

# New and Notable Titles

A selection of recent publications relating to parliamentary studies prepared with the assistance of the Library of Parliament (September 2019 - November 2019)

"Fighting talk - The threat to MPs from the public is greater than ever." *Economist* 433 (9163), October 5, 2019.

- Women and ethnic-minority MPs suffer the worst abuse.

Bercow, John. "Rules of behaviour and courtesies in the House of Commons." House of Commons - Issued by the Speaker and the Deputy Speakers, November 2019: 18p.

- This pamphlet has been agreed by the Speaker and the Deputy Speakers and is intended to help Members, particularly those new to the House, in understanding the behaviour expected in the Chamber of the House of Commons and in Westminster Hall. While open to change, these rules are important in maintaining the good order of proceedings and the civility of debate – so that all Members are able to participate and be heard with respect.

Feldman, Charlie. "Beyond Charter statements: Constitutional communications in the parliamentary context." *Journal of Parliamentary and Political Law / Revue de droit parlementaire et politique* - Special Issue – Canada's Constitutional & Governance Challenges After 150 Years / numéro hors-série – Les Défis Constitutionnels et de Gouvernance du Canada Après 150 ans, 2018 : 37-66.

- The parliamentary record is replete with historical and contemporary expressions of concern by federal legislators regarding the constitutionality of proposed enactments. Yet, little research appears to explore how parliamentarians' constitutional knowledge is developed - both generally and in relation to specific enactments - within the parliamentary context.

Finnis, John. "The unconstitutionality of the Supreme Court's prorogation judgment." Policy Exchange, September 28, 2019: 22p.

- The Supreme Court's judgment in *Miller/Cherry* [2019] UKSC 41 holds that Parliamentary sovereignty needs to be judicially protected against the power of the Government to prorogue Parliament. But the Judgment itself undercuts the genuine sovereignty of Parliament by evading a statutory prohibition – art. 9 of the Bill of Rights 1689 – on judicial questioning of proceedings in Parliament. This paper shows that the Judgment was wholly unjustified by law. It wrongly transfers the conventions about prorogation into the domain of justiciable law. The Judgment is an inept foray into high politics and should be recognised as a historic mistake, not a victory for fundamental principle.

Jenkin, Bernard. "The role of the Speaker is changing." *The House Magazine*. 1665 (42), October 28, 2019: 22-3.

- Speakers now have to consider the impact of their personal public profile and how this relates to their responsibilities.

Girling, Kimberly, Gibbs, Katie. "Evidence in action - An analysis of information gathering and use by Canadian parliamentarians." Evidence for Democracy, November 2019: 48p.

- In the current study, the authors conducted a series of one-on-one interviews with Canadian Members of Parliament (MPs) to investigate how they gather and use information. The study aimed to better understand how MPs use research and evidence in their work, identify potential gaps in the process, and determine new ways that scientists, researchers, and experts could support MPs.

Harman, Harriet (Chair). "Democracy, freedom of expression and freedom of association: Threats to MPs." House of Commons Joint Committee on Human Rights, First Report of Session 2019-20 HC 37, October 18, 2019: 68p.

- Freedom of association and freedom of expression are fiercely protected rights...yet MPs are regularly threatened with physical violence and are subject to harassment and intimidation whilst going about their wider public duties. This undermines our democracy and demands action.

Ie, Kenny William. "Cabinet committees as strategies of prime ministerial leadership in Canada, 2003–2019." *Commonwealth & Comparative Politics*, 57 (4), November 2019: 466-86.

- Cabinet committees are key elements in parliamentary government, yet they are understudied. This article examines recent uses of cabinet committees in Canada as strategic instruments of their chief architects: prime ministers...

Norton, Philip. "Post-legislative scrutiny in the UK Parliament: Adding value." *The Journal of Legislative Studies*, 25 (3) - Committees in Comparative Perspective, September 2019: 340-57.

- Legislatures appoint committees for different purposes. Both Houses of the UK Parliament separate legislative committees from non-legislative, or select, committees. Each is unusual in that it utilises select committees to engage in post-legislative scrutiny. The author examines why each engages in this type of scrutiny, given competing demands for limited resources...

Norton, Philip. "Is the House of Commons too powerful?" The 2019 Bingham Lecture in Constitutional Studies, University of Oxford. *Parliamentary Affairs* 72 (4), October 2019: 996-1013.

- ...in this lecture, the author proposes, first, to sketch the development of the Westminster model of government and detail how that determines the relationship of Parliament to the executive and to the people. The author then develops a thesis that, in the period from the 1970s to last year, Parliament was stronger than at any time previously in modern British politics in its relationship to the executive, but not to the people, and that over the past 12 months the relationship to both government and the people is threatened

in terms of what we expect of the institution within the Westminster model of government.

O'Brien, Gary William. "Discovering the Senate's fundamental nature: Moving beyond the Supreme Court's 2014 opinion." *Canadian Journal of Political Science / Revue canadienne de science politique* 52 (3), September/septembre 2019 : 539-55.

- In the 2014 reference, the Supreme Court sought to discover the Senate's 'essential nature' in order to determine what reforms parliament could legislate unilaterally. Making use of a classification model found in comparative and historical studies, the Court concluded that the Senate was a 'complementary legislative body of sober second thought.' This article re-examines the Court's narrow definition of the Senate's perceived role and presents evidence that its essential characteristics are direct continuations of various pre-Confederation design principles. Limiting a description of its architecture to a single model that eclipses all other roles the Senate may play shifts the debate on Senate reform, which in the recent past has laid emphasis on resolving the conflict among the models embedded in the upper chamber's essential characteristics. The article concludes by reviewing previous constitutional initiatives that aimed at bringing those models more in tune with modern Canada and by making suggestions about how reform proposals could better succeed.

Von Tunzelmann, Alex. "The British Parliament's ultimate weapon." *Foreign Policy* 234, Fall 2019: 72-3.

- Why does the House of Commons fetishize a golden mace?

Walker, Aileen, et al. "How public engagement became a core part of the House of Commons select committees." *Parliamentary Affairs* 72 (4), October 2019: 965-86.

- This article explores the role of public engagement by select committees of the House of Commons. It shows that committees' public engagement activity has been transformed since 1979, when departmental select committees were introduced...