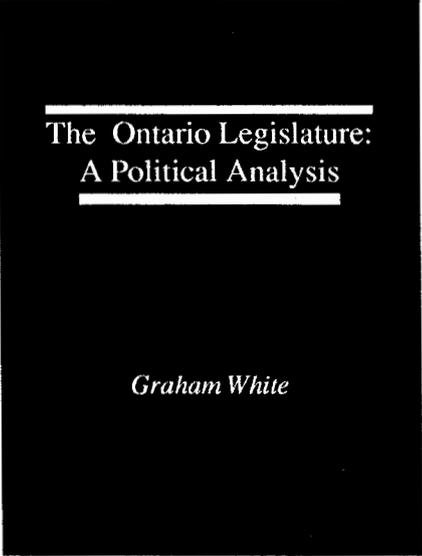


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## Recent Publications

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The Ontario Legislature:  
A Political Analysis

Graham White

*The Political Thought of Lord Durham, Janet Azenstat (McGill - Queen's University Press: Kingston - Montreal, 1988)*

*The Ontario Legislature: A Political Analysis, Graham White (University of Toronto Press: Toronto, 1989)*

*Parliaments of the World, Philip Laundy (Inter-parliamentary Union: Geneva, 1989)*

*Speakers of the Senate, Grant Purves (Library of Parliament: Ottawa, 1989)*

This is a book to be savored, not skimmed, by lovers of legislatures and students of politics. The author's familiarity with his subject is evident throughout (as befits an academic political scientist and former legislative intern). The prose is lucid and the exposition is evocative. I found myself recalling my days as a Page in Iowa and Washington, D.C.

The book is an insider's account that should prove useful to politicians, scholars, students, and citizens in general. The customs that govern the flow of work within the legislature are described with insight and understanding. The relations between the legislature and its environment, aside from the cabinet, are not stressed. Elections, for example, are mentioned only incidentally. The analytical focus is on internal processes.

A conspicuous strength of the book is its analytical prose. Numbers in tables and text are few — but chosen with insight and presented with care. The analysis can easily be extended by statisticians. I note for example that the statistical distributions of the lengths of tenure of legislators (Table 2.2), the lengths of time taken for passage of government bills (Table 5.2), and the lengths of time taken for second reading debates (pp. 123-124) are all roughly exponential, as theoretically expected.

Ontario's legislature is comparable to other legislatures. And this book makes that clear, implicitly with its numbers and explicitly with its comparisons. Australia, Canada, New Zealand, the United Kingdom and the United States are grist for the author's mill. The comparisons are judicious, and the footnotes constitute a comparative

bibliography — comprehensive on Ontario. Perhaps the book's view of order in the United Kingdom is a bit too rosy and its view of chaos in the United States is a bit too harsh. The British Parliament and American Congress are converging, albeit slowly. Cabinet government is tending to parliamentary government. (Philip Norton has chronicled the recent rise of backbenchers in the British Parliament.) Congressional government is tending to presidential government. (Richard Neustadt has chronicled the recent growth of executive clearance in the American Congress.)

The book's historical focus is the recent (partial) conversion of the legislature from an arena for party discipline into a body for transforming bills, a partial shift from the traditional style of the United Kingdom towards

the traditional style of the United States. This change was accelerated but not caused by minority government in Ontario. The change is (and may remain) incomplete, as stressed by the author, but it dates our conventional vocabulary. We — politicians, academics, and citizens — need a new vocabulary to describe the realities of contemporary legislatures. Walter Bagehot (1867) and Woodrow Wilson (1885) are quite passé.

The past generation has witnessed the transformation of a spate of legislatures in provinces and states from part-time to full-time. This is styled as professionalization or institutionalization by political scientists. The process is irreversible for all practical purposes, making this book a benchmark in the history of the legislature of Ontario.

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## The Political Thought of Lord Durham

Janet Ajzenstat

Lord Durham was High Commissioner to Lower and Upper Canada for just one year and sixteen days and stayed in Canada only five months. Given such a short period, historians, such as Chester New, have seriously questioned his knowledge of Canadian political and social life. Janet

Ajzenstat's *The Political Thought of Lord Durham* reveals that Durham had profound insights into Canadian problems which are still confounding us, particularly the relationship between equality and nationalism and the need for an improved constitutional arrangement to end the animosity many Canadians feel toward each other.

Ajzenstat challenges the widely-held assumption that Durham was a racist. Such a portrayal is inconsistent with his liberalism which emphasized equality, individual rights and freedoms, toleration and a belief in responsible government. What Durham objected to were nationalist arguments, both English and French, and special legal protection. His object was to put English and French on the same footing and he therefore favoured the assimilation of distinctive ways of life. The Durham Report should not be looked upon as the product of one individual but rather of the modern liberal tradition. Ajzenstat is sympathetic to that tradition. She writes: "We may decide in the end that Durham and the mainstream liberals generally do not give enough place in their thought to the strength of human loyalties and the desire to be associated with a collectivity. But we cannot evaluate their argument, or our own thought on the place of national minorities in a liberal society, if we ignore their central supposition — that nationalist divisions recognized in law deny liberal rights to minorities." (p. 12)

Ajzenstat also challenges conventional opinion that Durham's advocacy of responsible government was aimed at strengthening democratic institutions, specifically, the power of the lower, elected Houses. In fact, Durham called for a limitation on the powers of the lower houses. If two constitutional principles were recognized, the money bill principle (or the financial initiative of the Crown in legislative matters) and the confidence convention, a balanced constitution would be created and the danger of

democratic tyranny would be reduced. It should be noted, however, that the eventual recognition of these two principles in the Legislature of the United Province of Canada did not create the "balance" Durham was looking for. While these principles may have resulted in a more equal relationship between the executive and the Assembly, they essentially crippled the upper house, the Legislative Council, as an equal partner in the legislative process. As professor R.A. Mackay has stated in *The Unreformed Senate of Canada* by 1849 "for all practical purposes the Canadian parliament had now become a single chamber."

Ajzenstat refers to the money bill principle as being "not in operation in the colonies at the time." (p. 59) In fact the money bill principle, while never followed in Upper Canada, did exist in Lower Canada. One of the rules of the Lower Canadian House of Assembly, laid down in 1793 and rescinded only in 1834, the year of the passage of the 92 Resolutions, read "that this House will receive no petition for any sum of money relating to Public Service, but what is recommended by His Majesty's Governor, Lieutenant Governor or person administering the Government at the time." The Legislative Council of Lower Canada, despite the Assembly's actions, never rescinded its own rule which stated "that the Legislative Council will not proceed upon any Bill appropriating public money that shall not within the knowledge of this House have been recommended by the King's representative."

As other reviewers have noted, this book has re-opened the question of Lord Durham when for many years it had been closed. In this the 150th anniversary of the Durham report, such a development is welcome.

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