to allow the legislature to elect the speaker by way of a secret ballot. In exchange for this privilege, MPPs agreed to relinquish the right to challenge the speaker's rulings (Ferguson, 1990).

Bob Rae selected veteran NDP Scarborough-Ellesmere MPP David Warner to stand as his caucus' candidate for Speaker. The NDP and Warner were confident of his chances. The 1990 election had produced an unanticipated, yet sizable, NDP majority government, with New Democrats holding 73 of the Legislature's 130 seats. Liberals Gilles Morin and Jean Poirier challenged Warner for the position (Mascoll, 1990). Despite the challenge, the media was confident of Warner's chances, arguing that he is

“almost assured of the title of Mr. Speaker”, based on the size of the NDP’s caucus (Moscoll, 1990).

The election process brought some surprises though. Joining Warner and Liberals Morin and Poirier in the contest was Progressive Conservative MPP Norm Sterling (Ferguson, 1990). To the surprise of many, the balloting process lasted two rounds. Poirier was eliminated first, with Sterling, Morin and Warner remaining on the second ballot (Ferguson, 1990). Warner eventually won on the second ballot.

Bob Rae and his NDP caucus were surprised by the result, as the *Toronto Star* emphasizes in a 1990 report about the Speaker election:

Warner was the only New Democratic Party candidate and was expected to win on the first ballot since his party has a 73-seat majority in the 130-seat Legislature. The New Democrats were so confident the diminutive Warner would be elected that the legs on the Speaker’s chair were sawed down before the vote was taken yesterday afternoon (Ferguson, 1990).

The close result indicates that some of the NDP’s MPPs did not vote along party lines and defied their newly elected Premier. Attempting to put a positive spin on the proceedings, Rae commented after that the need for a second ballot was, “a good reflection of the fact that people were making up their own minds” (Ferguson, 1990). Warner would remain Speaker until the NDP was voted out of office in 1995.

The Progressive Conservative Years: 1995 – 2003

In 1995, Mike Harris and his Progressive Conservatives were elected with a majority government. The newly elected Premier began touting Mississauga South MPP Margaret Marland as his selection for Speaker (Rusk, 1995). Two other candidates presented themselves however, Liberal Gilles Morin and Progressive Conservative Al McLean. When the votes were finally counted, Marland had lost and, despite the efforts of Harris and his Finance Minister Ernie Eves, McLean was elected speaker (Rusk, 1995).

A year after being elected, McLean resigned in the face of sexual harassment allegations, setting the stage for another Speaker election (Walker, 1996 [a]). Eight candidates put their names forward, including Progressive Conservatives Margaret Marland, David Tilson, Chris Stockwell, Gary Leadston, Derwyn Shea, and Jack Carroll, Liberal Gilles Morin and New Democrat Floyd Laughren (Walker, 1996 [b]). Marland, once again, was considered the Premier’s choice for Speaker (Walker, 1996 [d]). The election lasted seven ballots, but MPP Chris Stockwell emerged as the Legislature’s new Speaker (Walker, 1996 [c]).

Stockwell had a long and acrimonious relationship with Premier Mike Harris. Initially left out of cabinet in 1995, Stockwell was despondent and began to criticize the Premier on a number of fronts, such as the controversial Karla Homolka plea-bargain and the government’s efforts to eliminate MPP pensions (Walker, 1996 [c]). The feeling that Stockwell ran out of spite because of being left out of cabinet was so strong that once the final results were read, Hamilton West NDP MPP David Christopherson yelled out in the Legislature to Stockwell, saying, “I bet Mike wishes he put you in cabinet now!” (Walker, 1996 [d]).

Stockwell, however, was not the only Progressive Conservative MPP disenchanted with the Premier. Many were also concerned about the growing

centralization of government in the Premier and the Premier's Office's hands (Walkom, 1996). MPPs Morley Kells and Bill Murdoch were also critical of the government's reductions in education funding and the decision to introduce video lottery terminals to bars and race tracks (Walkom, 1996). *Toronto Star* columnist Thomas Walkom summed up this feeling, arguing that, "overall, a feeling was growing that Harris was listening too little to his backbenchers and too much to his appointed aides" (Walkom, 1996). Stockwell, for the most part, represented these dissatisfied voices by running for Speaker and, as such, "dissatisfied Tory backbenchers were presented with a perfect opportunity" (Walkom, 1996).

In addition to the backbench concerns of the growing centralization of government and dissatisfaction with being initially left out of cabinet, another factor may have initiated the dissent as witnessed in the 1996 Speaker election: the consolidation of provincial riding boundaries. Earlier in the year, Harris had announced that in the 1999 provincial election, the provincial riding boundaries would be aligned with the federal riding boundaries, thereby eliminating 27 seats. As a result, incumbents would be forced to run against each other in the next election, but more significantly, incumbents from the governing Progressive Conservative party would be forced to run against each other in party riding nomination contests. To the *Toronto Star*, this had an impact on the election: "a large group of disaffected backbench Tory MPPs, some of whom know they have no riding to run in during the next election (with their government downsizing from 130 to 103 MPPs), helped elect Stockwell" (Walker, 1996 [d]).

Toronto Star columnist Thomas Walkom explained the significance of Stockwell's selection:

Tory backbenchers sent a message to Premier Mike Harris this week – a message that they can't be taken for granted. They did so in a painless way, one which will prevent Harris (who is unforgiving with those that cross him) from taking revenge. (Walkom, 1996)

Premier Harris had a significant amount of dissent within his caucus, but few active dissenters – Stockwell, Kells and Murdoch being the most notable. The Speakers' election was an opportunity for the non-vocal dissenters to be noticed and have their message communicated to Premier Harris without fear of consequence.

After the 1999 election, Stockwell, who was now promoted into cabinet, opted not to run again for Speaker. Two candidates emerged to replace him: Progressive Conservative MPPs David Tilson and Gary Carr. Tilson was the Premier's choice for the role (Mallan, 1999). Carr and Stockwell shared a number of qualities, including their noted criticism of both Harris and his government. In fact, Carr was billed as "Stockwell II" by the *Toronto Star* and described as "a maverick who has voted against the government and been outspoken in his criticism of the Premier's Office" (Toronto Star, 1999 [a]).

Carr had voted against the Harris government in a number of occasions, particularly opposing municipal downloading and had been critical of the centralization of power in the Premier's Office (Mallan, 1999). Because of the frequency of Carr's criticism, Harris fired him as his Parliamentary Secretary late in his first mandate (Toronto Star, 1999 [b]). Tilson, by contrast, was seen by Harris and the Premier's Office as a "team player" (Toronto Star, 1999 [b]). Stockwell had ruled against the party late in their second mandate, forcing the government to hold public hearings on their omnibus

bill. The Premier's Office and Harris were thus more proactive about the Speaker's race in 1999. While the Premier publicly remained neutral, members of the Premier's Office staff, along with Government House Leader Norm Sterling, Consumer Relations Minister Bob Runciman and Transportation Minister David Turnbull were dispatched to phone government and opposition MPPs in order to garner support for Tilson (Toronto Star, 1999 [a]).

The opposition parties were widely supportive of Carr, who they viewed as having the potential of being more neutral than Tilson, the then-chair of the Progressive Conservative caucus. Both NDP leader Howard Hampton and Liberal leader Dalton McGuinty were publicly supportive of Carr, with McGuinty stating that he believed that Carr, "understands the importance of protecting the rights of individual members of the Legislature and the rights of opposition members in particular" (Mallan, 1999). When voting ended, Carr was elected Speaker by a vote of 52-50, with one blank ballot. He would continue to serve as Speaker until 2003.

The Liberal Years: 2003 - Present

The 2003 election saw the opposition Liberals elected to their first majority government since David Peterson's second election in 1987. Veteran Liberal MPP Alvin Curling emerged as the only candidate for Speaker. Curling was endorsed by newly elected Premier Dalton McGuinty: "I think that Mr. Curling will be an outstanding Speaker and he would establish, I believe, a precedent for Canada in terms of being the first black Speaker...I think it would be a wonderful precedent to establish" (Mackie, 2003). Curling was widely respected by the Liberal caucus. Despite winning six elections, serving 18 years in the Legislature and being selected as a cabinet minister in the Peterson government, Curling was most admired for a sit-in he engineered in the Legislature while in opposition (Mackie, 2003). In response to the 1995 omnibus bill, Curling refused the leave the Legislature after being ejected and remained in the Legislature, forcing the Harris government to amend part of their legislation (Mackie, 2003). This singular action endeared him to the Liberal caucus, winning him wide support amongst the Liberal-dominated Legislature.

As a long-serving MPP with previous cabinet experience and dedication to the Liberal party, as evidenced through his sit-in, Curling was guaranteed consideration for a cabinet position. Curling, however, announced before the cabinet was assembled that he was ruling himself out, informing the Premier that he was opting instead to contest the Speaker's position (Campbell, 2003). Curling eventually ran unopposed for the position and was elected Speaker.

Curling resigned as Speaker in 2005 after being appointed as ambassador to the Dominican Republic. Two candidates emerged to replace him: Liberal MPP and Deputy Speaker Mike Brown and Progressive Conservative MPP Ted Arnott (Erwin, 2005). Brown promised to crack down on heckling in the Legislature and eject any MPP, from any party, who were disorderly (Erwin, 2005). Brown's pledge was in response to opposition complaints that Curling was overtly partisan and favoured government MPPs (Erwin, 2005). Brown was elected on the first and only ballot.

After the 2007 election, five candidates entered the race to be Speaker: incumbent Speaker Mike Brown, Liberals David Zimmer from Willowdale, Scarborough Southwest

MPP Lorenzo Berardinetti, Elgin-Middlesex-London MPP Steve Peters, and Progressive Conservative MPP Ted Arnott (Benzie and Ferguson, 2007).

Peters soon emerged as the frontrunner (Benzie, 2007). Immediately after the 2007 election, Premier McGuinty announced a reshuffled cabinet, which saw veteran MPPs Monte Kwinter, Laurel Broten, David Ramsay and Steve Peters demoted to the backbenches (Ferguson and Benzie, 2007). While Kwinter, relieved of his duties at the age of 76 and Broten, who asked the Premier for “lighter duties”, were not expected to be part of the new cabinet, Peters and Ramsay claimed they were “blindsided by their demotions” (Ferguson and Benzie, 2007). Because of this demotion, Peters decided to seek the Speaker’s position and was described as an “aggrieved Liberal” (Benzie and Ferguson, 2007). *Toronto Star* columnist Ian Urquhart characterized Peters as being in the “disgruntled category,” and having the possibility of being, “the next Stockwell or Carr – that is, a thorn in the government’s side” (Urquhart, 2007).

Such a description enticed the opposition parties, who favoured Peters early on in the process. The Progressive Conservatives and the New Democrats accused Brown of favouring the governing Liberals during the previous legislative session (Benzie, 2007). Peters informed the opposition that he would be a fairer Speaker than Brown. Peters indicated that he would be prepared to eject any member, opposition or government, if it was required (Ferguson, 2007).

Peters garnered the support of all 36 opposition members before the voting began, meaning that he only needed 18 of the 71 Liberal members to win election (Urquhart, 2007). If Peters failed to advance, the opposition members decided to support Zimmer (Urquhart, 2007). This fallback plan was not necessary, as Peters was easily elected Speaker.

ANALYSIS

A number of factors can be seen as increasing or decreasing dissent in legislatures (Kam, 2009). Many of the factors discussed, however, involve factors related to public acts of dissent. Three factors, in particular, may be helpful in analyzing the trends in speaker selection in Ontario.

F1: The probability of dissent may increase as party popularity declines

F2: The probability of dissent may increase as the percentage of a party’s MPs holding front bench positions declines

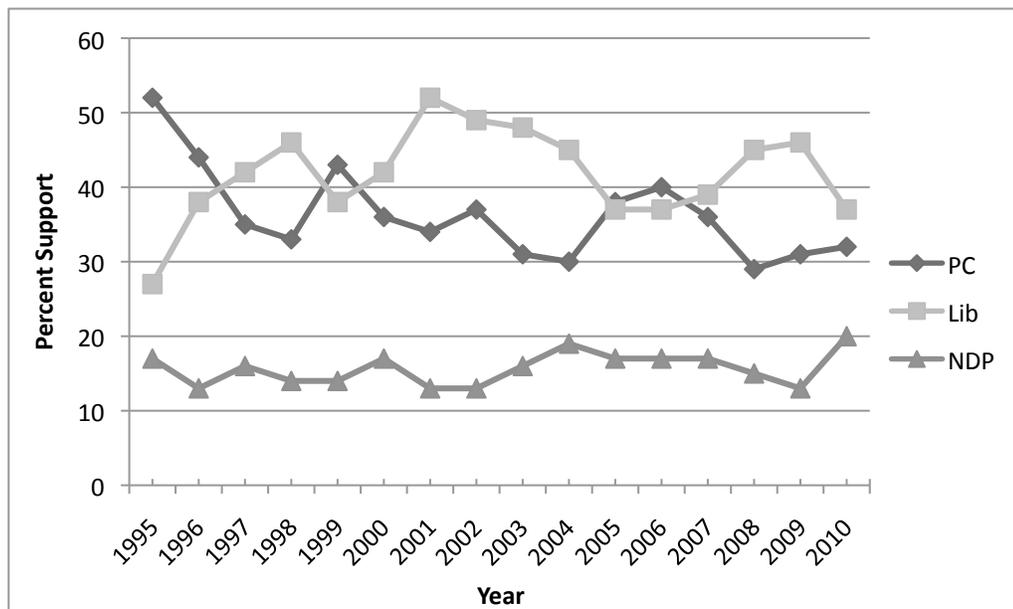
F3: As the percentage of new MPs entering the party at each parliamentary term increases, the probability of dissent may increase as well

Each factor has been identified as having the possibility of increasing dissent within legislative assemblies. Because Bob Rae’s government only had one Speaker – of which the Premier did, albeit with some dissent, receive his ideal selection – the analysis will be confined to the Progressive Conservative and Liberal governments from 1995 onwards.

Party Popularity

Kam (2006, 2009) links electoral consequences to a legislator’s decision to dissent. Self-preservation is key to any MPP hoping to advance their career – one cannot serve in cabinet if they lose their seat. As such, the level of support that a party receives may influence the decision of MPPs to signal their displeasure with the course of the government. As such, the popularity of the party may influence the decision of MPPs to vote against the Premier’s choice for Speaker. To test this idea, opinion polling from 1995 to 2010 was obtained from Ipsos-Reid, whereby respondents were asked which party they would vote for if a provincial election was held today. The results are listed below, in Chart 1.

Chart 1: Provincial Party Support, 1995 to 2010



From Chart 1, we can see that public opinion explains little. In 1995, when Al McLean was elected Speaker, the Progressive Conservatives were enjoying their highest levels of popularity. By 1997, however, when Chris Stockwell was elected Speaker, the party was falling in public opinion, with the Liberals closing the gap between them. In 1997, the Progressive Conservatives fell in public opinion, re-gaining support before the 1999 election. After being re-elected, the Progressive Conservatives were still leading the Liberals when Gary Carr was elected Speaker after the 1999 provincial election. When Alvin Curling was elected Speaker in 2003, after the Liberals had replaced the Progressive Conservatives in the previous election, the Liberals held a commanding lead. When Michael Brown was elected Speaker in 2005, the Liberals were in a statistical dead heat with the Progressive Conservatives and when Steve Peters was chosen as Speaker following the 2007 election, were once again leading the Progressive Conservatives.

From this data, it would appear that party popularity holds little explanatory power in attempting to predict dissent in Speaker selection. When new Speakers are chosen, the party in power is generally leading in public opinion polling. As such, self-preservation may not be a strong incentive to vote against the Premier and party’s choice for Speaker. In normal circumstances, this would seem plausible. As Kam (2009)

explains, voting against the party is generally done in order to send a public policy preference to constituency members. If the party policy is unpopular, a legislator can vote against it in order to remain popular in their riding, demonstrating their preference for constituency interest over party positions. However, since the vote for Speaker is not made public, the MPP's constituency has no way of knowing for whom they voted. Indeed, selecting a Speaker that could prove potentially troublesome for a governing party would not accomplish the goal of self-preservation. As such, career trajectory factors may hold more explanatory power.

Front Bench Positions

The number of front bench positions afforded to caucus members may increase dissent. (Kam, 2009). As such, it can be hypothesized that dissent increases as the percentage of a party's MPPs holding frontbench positions declines. Fewer cabinet positions means decreasing odds for a backbencher to achieve such a position. The caucus and cabinet size, along with the percentage of MPPs who were appointed Parliamentary Assistants, for the 36th to 39th legislatures is presented below, in Table 2.

Table 2: Percent Cabinet Members					
Caucus	Total Caucus	Cabinet Size	Parliamentary Assistants	Percent in Cabinet	Percent PA's
36 th Legislature: PC Majority	82	16	26	19.5%	31.7%
37 th Legislature: PC Majority	58	27	19	46.6%	32.7%
38 th Legislature: Liberal Majority	71	22	29	30.9%	40.8%
39 th Legislature: Liberal Majority	71	28	36	39.4%	50.7%

From the information in Table 2, we can see that the number of MPPs in cabinet seems to have little effect on the levels of dissent. At the outset of Mike Harris' first term, he had a relatively small cabinet; with only 19.5% of his MPPs on the front bench. During that first term, his selection for Speaker was defeated. This would indicate that there was some explanatory power to the proposition that as the percentage of a party's MPPs holding cabinet positions decreases, dissent increase. However, after Mike Harris dramatically increased the size of his cabinet after the 1999 provincial election, he was still unable to get his selection for Speaker elected. The same scenario played out at the outset of Dalton McGuinty's second term: despite increasing the size of his cabinet, he was unable to secure the election of his selection for Speaker.

But, what about the amount of Parliamentary Assistantships? If an MPP is appointed as a Parliamentary Assistant it may signal that the Premier is fast tracking them toward a cabinet spot. He has seen something about them that he likes, or so one would assume. Much like the percentage of cabinet positions afforded to caucus, the amount of Parliamentary Assistants increased during the second term of both administrations, but this had little effect on the Premier's efforts to secure a favourable speaker. In fact, during the first Progressive Conservative term at Queen's Park only half of the caucus was not a cabinet minister or a parliamentary assistant and during their second only 20% did not have an elevated role. During Dalton McGuinty's time at Queen's Park, no more than 30% of his caucus was excluded from cabinet posts or Parliamentary Assistantships, with less than 10% being excluded at the outset of his second term. As such, neither the number of cabinet members nor Parliamentary Assistants seems to help in explaining patterns of strategic backbench dissent during Speaker selection exercises.

Percentage of New Members

While the amount of caucus members and Parliamentary Assistants holds little explanatory power, what about the percentage of new caucus members? Does the percentage of new MPPs entering the party after each election increase dissent? Socialization is a key part of the early parliamentary experience (Docherty, 1997; 2004). Neophyte members of the legislature may not be socialized into the norms of parliamentary behaviour, which may make them more likely to dissent than their more experienced counterparts (Kam, 2009). The percentage of new caucus members for the 36th through 39th legislatures is listed below in Table 3.

Table 3: Percent New Caucus Members			
Caucus	Total Caucus	New Caucus	Percent New Caucus
36 th Legislature: PC Majority	82	61	74.4%
37 th Legislature: PC Majority	58	7	12.1%
38 th Legislature: Liberal Majority	71	39	54.9%
39 th Legislature: Liberal Majority	71	11	15.5%

From the information in Table 3, we can see that during Mike Harris' first term, nearly 75% of his caucus was new to the Ontario legislature. After the election, Harris did not receive his ideal candidate for Speaker, so the hypothesis here may hold some validity. However, once again, after the 1999 election, with only 12% of his caucus being new members, he also did not get his ideal candidate elected as Speaker. During Dalton McGuinty's first term, he received his ideal candidate despite nearly 55% of his caucus being new to the Legislature. At the outset of his second term, with only 15.5% of his caucus being comprised of new members, he was unsuccessful in getting an ideal candidate elected as Speaker. As such, the percentage of new members may not help explain caucus dissent during Speaker elections.

Individual Level Explanations

Cabinet size, the percentage of new MPPs in the party, and party popularity appear to hold little explanatory power when investigating Speaker elections. Treating the caucus or the legislative body as a collective may not be the right approach to take. Instead, investigating the individual decision-making, or the decision-making of different actor groupings may aid in explaining why and when a governing party may end up with a dissident MPP overseeing the Ontario legislature.

The election of the Speaker is a complicated exercise. In each of the seven competitive elections for Speaker since the inception of the secret ballot in 1990, the Premier has articulated a choice. Of the seven elections, the Premier has had his candidate elected three times. In each election, three collective actors act and react to the decision-making of the House: the government backbench, the opposition, and the Premier, the Premier's Office and the Cabinet.

The government backbench can be seen as acting on two separate factors: career trajectory and policy development. The first, and perhaps most important factor, is career trajectory. As we have seen, the size of the cabinet and the amount of new caucus members does not significantly affect the level of backbench dissent, but getting into cabinet remains an aspiration for most members of Parliament (Docherty 1997; 2004). Only a minority of government members can sit in cabinet though, and cabinet making is generally balanced by the professional background, gender, and region of potential cabinet ministers. This process leaves the majority of a governing caucus without a cabinet position. Those who are not awarded a cabinet position generally hope for one in the future. Through hard work and loyalty, it is possible to gain a promotion into cabinet, but this process generally takes a period of time to accomplish. Both the backbenchers who hope to be in cabinet and the Premier have very different timelines for this process to take place. When it does not take place in an optimal amount of time for the backbencher, the likelihood of dissent increases. Open dissent, however, extinguishes any hope for promotion to cabinet. The secret ballot employed in Speaker selection provides an opportunity for MPPs to dissent without attaching their name to the act. It is a process of signaling to the Premier that there is unrest within the caucus without actually broaching the subject publicly or privately with the Premier.

The same factor can be seen in play during the election of Alvin Curling. After the 2003 election, Curling made it clear that he would run for Speaker and asked the Premier to remove him from the potential pool of cabinet ministers. Curling, a veteran Liberal MPP who endeared himself to the Liberal party and caucus, was all but assured a cabinet position. By voting for Curling and not opposing his candidacy, the Liberal backbench was removing a potential cabinet minister from the pool of aspirants, which would, in turn, enhance their chances of being chosen to serve in McGuinty's first cabinet. In this case, cooperation served the same ends as dissent. In either case, the decision can lead to the optimal outcome for the backbencher.

The second factor is policy development. As was seen during selection of Stockwell and Carr, backbench MPPs were acting against the growing centralization of government. MPPs resented the amount of control that the Premier and the Premier's Office had over the policy and communications process, which limited the influence that backbenchers could exert in both the Legislature and in their ridings. Those in the backbenchers were, once again, engaging in a signaling process that they wanted to hold

more influence within the policy and governing process by voting against the Premier's choice for Speaker.

Overall, two factors can be seen as influencing the government backbench to vote against their party and their leader's selection of Speaker. Both are a powerful influence, but cabinet aspirations and career trajectory seem especially salient, particularly since the continued opportunity of serving in cabinet depends heavily on the continued public loyalty of backbenches.

The main factor influencing the opposition's voting patterns is evidence of past dissent on the part of a candidate. The opposition would favour a member of their own caucus serving as Speaker, as they would be more likely to rule against the government and favour the opposition. In a majority parliament, evidenced in all of our case studies, the chances of an opposition member being elected is slim. As such, the opposition's optimal situation rests with a disgruntled government member. A government member who was dissatisfied with their party would be more inclined to rule against them and rule in favour of the opposition parties, which is why we can see the opposition voting for Carr, Stockwell, and Peters. This strategy can pay dividends to the opposition, as Stockwell ruled that over 11,000 nuisance opposition amendments to the government's amalgamation legislation were in order and Carr held the Eves government in contempt for delivering the 2003 budget outside the Legislature in the Magna automobile manufacturing facility (Urquhart, 2007).

Much like the opposition, the Premier, the Premier's Office and Cabinet are attempting to find a Speaker who is more inclined to rule in favour of them. In this case, they put forward a candidate who they feel will rule in favour of the government. Their optimal scenario is electing a Speaker loyal to the government, while their least optimal scenario is the election of a Speaker who is disgruntled with the government and is, thus, disloyal. To avoid the least optimal scenario, the government will dispatch cabinet ministers to lobby on behalf of their favoured candidate, as was evidenced in the election of Carr.

Taking each influencing factor into account, it is possible to suggest that certain patterns are employed in the election of each Speaker. The backbench will tend to favour the Premier's choice after the first term in government, as seen in the cases of Warner and Curling because of career trajectory. The backbench will also tend to favour the government's choice during the end of the term, as evidenced through Brown's selection, because of re-election concerns. They will favour stability, allowing the party to align its electoral goals in the legislature before it rises for an election. Where the Premier's selection is generally opposed is during the second term, as seen through Carr and Peters. Overall, the actor most in charge of the selection appears to be the government backbench, as they appear to always achieve an optimal outcome, but change their rationale for selection. The opposition and the Premier, Premier's Office and Cabinet follow the same rationale each time, yet receive different levels of optimality in outcomes.

Conclusion:

Ontario is but one of 14 Westminster-style legislatures in Canada. Any one of the federal, provincial or territorial legislatures could have offered a unique perspective on

the role of dissent within the legislature. Ontario alone, however, provides a crucial case study for an unstudied form of backbench dissent. Ontario offers the opportunity to study a relatively large legislature that has had five majority governments, where Speakers have been selected under three separate premiers from three separate political parties.

The speaker selection process can be seen to have three distinct actors or groups of actors: the backbench; the Premier, Premier's Office, and Cabinet; and the Opposition. While each of these actors is capable of independent action, their strategies during the selection of the speaker necessarily involve a consideration of the strategies of the other two set of actors. In electing a Speaker, each actor considers the consequences of each strategy. Since the Speaker wields a significant degree of power over the decorum and procedures of the legislature, the act of dissent by the backbench can have lasting impact on operations within the legislature. While the election of the Speaker in Ontario has produced situations in which the speaker has been at odds with his own party, - such as Speaker Carr's ruling on the "Magna" Budget – It should be cautioned that this has also occurred in situations where the Speaker was directly appointed; the cases of Jim Walding in Manitoba and John Bosley in Ottawa are two obvious examples.

The private vote is a matter of significant interest. Public voting requires a legislator to physically stand and be seen to vote either with or against their party. If MPPs were permitted to vote by secret ballot on other matters, as in Germany, the consequences could be more severe for the government of the day. This would, of course, produce other normative questions, particularly as they relate to the accountability of legislators.

In the case of Ontario, the election of the speaker provides an opportunity for backbenchers to register dissent, without direct consequences to themselves as individuals. Aside from the unlikely prospect of punishing the entire backbench, little can be done to punish an unknown group of backbenchers who break with their leader in electing the Speaker. While the election of a dissident Speaker may pose challenges for the government, the consequences are likely less than those of a more open and public caucus rebellion.

In the most recent case of the election of Speaker Peters, Premier McGuinty may have strategically enlarged the size of both his cabinet and the number of parliamentary assistants in an effort to limit the ability of his backbench to dissent. His critical error may have been that one of the very few members of his caucus without a position would cause the genesis of this particular example of backbench dissent. By including a seemingly large proportion of one's caucus in cabinet and in sub-cabinet positions, the premier is able to effectively limit the possibility of caucus members breaking with the party line for fear of losing their position. As noted above, legislators seek to either affect policy or improve their career trajectory. To risk a cabinet or parliamentary assistant position by dissenting publicly would limit a legislator's career trajectory and impact on policy, since policy development rests mostly with the cabinet.

We find that the Speaker selection process involves three actors or groups of actors: 1) the backbench, 2) the Premier's Office, the Premier and Cabinet and, 3) the opposition. Each group has similar interests and employs a distinct strategy while selecting a Speaker of the Legislature. We also find that selecting an unfavourable Speaker can have significant consequences for the governing party and that it is in the government's best interest to elect a Speaker who is loyal. With a secret ballot, however,

this strategy is not always successful, as the backbench holds a significant amount of invisible power. Backbenchers can vote against the government without reprisal because the secret ballot provides them both anonymity and a way of signaling their dissatisfaction with the government. Overall, we find that the private vote matters a great deal. Public voting reduces the levels of dissent experienced in caucus, but if MPPs were allowed to vote by secret ballot on more matters, the consequences could be much more severe for a governing party. Public votes keep legislators in line, whereas private votes remove the threat of reprisal for individual MPPs. Private dissent as a signaling device therefore offers a new perspective from which to view the selection of the Speaker of the Ontario Legislature.

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