The Structure and Function of Legislatures
Objectives

- to understand key concepts
- to examine the functions of legislatures
- to explore different models of representation
- to discuss key definitions in small groups after plenary
Concepts relevant to legislatures in appendix for discussion in small groups

- government
- opposition
- cabinet
- majority government
- minority government
- coalition government
- party discipline
Parliament as ‘the talking place’

- the *legislature* is Ontario’s parliament
- parliament comes from French verb *parler* -- to talk
- makes decisions on behalf of all Ontarians
Parliament as ‘the talking place’

- how does a legislature talk?
  - debate, deliberate and decide

- what does our legislature talk about?
  - municipal, provincial, national and international issues
  - structures the public conversation

- who talks?
  - government vs. opposition
  - government through cabinet
The provincial legislature as the Speaker sees it
Legislative Assembly of Nunavut
Legislative Assembly of the Northwest Territories
The German legislature (Bundestag)
## Functions of legislatures

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<th>Provide different views</th>
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<td>Pass laws</td>
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## Functions of legislatures

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Functions of legislatures

• **Hold the government accountable**
  - collective accountability
    - cabinet as a whole
  - individual accountability
    - each minister individually

• keep government honest
Tools of accountability

- Question Period
- votes of non-confidence
- media ‘scrums’
- debates
- committee system
- Officers of the Legislature
  - Auditor General, Ombudsman, Integrity Commissioner
### Functions of legislatures

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Functions of legislatures

• Provide different views
  • provide a government in waiting
  • offer alternative policies to government
  • prime the pump of public debate
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Functions of legislatures

• Pass laws
  • parliament rarely initiates laws, cabinet almost always does
  • if government has a majority it is rarely constrained by the legislature. Why?
The predominance of majority governments

Number of majority governments in Ontario

- Majority $n=37$
- Minority $n=6$

86%

14%
The importance of the lawmaking function

- to scrutinize laws
- to hold a public debate
- to confer legitimacy
Factors that shape legislative discussion and debate

- party discipline
- cabinet solidarity
- mass media shape public conversation
## Functions of legislatures

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Representation

* legislatures represent us
  * who are we?
    * women, men, region, religion, class, ideology, party?
  * legislatures can privilege different kinds of representation
Different kinds of representation

- Representative as agent
- Representative as person reflective of a part of the population
Representation in legislatures

- Representative as elected official
  - geographic
  - ideological
  - party based
  - representative sample of the population (or mirror representation)
  - combination of above
How should our representatives behave?

- representative as “trustee”
  - decision-making based on wisdom
- representative as “delegate”
  - delegate of party
  - delegate of constituency
Conclusion

- legislatures perform an essential role in society
- how they perform their functions is important
- therefore, those things that affect the way legislatures function are important
Legislatures matter to electoral systems and vice versa

Each of the legislature’s functions is partially a consequence of electoral systems through:

- different chances for alternatives to be heard
- differing abilities to pass laws
- different kinds of accountability
- different kinds of representation
Questions to ponder...

What kind of representation is important?

depends on what we value

• a local or regional representative
• different ideological views
• more parties or fewer parties
• reflective of the population