

Two Sword Lengths Apart: Decorum Within the Ontario Legislative Assembly

By

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Introduction

On Wednesday, March 27, 2013, New Democratic party (NDP) Member of Provincial Parliament (MPP) Taras Natyshak rose during Question Period in the Legislative Assembly of Ontario, armed with a question for Premier Kathleen Wynne about gaming in the province. Due to the raucous heckling and interjections of other legislators, it would take multiple attempts and a full 120 seconds before MPP Natyshak was able to finish his initial question. As Craig Pearson (2013) would describe the next day in the *Windsor Star*, “they shouted at him. They laughed at him. They made him sit down. Welcome to the mean seats of the Legislative Assembly of Ontario.” In a single attempt to pose a question during Question Period, NDP MPP Taras Natyshak had inadvertently caused a furor, though such outbursts were not rare in Ontario’s 40th Parliament. The shouting and heckling Natyshak experienced on that day were symptomatic of a larger issue: the Ontario legislature’s increasing loss of civility and decorum (Pearson 2013). As tensions rise on the chamber floor, MPPs have become increasingly more prone to speaking out of order to each other, and hostilities have flared in the ‘mean seats’ of Ontario’s legislature.

As a loss of civility continues to gain salience in both Ontario and the rest of Canada, a closer analysis of the effects of and solutions for poor decorum becomes increasingly warranted (see Coyle 2010; Paikin 2012; Taylor 2013). This paper seeks to provide that analysis, and is driven by one primary question: what do Ontario’s MPPs think about the state of decorum? While sources of media and the general public may have thoughts and opinions on the legislature’s state of decorum, it is equally important to understand the thoughts of those active participants, the MPPs. This paper will make use of personal interviews with individual MPPs in the legislature, as well as a survey distributed to all 105¹ sitting members at the time of writing in search of that answer. This information will be supplemented with an analysis of Ontario’s Hansard and secondary research on the topic of decorum and civility. The analysis suggest that MPPs concur with media sources and Ontarians: decorum can be problematic within the legislature. The main problem identified is the lack of civility having a disengaging effect for their constituents. With this in mind, the paper concludes with a discussion of potential solutions for Ontario’s problem of decorum.

Background

The alleged problem of a lack of civility within parliamentary institutions has been developing as a narrative in Canada’s media for the past few years. The discussion about parliamentary decorum has reached numerous outlets and newspapers, from the *Orillia Packet & Times* (Taylor 2013) to the *Toronto Star* (Coyle 2010). The former is an article outlining federal NDP House Leader Nathan Cullen’s proposals for fixing this issue, and begins by stating that “decorum in the legislatures of Canada is grossly underrated and undervalued” (Taylor 2013). The latter sees *Star* columnist Coyle (2013) take a more comparative approach, arguing that the “blood sport of Mixed Martial Arts” has nothing on the hostilities that take place in the Ontario legislature. In comparing decorum at Queen’s Park to a blood sport, Coyle is very clearly underlining his belief that MPPs have become less and less civil during the sittings of the legislature. This apparent loss of civility even earned two treatments on TVO’s *The Agenda*, which aired two full-length shows on this very topic, one of which consisted of a panel of four

¹ The number of MPPs as of May 2013 was only 105 out of 107 seats – the ridings of London West and Windsor-Tecumseh were vacant and awaiting by-elections.

former Speakers of the Legislative Assembly of Ontario in David Warner, Alvin Curling, Gary Carr, and Steve Peters (Paikin 2010; Paikin 2012). Ranging from at least 2010 through 2013, the increase in incivility in the legislature has garnered significant attention from media sources who continue to argue that it is a serious issue.

These various media sources have continued to establish the saliency of this issue. Recent public opinion polls have confirmed that the public generally agrees with the media: the lack of proper decorum is a troubling development in politics. In 2007, a report commissioned by the federal government held public consultations and discovered that “quite a number of participants called for more decorum, substance, and to some extent cooperation among Members” (Policy 2007). A few years later in 2010, a poll found that 64 per cent of those surveyed desired improved behaviour in the House of Commons (Nanos 2010). Further confirming previous results, another poll by Pollarama found that 56 per cent of those asked thought less of government while watching Question Period, and 66 per cent felt it needed to be reformed and improved (Kennedy 2010). These polls provide examples to demonstrate that the general public has taken note of the lack of civility in Canada’s legislature. Though these results refer to the federal House of Commons as opposed to Queen’s Park, it is clear that there is public disdain for heckling and other indecorous behaviour from elected politicians. This disdain led to almost two-thirds of those surveyed wishing for reform (Kennedy 2010), while voicing their disappointment with poor behaviour.

As the mass media and the public have made their displeasure heard, one question remains: what do those active participants within the legislature think of the issue? This question is critical, as the MPs and MPPs themselves are the men and women behaving in a way that is held in poor regard by the media and public. Any attempts to reform the level of debate and decorum must start with those who participate in the legislature on a daily basis. In a comprehensive discussion on the subject of heckling, Grisdale (2011) sought to understand the opinions of federal MPs by surveying and interviewing them. She found that “a majority of MPs do see heckling as problematic” (Grisdale 2011: 8) and that MPs generally believed “that the public views heckling and MPs who heckle with disdain” (Grisdale 2011: 9). By surveying MPs in the House of Commons, Grisdale’s (2011) research indicated that MPs were aware of the public’s negative associations of incivility and admitted that it was a problem. Furthermore, the rise in heckling had a negative impact on many MPs themselves, as “over a third...indicated that heckling caused them to reduce their participation at least occasionally” (Grisdale 2011: 10). Samara Canada (Samara 2011) found similar results and conclusions in their study of exit interviews with departing MPs. These studies by Grisdale (2011) and Samara (2011) provide clear evidence from elected federal officials that a lack of civility is indeed viewed as a problem by members of the legislature and has negative impacts upon those members.

Grisdale’s (2011) study, however, is limited in its analysis to the federal House of Commons. It is unclear whether or not Grisdale’s (2011) results can be applied to the Legislative Assembly of Ontario. In Ontario’s case, research is scarcer in its attempts to discuss a loss of civility at Queen’s Park. Curic (2006) studied the impact of camaraderie amongst Ontario MPPs, looking carefully at the closeness and collegiality between members across the aisle. In that study, Curic (2006: 14) interviewed many MPPs and found that Members “both long-serving and newly elected, are of the opinion that there has been a decline in the level of camaraderie among MPPs at Queen’s Park.” These interviews with MPPs revealed a consensus that many of them

believed camaraderie was declining, implicitly suggesting that hostilities may simultaneously be rising. A second study examined the culture at Queen's Park, and argued the same, noting that "virtually every person I interviewed told me that there is now little, if any, camaraderie across party lines" (Hagan 2003: 25). These studies provide indirect evidence that incivility may have been on the rise in Ontario politics as early as 2003. White (2001: 80-81) also suggests that reasonableness and civility began declining in the 1990s. Yet these studies do not explicitly address a lack of decorum, and they do not explicitly address heckling or order within the legislature itself.

This paper seeks to fill in that gap in the literature by focusing exclusively upon how MPPs view heckling and incivility. In so doing, it will lean upon the lessons from the federal study undertaken by Grisdale (2011) and seek to compare conclusions between the two papers. This past research suggests that MPPs in Ontario will agree that there is a problem with decorum, and that this incivility will have negative effects on Members and the public alike. Increasing public disenchantment and democratic disengagement indicates also that some reform or solution must be applied to the situation. In search of a solution, it is important that the thoughts of MPPs themselves be considered. Any structural, rule-based, or behavioural changes surrounding decorum in the legislature must be agreed upon by those who sit in the legislature. Without MPPs buying in and sharing consensus on changes, it would be very difficult to affect serious change in the chamber. Given the importance of their opinions, surveying them those very MPPs becomes the primary method utilized in this study.

Methodology

Before outlining the methods used to gather MPPs' views, the terms of debate must be clearly defined. For this paper, decorum refers simply to the behaviour of MPPs within the Legislative Assembly of Ontario. A lack of decorum can be observed when MPPs continually break the Standing Orders (SOs) of the legislature. The Standing Orders outline rules for debate and procedure, ranging from forbidding Members from interrupting the speeches of other Members, to forbidding a Member from charging another "with uttering a deliberate falsehood" (Deller 2009). With an increase in these legislative decorum breaches, a lack of decorum and civility can be said to exist. Heckling is considered "calling out in the chamber of the legislature without having the Speaker's recognition to speak," a definition which was provided for Members when discussing heckling with them. It should be noted that, in parliamentary practice, some breaches of decorum are considered more egregious than others. For example, should a Speaker hear an MPP accusing another of lying or falsehood, the Speaker will ask the MPP to withdraw that statement. In this case, the breaking of SO 23(j) results in the Speaker taking punitive action. Conversely, although SO 20(b) states that Members are not to be interrupted by others while speaking, a certain level of interjections and heckling during questions or speeches is tolerated on a regular basis. Though the Speaker may react differently to each breach, both are considered indecorous in this analysis.

This paper is also focused exclusively on matters within the chamber of the legislature; that is, it is concerned only with the daily sittings of the assembly. Incivility can extend beyond the legislature in the form of daily press releases, scrums, speeches, and even ads on the radio or television (Paikin 2012); however, discourse from politicians outside of the legislature is not considered. The legislative assembly is the gathering place of Ontario's elected officials; it is the location at which they debate policies that will affect their constituents everywhere. The chamber

floor is where votes are held, and where legislation is debated and laws are made. There should be a higher level of expectation involved in analyzing debates in the legislature versus press releases or television ads. Although it has been noted that an MPP's duties as an elected official may not be compatible with their need to run for election, there remains a distinction between their role as a legislator and as a candidate for election (McDonald 2005). In their role as law makers, debate in the legislature itself might be expected to be of a different nature than debates out of the legislature, and therefore this analysis will limit itself to legislative sittings, when MPPs most clearly fulfill their role as legislators.

In order to gauge the views of MPPs, personal interviews were conducted with 12 of them. These were qualitative interviews that were semi-structured, including three specific questions that were posed equally in all 12 interviews. Those three specific questions are reproduced in Appendix A. Beyond those questions, interviews took on a less structured method, allowing interviewees the chance to explain and expand upon their views and opinions. The MPPs chosen for interview were chosen randomly and sorted based upon three identifying criteria. The first was an attempt to ensure that an equal number of Members from all three parties were chosen; in this sample there were 4 NDP, 5 Progressive Conservative (PC) and 3 Liberal (LIB) members interviewed. The second was an attempt to ensure an equal number of men and women, and there were 7 women and 5 men interviewed. The third was an attempt to ensure an equal number of new and veteran MPPs were selected. Veteran MPPs were defined as those Members elected in 2007 or prior; in this sample, 5 were new and 7 were 'veteran' MPPs. Unfortunately, perfect equality amongst categories could not be maintained due to scheduling conflicts of the various MPPs that were randomly selected.² Nevertheless, those who did make time for an interview are thanked sincerely, and the numbers did avoid lopsidedness, providing for a good cross-section of interviewees. All interviewees have been assigned anonymity for the results of this paper.

Supplementing these qualitative interviews was a survey distributed to all 105 sitting Members of the legislature. The survey is reproduced in full in Appendix B, and consists of 20 questions. The first 17 questions deal with the MPP's attitude toward decorum in the legislature, and attempts to gauge their opinion, while the final three questions are demographic questions used to sort the Members by the categories named above. These surveys were distributed at the same time and MPPs were assured anonymity in filling them out. To date, only 17 of 105 Members have replied, for a response rate of 16 per cent.³ This provides only a very small sample of MPPs to aid in corroborating the responses from personal interviews and it is hoped that the sample will increase in the future.

The evidence and analysis derived from personal interviews was also supplemented by a statistical analysis of certain debates within Hansard. The analysis of the written records of debate in Ontario focused on two instances of incivility: cases where the Speaker asked a Member to withdraw an unparliamentary and indecorous remark, and cases where the Speaker named a Member, forcing them to be removed from the legislature for the remainder of the day. Both of these events provide examples of a lack of decorum in the legislature, and a measure of how often they occur under certain Parliaments provides admittedly very raw evidence in support of

² Requests were made to 16 MPPs for interviews.

³ Of the 17 respondents, there were 9 Liberal, 2 New Democrat and 6 PC MPPs. 13 were male and 4 were female. 11 were 'veteran' MPPs serving since 2007 or prior, while 6 were 'new' MPPs elected after 2007.

declining civility. Nevertheless, tracking the number of these indecorous incidents can provide one more small measure of evidence to be examined in answering the primary research question.

Lastly before results, it should also be noted that a large portion of the analysis refers largely to Question Period in the Ontario legislature. The results of this study and the potential solutions to a lack of decorum are meant to be applied equally across all matters of debate in the legislative assembly, from Routine Proceedings to Opposition Days to Government Bills. Yet, in both the personal interviews and the broader literature on this subject, there is an inevitable focus upon Question Period as the primary source of incivility. All 17 respondents to the survey distributed answered ‘Question Period’ when asked when heckling occurs most often, and one of the more popular solutions to the problem of decorum revolved around the act of Question Period as well. Additionally, there has recently been a sharp increase in discourse around reforming Question Period itself, before other proceedings in the chamber, as numerous scholars and MPs have written about their suggestions for reform (see for example Chong 2008; Chong et al. 2010; Conley 2011; Hill 2010; Pearson 2010; Ryan 2009). This focus of past research and interview participants upon Question Period means that this analysis necessarily maintains that focus. This does not mean that the results and solutions suggested cannot be applied to other proceedings of the Ontario legislature, only that the pre-eminence of Question Period in the assembly tended to garner the most attention.

Results

Is there a problem?

By observing media articles and opinion polls, it became clear that many within the media and public spheres believe there is a problem with politicians’ behaviour in the legislature. The results from MPPs at Queen’s Park, by and large, agreed with that assessment. Ten of 12 interviewed MPPs suggested that the lack of civility could pose a problem in the legislature in certain scenarios, while 70 per cent of those surveyed agreed that there was a problem with decorum as well. Of the 10 interviewees who suggested it could be a problem, there was general consensus that certain aspects of heckling could diminish the level of debate, and thereby diminish the reputation of themselves and the office they were elected to. One MPP noted that the personal attacks they’ve seen “demean the whole profession,” (MPP Interview 7, 2013) while another suggested “the meanness that comes with [incivility] obstructs the actual debate of ideas” (MPP Interview 6, 2013). The shouting and heckling interrupts the flow of debate, and was a legitimate problem at times for one MPP who believed that “part of debate... is listening” (MPP Interview 1, 2013) and the Members needed to do a better job of remaining civil and respecting their peers in debate.

Importantly, while most agreed that it could be a problem, six of the 10 who agreed on that point were careful to point out that a lack of decorum did not necessarily result in negativity every time. For example, while noting the importance of listening, one MPP stated that a strategic heckle can be good when used to “take tension out of the room” (MPP Interview 1, 2013). In this way, the MPP can use a heckle as a source of humour, to break tension and remind the Members to not get too caught up in hostility. A couple of MPPs also noted that there is some strategy to heckling, in that it can be used to throw Members off their pre-planned speeches (MPP Interviews 2 & 9, 2013), while one MPP insisted that “if you barb somebody, you can get a point across” (MPP Interview 5, 2013). However, there is some lack of consensus on this point,

as only 35 per cent of those surveyed agreed that heckling can help a Member get their point heard. Nevertheless, the numbers are enough to suggest that there is some agreement between a subsection of MPPs that heckling can be a tool used effectively in the chamber.

The lone points of dissent came from two MPPs who suggested that heckling can be used as a very legitimate and democratic method for MPPs. For these Members, whenever the government refused to answer questions during Question Period, or continued to repeat party lines and stock quotes, it was in fact incumbent upon the opposition to raise their voices in displeasure (MPP Interview 8, 2013). “Resistance by a government to act upon the will of the legislature” (MPP Interview 8, 2013) could lead to the very legitimate use of heckling as a measure to hold the government to account, and while this Member agreed personal attacks are unnecessary, they suggested that there is little problem today with decorum as is. Another Member mentioned that the Standing Orders of the House enforce a rule whereby it is considered unparliamentary, and out of order, to suggest other MPPs are repeating falsehoods; for this person, that SO gives MPPs too much protection and free speech, allowing them to make false statements without repercussion (MPP Interview 12, 2013). Whenever this MPP hears a colleague lying or misleading certain facts within their speech, heckling can be an effective tool to hold that person to account for their record (MPP Interview 12, 2013). These statements point to further uses of heckling in the House, and suggest that there is not unanimity on the question of whether or not a lack of decorum is problematic.

Furthermore, only three of the twelve MPPs that were personally interviewed suggested that nearly all forms of heckling should be curbed and eliminated from the proceedings of the chamber. Every one noted that personal attacks are unnecessary, but still 9 of 12 went on to express the feeling that losing all form of heckling in the legislature would be removing an important essence of the legislature. Hence the assertion from one MPP that you would “lose the flavour of the legislature” (MPP Interview 5, 2013), meaning the legislature would become less interesting and less effective without heckling. Another MPP stressed that heckling was one way in which MPPs could best represent the passion of their constituents: “a part of my job in representing [constituents] is representing their passion” (MPP Interview 12, 2013). For this MPP, speaking out of turn whenever an important topic is being debated helps convey the voice of your constituents and your passion for the subject. This is an important point that arose out of most interviews: that heckling, when made in jest or in good-nature, could enliven debate, remove tension from the room, and contribute to debate in a meaningful way. An elimination of any and all personal attacks was important to all MPPs interviewed, but beyond that many of those interviewed (8/12) suggested that heckling was still an important part of the legislature.

In spite of these perceived benefits to heckling, and in spite of the dissenting opinion, there remained general consensus that decorum was deteriorating and a resolution must be had to help increase civility, at least marginally if not to the full elimination of all heckling. Four of the 10 who agreed it was a problem were emphatic in their statements: “the behaviour is adolescent [and] quite frankly...embarrassing,” said one (MPP Interview 4, 2013). Another answered the question of problematic decorum by posing a question of their own: “when was the last time you screamed at the top of your lungs at your coworkers?...that is my job,” (MPP Interview 3, 2013). For these Members, certain breaches of decorum have become too personal, where “personal attacks frequently substitute substance in the debate of actual issues...and exemplify a lack of respect for the institution,” (MPP Interview 11, 2013). Personal attacks are unwarranted in any

job, and have no place in the legislature. Further, heckling without personal attacks still demeans the level of debate and prevents MPPs from doing the job they were elected to do. One MPP asked, “how can you have meaningful debate when people act like buffoons?” (MPP Interview 3, 2013), while another encouraged their colleagues to return to civility and dignified debate in order to set a good example in the future (MPP Interview 10, 2013). Overall, as noted previously, 10 of 12 interviewees suggested decorum could be a problem at least some of the time, and 12 of 17 (70 per cent) of those surveyed said there was a problem with decorum as well. These results make it clear that the suggestions of past research hold true in the case of Ontario: the Members of Provincial Parliament agree that there is a problem with decorum, and it is deteriorating.

That deterioration over time is difficult to quantify. One way to measure a deterioration of decorum over time would be to examine the number of namings or withdrawals of unparliamentary language over certain Parliaments. A look at Hansard, comparing recent Parliaments to past Parliaments reveals inconclusive results. In the case of naming and expelling Members, there were 45 expulsions from 2003-2013, a 10-year period. Comparatively, in just four years from 1995-1999, the first term of Premier Mike Harris saw 65 expulsions. This evidence would suggest that the legislative assembly was much more contentious and indecorous in 1995 than it has been in the 2000s. When looking at situations where the Speaker has asked an MPP to withdraw an unparliamentary remark, the results differ. In the first 43 days of Premier Wynne’s term, spanning until the writing of this paper, there were 101 individual cases that required the Speaker to ask for withdrawal. Compare this to the first 43 days of Premier Harris’ tenure in 1995, in which there were only 32 noted cases of withdrawals⁴. These results show no clear evidence that Members have become more rancorous as the years have passed.⁵

Effects of Incivility

Contrary to the findings in the federal House of Commons by Grisdale (2011), few of the MPPs surveyed or interviewed suggested it caused them to participate less in debates or matters of the legislature. Of interviewees, six of 12 stated emphatically that it would not make them participate any less. One responded by noting heckling provides them with no disincentive to participate, as it only serves to diminish the credibility of the heckler themselves (MPP Interview 10, 2013). A second MPP stated that, while heckling should be condemned, it served only to make the hecklers look absurd while they simply tuned out the noise (MPP Interview 7, 2013). Furthermore, only three of 17 surveyed respondents agreed to the question asking whether or not they participate less due to the incivility in the chamber. Based upon these findings, there is no discernible negative impact upon the MPPs while they are in the legislature.

One effect that a lack of decorum can have, however, is a negative impact upon the general public. This impact reached a consensus amongst most of the MPPs, as six of 12 interviewees noted the importance of the reaction from their constituents. Additionally, 10 of 17 surveyed respondents indicated their constituents disapprove of heckling, comprising 59 per cent of the sample. One MPP noted that the lack of decorum bothered them most when they saw

⁴ A broader search for withdrawals through multiple Parliaments turned up hundreds of examples. In the interest of timely analysis, the most recent Premier was compared to Premier Harris, and 43 days was chosen as the temporal period, as that is how long Premier Wynne had been in power at the time of writing.

⁵ One other common suggestion is that the introduction of television cameras into the legislature has made decorum increasingly worse. Work done by Akriotis (2012) suggests that such conclusions are also unclear at best.

school groups visiting the legislature while the Members were heckling away at each other (MPP Interview 1, 2013). Another suggested that heckling was simply a “huge turnoff for a lot of people,” (MPP Interview 3, 2013). Interestingly, two MPPs noted that the heckling made hostilities tenser between the parties, thereby making it more difficult to reach across the aisle to work in unison with the other side (MPP Interviews 6 & 10, 2013). One opposition MPP noted how often they had to approach Ministers or other government Members in order to voice the concerns of their constituents (MPP Interview 10, 2013). That relationship between government and opposition is important, as it allows an MPP to deliver real results for their constituents. For this MPP, collegiality was important not just for the sake of kindness, but also for the very important role of ensuring their constituents have an outlet through which to solve important issues (MPP Interview 10, 2013). Therefore, the consensus amongst all interviewees was that a lack of decorum could be disengaging for Ontarians, and this could in fact lead to many consequences.

Suggestions for Improving Decorum

The two suggestions for improving civility that received the most consensus from all those surveyed focused upon the role of the Speaker and the Speaker’s job as the enforcer of decorum. These two solutions involved punitive measures taken against offending parties: the first suggestion was that the Speaker name Members for breaches of decorum more often, and the second was that the Speaker skip a political party’s question during Question Period if that party was particularly rowdy on a given day. Starting with the first, 10 of 17 (59 per cent) of those surveyed agreed that the Speaker should name Members more often, yet only five of 12 interviewed suggested naming Members more often would be agreeable – and one of those MPPs maintained that even kicking Members out more often probably still would not fix the problem (MPP Interview 7, 2013). One MPP questioned the effectiveness of kicking someone from the legislature, noting that it was a big step to take and could set a bad precedent in the future (MPP Interview 5, 2013). Furthermore, another MPP mentioned that naming Members served only to grant them more publicity, and often helped serve the offending Members’ interests more than penalize them (MPP Interview 4, 2013). This latter opinion was one shared by a former Speaker of the House of Commons, Peter Milliken, who was often loathe to name Members because it would only ensure they would make the next day’s headlines (Milliken 2011). Given these cautions, it is clear that naming Members is not a fix-all solution to be applied.

The second Speaker-centric suggestion argued that the Speaker penalize offending MPPs and their parties by removing one of their allotted questions during Question Period. Survey respondents were slightly less keen on this option than the previous one, with only 47 per cent (8 of 17) agreeing with this measure. Conversely, many interviewees agreed that this option would be an effective measure in stopping heckling and breaches of decorum. One MPP thought losing a question would be “a wonderful lesson for the offending party,” (MPP Interview 4, 2013), whereas it would disrupt their schedule for Question Period and leave them with one less opportunity to effectively question the government. Another MPP concurred, suggesting that removing questions was a much more palatable option than removing MPPs, who might end up missing important debates or votes instead (MPP Interview 5, 2013). Only one interviewee questioned the effectiveness of this tactic, wondering whether or not it would still result in a publicity stunt, and believing that some Members were liable to heckle regardless of the

punishment (MPP Interview 7, 2013). Otherwise, there was general consensus about this measure, and the only question left open was whether or not it was fair to penalize a whole party for the actions of only a few.

Another suggestion offered focused upon the role of the Speaker as one of positive, rather than negative, reinforcement. This idea noted that camaraderie has fallen in recent times amongst MPPs across party lines (see Curic 2006). To that end, many MPPs interviewed suggested increasing links between Members across party lines as an effective means of eliminating the more personal attacks in the legislature. One emphasized that whenever they got to know a fellow MPP in a more relaxed setting and on a more personal level, it made it easier to understand their colleagues' viewpoints and attack the policy instead of the person (MPP Interview 12, 2013). This MPP suggested the use of a Member's lounge stocked with amenities that could act as a place where all MPPs could gather and converse. The same MPP also noted the Speaker can have a strong role to play in this regard, by setting the tone; the Speaker could take the initiative to organize more tri-partisan activities, even as simple as inviting one Member from each party to dine in his apartment once or twice a week (MPP Interview 12, 2013). This sentiment was echoed by another MPP, who felt tense situations could be defused if camaraderie were increased (MPP Interview 1, 2013). For this MPP, being able to chat with a fellow MPP outside of the tense setting of debate was crucial to getting to know each other, and to respecting each other on a more personal level (MPP Interview 1, 2013). For this suggestion, respect is the key: by getting to know each more personally, MPPs across party lines will gain more respect for each other, and will be more inclined to disagree about policy alone and leave any other attacks or disagreements out of their remarks.

Most MPPs interviewed also noted that the Speaker already has the power within the Standing Orders to implement these punishments. Therefore, the power already lies in the hands of the Speaker, and the Speaker need only utilize it. One MPP noted he has already advised the Speaker of his preference to remove questions in order to control decorum (MPP Interview 4, 2013) and that the Speaker will always have an open ear for those who would offer their own opinions. In spite of that, the power is still in the hands of the Speaker, and it is up to the individual that occupies the chair to make use of it. These changes are not procedural or rules changes; they would need to be changes in the attitude and behaviour of the Speaker of the House. Additionally, the Speaker certainly has the power to invite Members for special dining sessions, in which one person from each party could get to know another. It would simply take the initiative of the Speaker of the day to help encourage closer links between party lines, and help build trust and respect between MPPs.

Given the nature of the party system in Ontario and the increasing centralization of power, some MPPs suggested that one of the more effective ways to curb incivility lied in the hands of the party leaders (MPP Interviews 5, 6, 8 & 10, 2013). One MPP argued that it should not be up to the Speaker to continuously punish uncivil Members; it should be up to the parties instead (MPP Interview 10, 2013). The leaders set the tone for debate, and they should be the individuals taking responsibility for leading by example. The drawback noted for this option was that party leaders ultimately have little constraining their behaviour in governing their caucus. Therefore this solution would not be implemented through any procedural change, or any changes in rulings. Instead, it would have to be enforced by the personal beliefs of the party leaders themselves. In much the same way the previous suggestions required a commitment from

the individual Speaker, this suggestion would require a commitment from individual leaders, who would need to be given solid reasons for curbing indecorous behaviour. Without a dedicated commitment from party leaders, this option may not suffice, though the potential remains.

The remaining four solutions received much less consensus from the respondents. Nevertheless, they provided interesting points of discussion for the future of decorum, and as they are suggestions coming from the participants of the legislature themselves, they should be considered in turn. The first involved orientation for incoming MPPs, as one interviewee emphasized that there was an important teaching moment to be had during orientation (MPP Interview 3, 2013). “There is an opportunity to do some training,” (MPP Interview 3, 2013) and it would allow the Clerk’s office to run a seminar instructing MPPs on the proper rules and procedures. This MPP encouraged this addition to the orientation package strongly. Past research has documented the role of orientation for incoming newly-elected MPPs: they receive procedural orientation which touches upon subjects such as chamber protocol and a day in the house (Levy 2010). Yet it is unclear whether or not the subject of ‘chamber protocol’ refers to heckling or only issues such as when to stand or when to speak in the legislature. The study of orientation by Levy (2010) reveals no instance of orientation involving matters of decorum, and none of the five new MPPs interviewed replied affirmatively when asked about decorum discussions during orientation. This solution is a relatively small one, and there is no guarantee that new Members will not succumb to the legislature heckles when inserted⁶, even after being told not to, but it does provide one very simple solution that may help in the long-term and at the margins.

A second suggestion from another Member focused on monetary punishment for those who would continuously and without remorse breach decorum. “The rules should be enforced with more vigour,” and in addition to expulsion, the legislature could “fine the offending Members in substantial ways: \$5,000; \$10,000; \$15,000; \$25,000 dollars for each infraction. Fines should be handed out to the individual Member and should be paid by the Member and not the party,” (MPP Interview 11, 2013). This was a suggestion also noted by federal NDP House Leader Nathan Cullen in his federal suggestions noted by Taylor (2013). This course of action would introduce direct monetary incentives not to heckle or breach decorum, and as it would come from the Member’s own earnings, it may well be effective in preventing serious breaches of parliamentary decorum. However, such a change would have to be introduced into the rules of the legislature, and it is unlikely that such a measure would receive consensus support across Members. Only one of 12 interviewed suggested this as a possible course of action, while only four of 17 (24 per cent) of those surveyed agreed with this solution. Though perhaps effective, it is unclear that Members would agree to this measure in the future.

A third suggestion focused upon a different set of the Standing Orders by noting the time limits for debate in the legislature. This MPP said that the Standing Orders provided an unnecessary amount of time for Members to speak to bills and debates (MPP Interview 7, 2013). Granting each party a one-hour lead-off on government bills, and granting all Members up to 20 minutes of debate in certain situations was unnecessary, and served only to give Members more opportunities to heckle and insert partisan attacks into their speaking notes (MPP Interview 7, 2013). Instead, the SOs should reduce the amount of time allotted for debate, in order to keep

⁶ As one MPP interviewed noted the irresistibility of the heckling, saying “it’s harder not to heckle...than it is to heckle” even though he tried to avoid doing so when possible (MPP Interview 5, 2013).

MPPs sharper in their remarks. This would also aid in ensuring Members followed SO 23(c), which prohibits “needless repetition” (Deller 2009) in Members’ speeches. This change would lead to less scripted exchanges, and, as the MPP quipped after all, “brevity is the soul of wit,” (MPP Interview 7, 2013). Curic (2006) also noted the penchant for sound-bites in speeches in the house based upon timing. While this alteration of time limits may very well change the tone of debate and lead to different content in speeches, as above it remains unclear the degree of likelihood this suggestion has of being implemented.

Finally, a fourth suggestion turned outside the legislature, in arguing that an increase in the number of female Members of Provincial Parliament would aid significantly in decreasing the unparliamentary language that has flourished in recent times. One MPP suggested that an even 50-50 split between men and women “would reduce the volume by two-thirds” (MPP Interview 3, 2013) and lead to more civil discourse between all sides. This change, however, also has some significant barriers between it and its implementation. As the previous three suggestions, this solution was advised by only one Member, and does not necessarily have the same amount of consensus as the solutions provided by the Speaker or party leaders. Furthermore, the assurance of a 50-50 split between men and women relies upon political parties to nominate more women in electoral contests. As Goodman (2006: 24) notes, “the nomination process of the legislative recruitment model poses the greatest threat to increasing female representation at Queen’s Park.” This study by Goodman (2006) concluded that parties were not nominating or recruiting enough women into their running ranks, and so this solution to incivility in the legislature would require a serious commitment on the part of each party, one which may not exist at this point in time.

Future Research

There are some areas in which future research can improve upon this paper. To start, having the opportunity to interview the Speaker would be extremely beneficial when discussing changes to the legislative behaviour of MPPs. Due to scheduling constraints, an interview for this paper was unable to occur before its presentation date. However, in the future, all effort should be made to include the Speaker in this discussion. As noted by Tayeb (2008), Speakers often have their own personality that they bring to the legislature, and often the role of the Speaker changes based upon the individual currently wearing the robes. Thus, the drawback of the Speaker-centric changes offered in this paper is that a commitment would have to come not only from the current Speaker, but also from future Speakers, who may have their own feelings about how to curb incivility in the legislature. For these reasons, the opinion of the Speaker (and future Speakers) is crucial to solving the problem of incivility, and future research should incorporate that factor.

The differences in personality between potential Speakers highlight the central drawback of this study and its proposed solutions: that it is difficult to legislate human behaviour across numerous unique individuals. Many MPPs interviewed argued that, while there were suggestions worth trying, it is still up to individual MPPs to ensure they are showing respect in the legislature. One noted that “we owe each other respect,” (MPP Interview 2, 2013) while another said that the only other way to achieve civility is “a matter of choice,” – MPPs must choose not to allow heckling and personal attacks to occur (MPP Interview 1, 2013). Two other MPPs echoed the same feeling that human behaviour is difficult to contain (MPP Interviews 4 & 6) and this raises the critical issue of whether or not the solutions proposed by many would be effective

at all. As all of the suggestions noted in this analysis came from individual MPPs, there is reason to believe they might be effective: after all, those on the ground would seem to be best equipped with the knowledge of what might and might not work in restoring civility to the legislature. Nevertheless, as most MPPs surveyed within suggested decorum is a problem, there may be an element of hopeful thinking in their suggestions. There may be a few MPPs in the legislature who do not believe heckling is a problem and will continue to remain indecorous as long as they are elected each time. In this scenario, this caution would ring true, and it is possible that some behaviours in some individuals cannot be changed.

One other area of future research would also lie in an analysis of other Westminster parliamentary jurisdictions. Future studies could conduct a more direct comparison between Ontario and the House of Commons, or the United Kingdom, or New Zealand, for example. A comparative analysis was outside the scope of this particular paper, as the focus was very much upon what MPPs thought and what their suggestions were for change. A comparative study of each of the above legislatures would certainly provide enough possibilities for a whole paper on its own, above and beyond the results of this one.

Conclusion

In conclusion, this study clearly reveals that MPPs in Ontario's 40th Parliament do believe that a lack of decorum has become a serious problem in the legislature. There is consensus amongst those MPPs surveyed that it can demean debate and diminish the reputation of the legislature. Furthermore, it causes their constituents and citizens to become disengaged and disappointed in the state of politics, which can contribute to a democratic disenchantment. In search of a solution, those same MPPs had many possible suggestions. The strongest of those suggestions reside in the role of the Speaker – to name (expel) Members when they are unruly, or to skip an offending party's question during Question Period. There is some general, albeit non-unanimous, consensus around these two options. The Speaker currently has the power to implement these suggestions right away, and this provides some optimism in that there is no need for structural or rules-based changes. Yet conversely, there is some skepticism surrounding the likelihood of this change, as it depends upon the personality of the individual Speaker, who may be unwilling to enforce such procedures. Another effective means may be taking steps to ensure individuals across party lines get to know each other better. Increasing personal bonds between MPPs can help increase respect between Members and foster a healthier debate. Alternatively, the solutions of party leaders, orientation, fines, time limits, and gender parity all provide reasons for both hope (that they would ameliorate the negative conditions) and skepticism (that there is a willingness to implement these measures today).

While there was consensus around curbing some of the worst breaches in decorum, there was an equal amount of consensus amongst MPPs interviewed that heckling should not be eliminated completely. All agreed that personal attacks should be removed from the chamber, and there is reason to believe that goal may be close to being achieved, as only three of 17 survey respondents had heard heckling refer to something other than the content of one's speech, political party, or ideology.⁷ Nevertheless, outside of personal attacks, many felt heckling did

⁷ Two of 17 (4 per cent of those surveyed) noted hearing remarks referring to Gender/Sex, while three (6 per cent) heard remarks about one's provincial region. Only one (2 per cent) heard remarks referring to language or accent. Otherwise, all other respondents noted heckles referred to content, ideology, or party.

play some role in the legislature. In fact, 94 per cent (16/17) of those surveyed admitted to heckling themselves. As one MPP put it, when in the chamber, “it’s harder not to heckle...than it is to heckle” (MPP Interview 5, 2013). This heckling did not have to be mean-spirited, however. When used in jest, they can draw laughs and cut tension in the room. Thus, while the results strongly suggest that there is consensus that breaches of decorum must be reduced, there is an equal consensus that they should not be eliminated entirely.

As noted, many do agree that something needs to be done to alleviate some of the worst breaches. This paper has sought to outline ways in which decorum can be changed for the better. While drastic changes to the Standing Orders are unlikely to find broad support in an effort for change, perhaps some of the smaller changes suggested can still find consensus and should be recommended for future consideration. Should Parliaments – and their individual Members – wish to curb incivility and restore decorum, let there be no doubt that options do exist. It is ultimately up to those individual Members to set the tone and ensure that those options can be implemented in the future.

Works Cited

- Akriotis, Evan. (2012). Lights, Camera, Inaction: The Effects of Cameras on Legislative Debate. Paper prepared for the Canadian Political Science Association Annual Conference, Edmonton, Alberta.
- Chong, Michael. (2008). Rethinking Question Period and debate in the House of Commons. *Canadian Parliamentary Review*, 31(3), 5-7.
- Chong, Michael, Marlene Jennings, Mario Laframboise, Libby Davies, and Tom Lukiwski. (2010). What to do about Question Period: A Roundtable. *Canadian Parliamentary Review*, 33(3), 2-8.
- Conley, Richard S. (2011). The Transformation of Question Period. *Canadian Parliamentary Review*, 34(3), 46-51.
- Coyle, Jim. (2010). Ontario legislature begins, hostilities resume. *Toronto Star*. Retrieved on May 25/2013:
http://www.thestar.com/news/canada/2010/09/13/coyle_ontario_legislature_begins_hostilities_resume.html.
- Curic, Ana. (2006). Camaraderie Among MPPs at the Ontario Legislature. Paper prepared for the Canadian Political Science Association Annual Conference, Toronto, Ontario.
- Deller, Deborah F. (2009). *Standing Orders of the Legislative Assembly of Ontario*. Retrieved on May 25/2013: http://www.ontla.on.ca/web/go2.jsp?Page=/house-proceedings/supporting-content/files/standing_orders&menuitem=dandp_proceedi
- Goodman, Nicole J. (2006). Legislative Recruitment: An Analysis of the 38th Parliament. Paper prepared for the Canadian Political Science Association Annual Conference, Toronto, Ontario.
- Grisdale, Mackenzie. (2011). MP, Interrupted: Heckling in the House of Commons. Paper submitted for the Parliamentary Internship Programme. Retrieved on May 20/2013:
<http://www2.samaracanada.com/blog/post/Part-3-MP-interrupted-heckling-in-the-house-of-commons.aspx>.
- Hagan, Jason. (2003). All Parties Took Part: The Downfall of Culture at Queen's Park (1987-2003). Paper prepared for the Ontario Legislature Internship Programme. Retrieved from the Ontario Legislative Library eArchives.
- Hill, Jay. (2010). Reflections on reforming Question Period. *Canadian Parliamentary Review*, 33(4), 4-6.

- Kennedy, Mark. (2010). Canadians give Parliament's question period 2 thumbs down. *Postmedia News*. Retrieved on May 25/2013: <http://www.canada.com/news/Canadians+give+Parliament+question+period+thumbs+down/3530096/story.html>.
- Levy, Aviva. (2010). At a Disadvantage? An Analysis of the Orientation for Newly Elected MPPs in Ontario's By-Elections. Paper prepared for the Canadian Political Science Association Annual Conference, Montreal, Quebec.
- McDonald, Adam D. (2005). Evolution of the Ontario Standing Orders since 1985. *Canadian Parliamentary Review*, 28(3), 33-39.
- Milliken, Peter. (2011). Reflections on the Speakership. *Canadian Parliamentary Review*, 34(3), 9-12.
- MPP Interview 1. (2013). Personal interview, conducted April 29/2013.
- MPP Interview 2. (2013). Personal interview, conducted April 29/2013.
- MPP Interview 3. (2013). Personal interview, conducted April 30/2013.
- MPP Interview 4. (2013). Personal interview, conducted May 2/2013.
- MPP Interview 5. (2013). Personal interview, conducted May 6/2013.
- MPP Interview 6. (2013). Personal interview, conducted May 8/2013.
- MPP Interview 7. (2013). Personal interview, conducted May 8/2013.
- MPP Interview 8. (2013). Personal interview, conducted May 9/2013.
- MPP Interview 9. (2013). Personal interview, conducted May 9/2013.
- MPP Interview 10. (2013). Personal interview, conducted May 9/2013.
- MPP Interview 11. (2013). Personal interview, conducted May 12/2013.
- MPP Interview 12. (2013). Personal interview, conducted May 30/2013.
- Nanos, Nik. (2010). Canadians Tuned-Out and Turned-Off With the House of Commons. *Policy Options*, September 2010, 1-4.
- Paikin, Steve. (2010). *The Loss of Civility in Politics*. June 11 episode of TVO's The Agenda. Retrieved on May 25/2013: <http://www.youtube.com/watch?v=iuikxbOiOS8>.
- Paikin, Steve. (2012). *Civility in Politics*. March 30 episode of TVO's The Agenda. Retrieved on May 25/2013: <http://www.youtube.com/watch?v=kwB58rLgjKo>.

- Pearson, Craig. (2013). Mean seats: Natyshak shouted down in Legislature. *The Windsor Star*. Retrieved on May 25/2013: <http://blogs.windsorstar.com/2013/03/27/mean-seats-natyshak-shouted-down-in-legislature/>.
- Pearson, Glen. (2010). Some personal thoughts on Question Period. *Canadian Parliamentary Review*, 33(4), 2-4.
- Policy, Compass Management Consulting Ltd. (2007). *Public Consultations on Canada's Democratic Institutions and Practices: A Report for the Privy Council Office*. Frontier Centre For Public Policy, Ottawa, p. 28.
- Ryan, Frances H. (2009). Can Question Period Be Reformed. *Canadian Parliamentary Review*, 32(3), 18-22.
- Samara, Canada. (2011). *"It's My Party": Parliamentary Dysfunction Reconsidered*. Published by Samara Canada. Retrieved on May 25/2013: <http://www2.samaracanada.com/downloads/ItsMyParty.pdf>.
- Tayeb, Aamir. (2008). Ontario's 'First Commoner': Exploring the Speakership at the Legislative Assembly of Ontario. Paper prepared for the Canadian Political Science Association Annual Conference, Vancouver, British Columbia.
- Taylor, Nathan. (2013). Fines, timeouts could improve decorum. *Orillia Packet & Times*. Retrieved on May 25/2013: <http://www.orilliapacket.com/2013/01/29/fines-timeouts-could-improve-decorum>.
- White, Graham. (2001). *The Government and Politics of Ontario*. Fifth Edition. Toronto: University of Toronto Press.

Appendix A

Listed below are the three questions asked of all MPPs during personal interviews. These served as the basic questions underlying this study, and were typically followed up with more free-flowing and exploratory questions to allow the MPP to elaborate on their thoughts:

- 1) Do you think there is a problem with decorum in the legislature? Why or why not?**
- 2) What are some of the effects - positive or negative - of the state of decorum in the House?**
- 3) Do you have any suggestions for improving the level of decorum in the legislature?**

Appendix B

This is a copy of the survey distributed to all 105 Members of Provincial Parliament of Ontario in May 2013. It began by defining 'heckling' then allowing MPPs to answer the questions:

For the purpose of this survey, heckling is defined as: "calling out in the chamber of the legislature without having the Speaker's recognition to speak." Please answer all questions as honestly as possible.

SECTION I

1. Do you believe there is a problem with decorum in the House?

- Yes
- No
- I don't know

2. How often do you hear heckling in the House?

- Never
- Rarely
- Sometimes
- Frequently
- Always

3. When does it happen most often?

Check any and all that apply:

- Never
- Member Statements
- Routine Proceedings
- Government Orders
- Private Members Business
- Question Period

4. Do you believe that decorum has worsened in a minority government?

- Yes
- No
- No difference
- I don't know

5. If you have heard heckles, what have they referred to?

Check any and all that apply:

- I have never heard heckles
- Content of statement / speech / question
- Political Party

- Ideology
- Personal Appearance
- Gender / Sex
- Provincial Region
- Language / Accent
- Sexual Orientation
- Race
- Religion

6. Have you ever heckled?

- Yes
- No
- I don't know

7. How often do you heckle?

- Never
- Rarely
- Sometimes
- Frequently
- Always

8. Have you ever been heckled?

- Yes
- No
- I don't know

9. How often have you been heckled?

- Never
- Rarely
- Sometimes
- Frequently
- Always

SECTION II

10. Heckling enlivens debate in the Legislature.

- Agree
- Disagree
- I don't know

11. Heckling can help Members get a point across.

- Agree
- Disagree

I don't know

12. Heckling causes me to participate less in the Legislature.

- Agree
- Disagree
- I don't know

13. My constituents disapprove of heckling.

- Agree
- Disagree
- I don't know

SECTION III

14. The Speakers should name members who heckle more often.

- Agree
- Disagree
- I don't know

15. The Speaker should skip questions of heckling members / parties during question period.

- Agree
- Disagree
- I don't know

16. Members should be fined for unparliamentary language.

- Agree
- Disagree
- I don't know

17. During orientation, members should be advised against heckling in the House.

- Agree
- Disagree
- I don't know

18. Sex?

- Male
- Female

19. Political Party?

- Liberal
- New Democrat
- Progressive Conservative

20. Length of Tenure?

0-4 years

5+ years