

## Article

### **Doug Ford, neoliberal parliamentarism and oscillating majoritarianism: The use of constitutional tools to centralize power and undercut democratic decision-making processes**

Ryan Kelpin  
York University

#### **Abstract**

Since becoming Premier of Ontario in 2018, Doug Ford has utilized the Westminster parliamentary system and invocations of particular types of majoritarian politics to shield his government from accountability and critique. This article explores the use of majoritarian discourse and the legislative tools that Ford has used to further the neoliberalization of the Ontario state apparatus. This is represented by, but not limited to, *The Better Local Democracy Act* (2018); the *Strong Mayors, Building Homes Act* (2022); and his unprecedented usage of the Notwithstanding Clause on two occasions, but particularly the *Keeping Students in Class Act* (2022). Utilizing Thomas McDowell's (2019; 2021) theory of neoliberal parliamentarism, this article argues that, while seemingly very different cases, these pieces of legislation and the discourses to justify them are indicative of a turn towards an oscillating majoritarian and specific form of executive parliamentary supremacy at multiple territorial levels of Canadian federalism and governance.

#### **Résumé**

Depuis qu'il est devenu premier ministre de l'Ontario en 2018, Doug Ford a utilisé le système parlementaire de Westminster et des invocations de types particuliers de politiques majoritaires pour protéger son gouvernement de la responsabilité et de la critique. Cet article explore l'utilisation du discours majoritaire et les outils législatifs que Ford a utilisés pour favoriser la néolibéralisation de l'appareil d'État de l'Ontario. Cela est représenté par, mais sans s'y limiter, la Loi sur l'amélioration de la démocratie locale (2018) ; la Loi sur les maires forts et la construction de logements (2022) ; et son utilisation sans précédent de la clause dérogatoire à deux reprises, mais en particulier la Loi sur le maintien des élèves en classe (2022). En utilisant la théorie du parlementarisme néolibéral de Thomas McDowell (2019 ; 2021), cet article soutient que, bien qu'apparemment très différents, ces textes de loi et les discours qui les justifient sont révélateurs d'un virage vers une forme oscillante de majorité et de suprématie parlementaire exécutive spécifique à plusieurs niveaux territoriaux du fédéralisme et de la gouvernance canadiens.

**Keywords:** Neoliberal parliamentarism; Ontario; Doug Ford; oscillating majoritarianism

**Mots-clés :** Parlementarisme néolibéral; Ontario; Doug Ford; majorité oscillante

## Introduction

Since he was elected premier of Ontario in 2018, there have been many attempts to decipher what Doug Ford's politics and ideology represent both within the scope of Ontario's political history and the wider rise of right-wing populism and more authoritarian forms of neoliberalism across the West. Early in his campaign and government, the media could not resist placing him in a reductionist Trump-comparative position (see: Drimonis, 2018; Kassam, 2018; Porter, 2018). While there is some limited merit to making these comparisons, it reduces a more complex socio-political history for the sake of generalizable theory and ignores differences between an often welfare-state-supporting European model and a market fundamentalist anti-welfare state model of right populism in North America (Pelinka, 2013). Others have noted this in how Ford relies on a "neoliberal common-sense" message highlighting geographic cleavages in Ontario (Budd, 2020; Erl, 2021; Silver et al., 2020). Combined with market fundamentalism, these social constructions allow right populist discourse and neoliberalization processes to co-exist at the point of discourse and the material environment of legislation and the economy (Kelpin, 2024). While Ford's attacks represent similarities with new political movements that "tend to denounce whatever goes by the name of conventional politics (its processes, compromises, institutions and deliberative spaces)" (Brown, Gordon, and Pensky, 2018, 3), the implementation of these politics occurs within existing political institutions and reflect much in common with previous neoliberal administrations. But there is a more profound question about how these politics interact with and reproduce anti-democratic and more authoritarian forms of governance. Since coming into office, Ford routinely has been accused of explicitly anti-democratic behaviour and policymaking that was designed to principally benefit his government politically, and capital more broadly (Albo et al., 2019; Evans et al., 2021; 2023; Kelpin, 2022a; 2024; McDowell, 2021).

This article explores whether Ford has resorted to more authoritarian and anti-democratic notions of government than his other neoliberal predecessors in Ontario over the last three decades. Using four carefully selected legislative case studies-- the *Better Local Government Act* (2018), the *Better Municipal Governance Act* (2022), the *Strong Mayors, Building Homes Act* (2022), and the *Keeping Students in Class Act* (2022)-- this article shows how Ford has routinely utilized constitutional tools to both attack liberal democratic institutions and shield austerity from critique. This analysis employs a material analysis of the legislation and a discursive analysis of the central debates around implementing anti-democratic governing tools in the name of neoliberalization. Using Thomas McDowell's theory of "neoliberal parliamentarism," Ford is placed within the trajectory of the past context of Ontario, but with an understanding of key differences in his governing strategies. This broader scope also allows for situating anti-democratic policymaking within the enormous scope of neoliberalization processes and what can feel like more tangentially related policy areas (like education and labour in the last case study). Going beyond the status quo of the "creatures of the province" doctrine unlike (most) previous premiers, Ford paired this with oscillating anti-majoritarian and majoritarian decision-making politics alongside threats of the notwithstanding clause to overrule recourse through the courts.

### **Neoliberal parliamentarism and constitutionalism as a tool for neoliberalization**

In *Democracy Against Capitalism: Renewing Historical Materialism*, Ellen Meiksins Wood (1995, 237) asks: “Can capitalism still rely on its capacity to deliver material prosperity, and will it triumph together with liberal democracy, or will its survival in hard times increasingly depend on a curtailment of democratic rights?”<sup>1</sup> In the neoliberal period, this question has become more and more important to understand the erosion of liberal democratic practices alongside the implementation of austerity measures. Neoliberalism, generally, can be described as a grouping of economic and social policies that affirm free market policies involving deregulation, austerity measures, privatization, rollbacks of wealth redistribution, and the extension of economics into previously uncommodified areas of life (Brown, 2015, 28). The relation of neoliberalism as both economic thought project and historical-institutional reforms is composed of several intertwining perspectives on liberal democracy and its related decision-making processes. Three of the foundational neoliberal thinkers, Friedrich Hayek, James Buchanan, and Milton Friedman, all have clearly articulated views on the necessity of limiting the political aspects of liberal democracy (typically through constitutionalizing non-interference in the market or implementing anti-majoritarian decision-making processes) to bolster the free market under capitalism (see: Biebricher 2015, 2019, 2020; Brown, 2015, 2019; Cornelissen 2017; McDowell, 2020, 2021; Mirowski, 2009). Indeed, as Biebricher (2020, 39) argues:

Neoliberals are, trivially, proponents of markets as the superior coordination device and the – far from trivial – problem they all face is how to set up and maintain markets. Accordingly, the neoliberal problematic concerns the preconditions of functioning markets and, as one might already suspect, democracy is a considerable issue within that problematic, as it is mostly viewed as a potential spanner in the works of smoothly functioning markets (Biebricher 2019).

Due to these considerations, neoliberal thought, throughout the past and present, has been focussed on making markets safe from democracy, with a concentration on limiting the influence of liberal democratic institutions and their representatives by neoliberalizing the political elements of liberal democracy (Biebricher, 2020, 40).

#### ***Neoliberal parliamentarism and constitutionalism***

The main theoretical foundation this article employs to interrogate the relationship between neoliberalism and liberal democracy is Thomas McDowell’s concept of “neoliberal parliamentarism” (2019, 2021), which can be a critical intervention to interrogate Ontario’s neoliberal and austerity politics with a focus on anti-democratic behaviour through legislative institutions. For McDowell, neoliberal parliamentarism is the systemic effort to manipulate the rules of the legislature to insulate austerity measures from critique and to further prevent politics from interfering with the rational governance of the market sphere (2021, XIII). McDowell argues that this is represented by parliamentary procedures that have been gradually reformed to privilege expediency and prevent debate, then instrumentalized as a tool to both retrench contested politics and policies by limiting the ability of the legislature to scrutinize the executive branch and to shield the neoliberal restructuring of the state (2019, 2021). Neoliberal parliamentarism exists wherever a legislature provides the environment for the rapid imposition of policies and the

consolidation of principles of the capitalist system at the expense of basic accountability procedures and scrutiny (2021, 26). This resembles what he argues is (2021, 4): "... an intellectual diagram, consistent with neoliberal thought, that legitimates the use of the executive power to adapt to the changing realities of a world governed by the zero-sum logic of market competition." McDowell (2020, 394) expands on this:

As the state has sought to reconfigure power relations, it has altered the character of political institutions... to more effectively accommodate the implementation of contentious legislation that is contrary to the interests of significant segments of society, chiefly the subordinate classes.

McDowell additionally argues that "the defining characteristic of parliamentary democracy is the interdependent relationship that exists between the executive and legislative in a single institutional forum" (2019, 136). When combined with the fused power wielded by the executive in the Canadian Westminster parliamentary system, premiers and prime ministers with a majority government have an incredible amount of formal power. Backbenchers are already subjugated to the leadership and cabinet of their own governing party, but the control over both the executive and legislature by the prime minister/premier and the cabinet also sidelines the role of opposition members in a majority government. The access of the executive to specific constitutional doctrines and both the Reasonable Limits Clause and Notwithstanding Clause (NWC) adds another layer of power not available in other Western democracies. A central argument in this article's analysis is that in the Canadian constitutional context, the existing system of federalism and legal allowances for institutionally specific forms of parliamentary supremacy is crucial to the existence of Westminster parliamentary democracy in a Canadian context.

Therefore, this article argues that neoliberal parliamentarism as a concept can be extended to include the use of inherited institutional and constitutional landscapes that can also be deployed as a strategy to impose anti-democratic decision-making processes and unpopular austerity measures. Access to constitutional tools that privilege parliamentary supremacy can be utilized for the executive (especially of a majority government) to sidestep methods of accountability in the legislative and judicial branches of government. Neoliberal parliamentarism arguably exists within the purview of variegated neoliberalization, which allows for a treatment of neoliberalism beyond the monolithic, instead focusing on neoliberalization as an ongoing and more fluid and divergent process (Brenner, Peck and Theodore, 2010, 2014; Peck et al, 2002; Peck and Theodore, 2019; Fanelli, 2016). For McDowell this means neoliberal parliamentarism as a theory "proceeds from the standpoint that parliament should be studied as a social relation, situated in a particular historical time and place, and subject to influences from broader structural forces" (2021, XIV). This also requires an understanding that neoliberalism exists within inherited historical and institutional context, such as the manner in which Brenner et al. (2014) engages with new constitutionalism research, arguing that the use of constitutional mechanisms to enshrine or deliver neoliberal policies needs to be understood through the variegated neoliberalization approach. This allows for an accommodation of the systemically uneven consequences of market-discipline and neoliberal policies as implemented across different places, scales, and jurisdictions; these projects build on, exploit, and intensify inherited differences amongst regulatory landscapes (Brenner et al., 2014, p. 130). The two specific constitutional

provisions that are crucial to exploring Ford's politics and attempts to insulate his government from accountability are defined and explored in the next section.

### ***Inherited constitutional frameworks***

This article argues there are two specific inherited constitutional and institutional realities that can be used to extend McDowell's insights from neoliberal parliamentarism. The first is the 'creatures of the province' provision (COP) of the *Constitution Act of 1867*, which states: "In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say: (8) Municipal Institutions in the Province" (*Constitution Act of 1867*, s.92 ss. 8). This doctrine asserts provincial sovereignty over the existence and design of all municipalities, creating a power dynamic of vertical federalism between the two levels. At its core, this means that not only can the province disallow and impose municipal bylaws, but it can eliminate and redesign cities with simple legislation. Historically, it has allowed the province to act with near legal impunity in interfering with municipal decision-making processes and the composition of their borders. It has been the status quo of Canadian and provincial federalism and governance for over 150 years but has had fluctuations in how explicitly political its invocation has been. An example of COP being made explicitly political was Mike Harris's time as premier in the late 1990s when the status quo of COP was repeatedly used to impose austerity measures onto municipalities, amalgamate the City of Toronto, and cut hundreds of city councillor positions across the province. COP, in the hands of neoliberals, can become a tool to impose the conditions necessary for neoliberalism to thrive. It also allows the province to skirt more substantive democratic questions by hiding behind the inherited legal and jurisdictional elements of the *Constitution Act* (1867) (Magnusson, 2005a, 2005b). The COP provision was important to the *Better Local Government Act* (2018) and the *Strong Mayors Building Homes Act* (2022), as the Ford government would use the historical status quo of vertical federalism to overrule the partnership and local self-government guarantees of the *Stronger City of Toronto for a Stronger Ontario Act* (2006) and *City of Toronto Act* (2006). It was used in the context of quelling both popular and Toronto City Council dissent to the restructuring of the city's liberal democratic institutions and, in the case of the latter, the imposition of anti-majoritarian veto powers in the mayor's office. Both bills were ultimately passed without issue due to the provincial sovereignty embedded in the COP provision and the *Constitution Act of 1867*.

The second constitutional provision that is crucial for this analysis is section 33 of the *Canadian Charter of Rights and Freedoms*, which is more commonly known as the Notwithstanding Clause (NWC). The NWC allows a legislature to derogate from specific sections of the *Charter*, most importantly fundamental freedoms (s.2), individual legal rights (s. 7-14), and equality rights (s.15), which precludes judicial review of the related legislation for a period of five years. This allows the legislature to pass legislation that is – or would be ruled – unconstitutional by the Supreme Court of Canada or lower appeal courts, shielding it from the possibility of legal invalidation. It was designed by the authors of the *Charter* to provide a tool for parliamentary supremacy to be enacted in the face of worries over the rising power of the judicial branch and the constitutional supremacy sections within the *Charter*.

Outside of Quebec, the use of the NWC has been very rare. Richard Mailey (2019, 11) argues that this is due to the "widely accepted and frankly appropriate status as

constitutional ‘nuclear options,’ to be used only in rare instances.” When it comes to labour politics, Saskatchewan has been unique (until Ford’s government in 2022, detailed in the final case study), with the *Saskatchewan Government Employees Union Dispute Settlement Act* (1983) legislated with the NWC to force construction workers back to work; they would also utilize s.33 again in 1986 to limit a court interpretation of freedom of association for union members when it came to picketing (Evans et al., 2023). Indeed, invoking the NWC tips the balance from constitutional supremacy back to parliamentary sovereignty, in this case specifically wielded as a bludgeon against organized labour and other groups. As far back as 2002, scholars noted that the NWC is a “sleeping giant” that has the potential to completely reshape constitutional politics, especially when it comes to budgetary concerns where legislators saw political utility in shielding themselves from legal responses from either citizens or the courts (Billingsley, 2002, 344). Ford is especially important for understanding this because he was the first Ontario premier to use the NWC, and the number of times he has officially used it (twice, at the time of publishing) and specifically threatened to use it in the face of critique (once). Two of the following case studies are based on these events: when the *Better Local Government Act* (2018) was faced with public opposition and institutional resistance from the City of Toronto and its Council (as well as a lower court ruling), Ford immediately said he would pass the legislation again with section 33 attached to it.<sup>2</sup> While he did not end up having to follow through on this, he would with the *Keeping Students in Class Act* (2022). This use of the NWC would shield a government-imposed contract, and eliminate the right to strike and collectively bargain of various Ontario education unions. The way in which the NWC was wielded in these two significant cases is why it is important to analyze them in relation to neoliberalism parliamentarism and the use of inherited constitutional frameworks to impose neoliberal policies.

### ***Oscillating majoritarianism and parliamentary supremacy***

What these politics came to represent was what this article refers to as a form of “oscillating majoritarianism.” This is defined as a type of majoritarian electoral and jurisdictional politics and power that is able to move back and forth between multiple points like a pendulum. These multiple points allow a co-existence between majoritarian and anti-majoritarian politics, as well as the ability to wield one level of majoritarian jurisdictional will (the province) against another (municipal) in a form that becomes anti-majoritarian. It also shows how neoliberalism can shift between rejecting popular sovereignty and imposing an absolutist notion of majoritarianism through the executive branch’s powers. Beyond moving the terrain of what is considered political and contestable, neoliberalization has reworked existing institutional landscapes and tools in the name of efficiency and market fundamentalism. It has simultaneously caused the further degeneration of liberal democracy while attempting to shore up specific institutions within it (Boffo et al., 2019). In the case of Premier Ford, he argues his electoral victory and Westminster parliamentary structures grant him not only processual power but moral and ethical interpretations of power not to be contested by either electoral losers or other branches of government. His authoritarian tendencies moved beyond the legislative branch as a decision-making venue to use existing constitutional powers to overrule any forms of scrutiny or politics outside of Queens Park. As will be shown, Ford utilized neoliberal and right-populist views of majoritarian decision-making rooted in a rhetoric of protecting taxpayers by any means necessary. It oscillated between invoking majoritarian parliamentary and anti-majoritarian politics rooted in right-

populist rhetoric and a more presidentialized notion of executive power over other branches of government. How Ford used majoritarian politics was designed to serve whatever argument was necessary to insulate austerity from critique, allowing him to simultaneously activate politics counter to the majoritarian will of governing bodies (at the municipal level) while wielding majoritarian power against the judiciary in the name of majoritarian democracy. By imposing executive and veto power against the fused legislative system at the level of municipal politics, Ford enabled a move beyond presidentialization at the local level and represented what was more clearly articulated as oscillating majoritarianism when politically expedient.

### **Less democracy is better democracy: Slashing Toronto City Council and the ‘notwithstanding clause’ threat**

When Ford introduced the *Better Local Government Act* (2018) (*BLGA*), he did so in a manner that reflected not just the political-historical lineage between himself and earlier neoliberal premier Harris from the 1990s, but also imposed the bill in a more draconian form than Harris ever attempted. It represented Ford’s first attempt to wield both COP and the (the threat of) the NWC simultaneously, making it a critical case study in Ford’s embrace of neoliberal parliamentarism.

The *BLGA* aimed to utilize COP to cut the size of Toronto’s City Council from 47 seats to 25 seats, drastically undercutting the representative element of its liberal democratic institutions. This was not an aspect of Ford’s campaign that elected him premier and it was introduced mere months before the upcoming municipal election in October 2018. The imposition of the restructuring of Toronto’s decision-making institutions was crafted by amending the *City of Toronto Act* (2006), the *Municipal Act* (2001), and the *Municipal Elections Act* (1996) and allowed the province of Ontario to supersede the consultative and “partnership” notions allegedly embedded in the foundations of the *City of Toronto Act* to impose the borders of the Ontario provincial ridings onto the city and its council system. Indeed, the province made no effort to consult or even give notice to the municipality on this drastic change to its fundamental governing institutions. It also ignored resistance from across the political spectrum, particularly from Toronto’s residents and its council.

Ford’s logic was rooted in proverbial anti-politician and anti-deliberative decision-making process views (additionally intertwined with anti-downtown rhetoric). These sentiments were reflected in such statements as “nothing gets done at City Hall” (Benzie, 2018) and that the change was necessary from the provincial level of government because “everyone opposed are a bunch of downtown politicians... Your [opposition] MPP wants bigger government. Do you want more transit with the \$25 million, do you want more housing, or do you want 22 overpaid politicians from downtown?” (Ford, 2018b). Ford’s opinions on consultation and deliberation were made pretty clear by his brother Rob’s former deputy mayor, Norm Kelly, who stated: “*I don’t think he enjoys the cut and thrust of debate* because, as a business person, he wants to get all the facts out on the table and make a decision as quickly as possible” (Pelley, 2018; italics added by author). For Ford “good governance in any corporation is seven to nine because you can’t get anything done if you have 20 people around the table” (Ford, 2018a). Finally, Ford illustrated the connection between centralized decision-making and reducing the number of councillors when he argued “do you know who

is going to be happier than anyone, Mr. Speaker? The mayor. The mayor is going to be happier than anyone because he's not going to have to work 47 people. They're going to get things done" (Ford, 2018c).

This restructuring of the City Council was born out of a link to Harris's forced amalgamation of Toronto in 1997, an event that not only instrumentalized COP and various aspects of neoliberal parliamentarism to push it through but also ignored a municipal-led referendum that returned a resounding 76 percent result against the amalgamation (Redway, 2014). Harris also passed the *Fewer Municipal Politicians Act* (1999), which cut the new council from 58 to 47 members due to what they repeatedly argued was dysfunction. MPP Tony Clement argued that 58 members was still "too large and unwieldy" and that the council needed to be cut to 44 members to "bring council to a more efficient and more manageable level" (Clement, 1999a). Clement additionally threatened the Toronto City Council with a three-day deadline to decide whether they wanted their number of positions to be cut to 44 or to a mere 22 (Sancton, 2000, p. 155). Indeed, Ford would echo much of the rhetoric espoused by the PC's in the 1990s, such as Municipal Affairs Minister Al Leach, who stated: "It's time to act and it's time to bring about change that will ensure that Canada's greatest city enters the 21st century strong, united and ready to meet the needs of its citizens. That means a *local governance structure that will save money, remove barriers to growth and investment, and help create jobs*" (Leach, 1997; italics added by author). Such politics, by both Harris and Ford, represented an embrace of neoliberal parliamentarism, which combined not just a demonization of politicians and the institutions they operate within, but directly cutting councillor positions in the name of expediency and efficiency. It would also further centralize power in the mayor's office, with less councillors to have to work alongside and with to achieve the mayor's agenda.

As Kelpin (2024) explains, these restructurings of Toronto's institutions were rooted in a politics that aimed to impose the conditions necessary for neoliberalization processes to thrive further. But the critical rupture in which Ford breaks from Harris is his willingness to go a step further in the face of resistance from the public, namely invoking the threat of the NWC to overrule citizen resistance and the role of the courts. Even when Harris was faced with province-wide strikes and massive organizing against amalgamation and austerity, he did not have the willingness or the political capital to resort to threatening to override the *Charter* completely.

Ford's legitimate threat to utilize the NWC was the first such overt threat in Ontario since the passing of the *Charter* in 1982, marking a rupture in more recent views on parliamentary supremacy in the province. When resistance moved from the streets, town hall meetings, and media to the more formal role of the courts, the Ontario Superior Court found the *BLGA* unconstitutional and that "Passing a law that changes the city's electoral districts in the middle of its election and undermines the overall fairness of the election is antithetical to the core principles of our democracy" ("What the judge said," 2018). Nevertheless, Ford immediately announced his plan to reintroduce the legislation with the added NWC to override the judicial ruling, even with it being unclear that he could even do so (s.3 democratic rights are protected from s.33). He would invoke the low-hanging fruit right populist notion of "I was elected. He was appointed" (Crawley, 2018), and utilized the idea that true majoritarian decision-making was exclusively through the province and his executive power, rendering the ability to impose that broader majoritarian will on a specific

city. In this manner, his invoked majoritarianism is wielded against another level of government, an invocation that was specifically grounded in the democratic tension between unelected judges and judicial decision-making processes versus historical parliamentary sovereignty.

It marked not just the first threat of what is seen as a constitutional nuclear option but Ford's politically convenient relationship with majoritarianism, in that it only mattered as a decision-making principle when it benefitted himself and neoliberal policymaking processes. It also viewed parliamentary sovereignty not in parliamentary process or accountability but entirely in the power of the executive and its unquestionable validity in a Westminster system if the premier has a majority government. It was a reduction of all politics to hold the confidence of the house, even in the face of mass opposition both within the house and in general society. This was done while simultaneously delegitimizing the legislature as something that would even stand in the way of Ford's preference for executive power. For McDowell (2021, 181), Ford is best understood as embodying the move towards demonizing existing political institutions from a right-populist critique. Consequently, parliamentary institutions were instruments of vested interests, which the Liberals and the NDP had used to exploit the majority through taxes. The premier claimed that legislative institutions privileged these interests and undermined his ability to effectively regulate market relations. Like the ways in which neoliberal theory has undermined the idea of government as practice, contemporary, right-wing populism has increasingly employed rhetoric portraying legislative institutions as impediments to attaining its objectives.

This article argues that this extends to Ford's strategic use of the COP provision as a disciplinary constitutional tool, especially when combined with the NWC to undercut basic democratic decision-making processes and accountability for the executive. While COP has been the looming danger to local autonomy under Canadian federalism since 1867, its practice has been weaponized against liberal democratic institutions and processes at the local level during the neoliberal era of capitalism. Ford explicitly builds on former Ontario Premier Mike Harris's neoliberal legacy and political attacks on Toronto's liberal democratic institutions when he argued (Office of the Premier, 2018):

"Canada's Constitution makes it clear. The province has exclusive responsibility over municipalities,' said Ford in announcing his government's action. 'The Better Local Government Act will reduce the size and cost of government while reducing dysfunction at City Hall. The people who are most vocal and fighting this move are a small group of left-wing councillors looking to continue their free ride on the taxpayers dollar and a network of activist groups who have entrenched their power under the status quo.'"

While he was able to back down from invoking section 33 due to an appeals court finding that COP was inalienable as a constitutional right in this decision, Ford's appeal to the courts and their historical enabling of COP is an example of how "an important remaking of the demos is taking place through the juridical contribution to the economization of the political" (Brown, 2016, 7; Brown, 2019). He also stated he would "not be shy" about utilizing section 33 again (Crawley, 2018), and conservative strategists argued "there's a lot of people that want to frustrate Doug Ford's agenda, and I think he was sending a message to all those people" (Liataer in Crawley, 2018). This was proved in 2021 when he formally imposed section 33 on the aptly named *Protecting Elections and Defending Democracy Act* (2021),<sup>3</sup>

allowing the PCs to pass limitations on third-party spending during elections.<sup>4</sup> The main goal of this, which ties into the final section below, was using the NWC to undercut the power of labour (in this case, political advertising by unions critical of his austerity policies) and insulate austerity from critique. This battle would come to a head when Ford attacked the right to strike and collectively bargain for CUPE (Canadian Union of Public Employees) education workers in the Fall of 2022.

### **Strong province and strong mayors: Imposing anti-majoritarian veto power**

Emboldened by winning his second majority government in June of 2022, Ford built upon the foundations of the *BLGA* when introducing a pair of bills that completely retooled the basic structure of the council and the governing process of Toronto (Ottawa as well). The first, the *Better Municipal Governance Act* (2022) (*BMGA*), was passed in the fall of 2022 and imposed a strong-mayor system on the City Council – a contentious topic since amalgamation – adding not just extra appointment and executive powers and privileges for the mayor, but the ability of the mayor to veto council decisions and impose their will with only one-third of council votes. Equally as democratically pressing was the attachment of local veto powers to “provincial priorities” that reflected an abstract extension to housing, infrastructure, and transit, some of the most significant responsibilities of municipalities (particularly the City of Toronto). The *Strong Mayors, Building Homes Act* (2022) would build on these powers by extending the mayor’s veto power to all existing bylaws and the ability of the mayor to proactively initiate the veto as an executive privilege within a further centralization of government power. It embraced a total reworking of one of the most foundational and basic principles of liberal democratic institutions and proceduralism, that of majority rule, and it did so not to further the goals of justice or fairness for a disenfranchised minority but to insulate austerity from critique.

Strong mayoral powers (typically sans veto) have been discussed since the 1950s<sup>5</sup> and more recently in the amalgamation era post-1997, with former mayor Mel Lastman and other suburban political actors arguing it was necessary to wield the power of the new city apparatus. Even former premier Dalton McGuinty (echoing the Toronto Board of Trade) aggressively lobbied for a strong mayor system when negotiating the *City of Toronto Act* from 2003-2005, regretting not doing more in a comment from 2008 where he stated “it’s a really important opportunity for council to give the mayor of the day the authority he needs to exercise leadership on behalf of Toronto. I think that’s lacking at this point in time” (in Gillespie, 2008). Former Mayor David Miller had also lobbied for these powers but ultimately settled for increased control of an executive board and more centralized appointments. This was due to the council rejecting the totality of increased powers in 2006 and later when he directly appealed to the province to impose a strong mayor system in 2008 (Donovan and Benzie, 2008).<sup>6</sup>

While these reforms were a source of tension over the last 25 years, a mayoral veto predicated on anti-majoritarian decision-making principles was never even floated as potentially feasible or desirable. The political outcry from across the spectrum was vast, with the five living former mayors of Toronto arguing “such a proposal eliminates any meaningful role of city councillors and therefore the voice of the local residents who elect them” (Eggleton et al., 2022), the majority of city council demanding Ford and Mayor John Tory revert from their plan (Matlow, 2022), and even prominent right-wing Toronto Sun

columnist Brian Lilley arguing that minority rule through veto power is a “fundamentally anti-democratic law that never should have seen the light of day” and “I’m not sure how anyone can defend it” (Lilley, 2022). What takes this from beyond the status quo use of COP to impose anti-democratic and neoliberal reforms is the secondary anti-democratic element of suspending what is considered the centerpiece of parliamentary democracy – majority rule by the legislature.

The ability of the mayor to govern with less than majority support is in line with more recent turns to anti-majoritarian legislative politics based around the centralization of executive power and the embrace of neoliberalism across the West. Theoretically, this idea can be traced back to several neoliberal thinkers’ ideas on democracy, notably Milton Friedman, James Buchanan, and Friedrich Hayek, who all argued that majority policymaking in liberal democracy undermined the fiscal restraint and incentives required for expedient and sound economic decision-making. It also represented attempts to graft presidentialized notions of executive power onto Canada’s Westminster parliamentary system of fused power between the executive and legislative branches, and then impose both as a hybrid system on the typical Canadian municipal council system. While the council system in Canada has been a non-party system historically, the ability of the mayor in Toronto, since the late 2000s, to form an Executive Committee (similar to a ministerial cabinet) and appoint all heads of standing committees, affords powers to a mayor somewhat similar to that of a majority government in Canadian parliament. However, the enshrining, in law, of anti-majoritarianism with a presidentialized mayoral veto while simultaneously serving as a member of council (and running the Executive Committee and appointing other committee heads) makes this system a first in any liberal democracy.

With this ideological predilection, if critical market issues were to be addressed or a government were to be removed as a roadblock to the market’s success, anti-majoritarian politics can be embraced to sideline self-interested politicians. In the case of housing and development interests, Ford’s colleagues cast liberal democratic decision-making processes as inefficient, bureaucratic red tape causing delays (Anand, 2022), the opposition of some local councillors as destroying development proposals (Kanapathi, 2022), and NIMBYists as against all development (Clark, 2022). The role of a mayoral veto can be explained by Ford’s neoliberal politics of political centralization, but also his personalistic animus towards city council structures in general, and Toronto more specifically. He had planned it for years, as far back as 2016, when he argued “if I ever get to the provincial level of politics, municipal affairs is the first thing I would want to change. I think mayors across the province deserve stronger powers. One person in charge, with veto power” (Ford, 2016).

This centralization of power allowed Toronto’s politics to oscillate between majoritarianism and anti-majoritarianism, whatever is most convenient primarily for the premier and secondarily for the mayor’s office. It also reflected Ford’s flexibility with how he understood majoritarianism, sometimes arguing for total centralization of power in his premier’s office through the idea of him having received a “mandate from the people,” but also sometimes in bizarre manners where he argued that since his party received 88, 646 more votes than the NDP in the City of Toronto that he had total power to overrule Toronto’s City Council when it came to the *BLGA* (Benzie, 2018). The logic from his book can be extended to Ford bragging about his brother (and himself by association) having “the majority of the Toronto electorate” but that a minority of special interests were abusing city council procedures to try to undermine them (Ford, 2016). Indeed, as McDowell (2021, 188)

argues when quoting Ford: “We live in a democracy. This is going to be the will of the people. We were elected by 2.3 million people to move forward and make changes in this province’ (Ford, 2018d). Democracy, in this view, serves the 2.3 million Ontarians, less than 20 percent of the province’s total population, who had voted for the governing party. That an unelected judge should upend the decision of a democratically elected government was inconsistent with an approach to government that viewed politics through a winner-take-all lens and whose objectives were about fundamentally reshaping the structure of government.” It also led to a direct clash between interpretations of constitutional supremacy and parliamentary supremacy. This again was brought up when Ford was defending the *BMGA* from critics, arguing that the principle of equal votes in council for both councillors and the mayor was “trampling on democracy” because “Mayor Tory got more votes than all the councillors combined” (Lilley, 2022).

Ford’s logic regarding liberal democracy and majoritarian decision-making was that institutions and processes that impeded a central figure with broad support were inherently anti-democratic due to the pure quantification of vote counts, which are rendered devoid of the complexities of governance principles. This view is designed to reflect anti-deliberation and anti-democratic principles, rooted in the idea that government should be streamlined and run more like a business. The restructuring of power to the executive in a manner that undercuts one type of majoritarianism for another when politically convenient is a form of processual and strategic malleability that places it within the vein of neoliberal parliamentarism.

For Ford, the institutional and constitutional tools to sideline debate and centralize power in the executive are straightforward: the use of COP to impose whatever unpopular decisions are necessary, and the implementation of inverted majoritarianism to insulate neoliberalism from critique in liberal democratic institutions. The use of existing constitutional provisions and neoliberal parliamentarism is put in tandem to privilege neoliberal ideas – no matter how unpopular – with results indicative of both lineages to past anti-democratic practice but with a more aggressive attack on liberal democratic principles.

### **The removal of the right to strike and the right to collectively bargaining: The notwithstanding clause and the assault on labour**

Finally, in November 2022, 55,000 CUPE education support staff, custodians, and educational assistants were set to formally strike in the face of stalled negotiations with local school boards and the Ontario government. The offer from the government included raises significantly below the rate of inflation (though not explicitly related to the now-found unconstitutional legislation capping contract increases at one percent per year) and did not address numerous issues around part-time work, job security, and equity that the union proposed for discussion. CUPE followed all the legal requirements and labour procedures, and ultimately invoked the right to strike with a mandate from its members. However, rather than follow established regulations and labour practices, the government responded with a double-sided sword of back-to-work legislation with an imposed contract and the use of the NWC to prevent any legislative or legal scrutiny from its actions. This was representative of a clearer use of the NWC to insulate austerity from critique as it pertained both to imposing a contract on a large public sector union, but also undercutting their right to strike and collectively bargain through eliminating their legal and institutional recourses for remedy.

The use of legal tools to remove the right to strike had been hinted at by both Ford and Education Minister Stephen Lecce, who, from the beginning of the conflict, had been saying they would do “everything in their power” to keep students in school (Barrett, 2023). While the imposed contracts establish a lineage to McGuinty’s Liberal government that illegally imposed contracts on education workers in 2012, as well as Harris’ attacks on education and teachers’ unions in the 1990s (which led to historic strikes in the province), the use of NWC was again a new sledgehammer to be brandished by neoliberal governance in Ontario. It would take up the austerity project of Harris, whose Minister of Education and Training John Snobelen argued that austerity and cuts were vital to creating a “useful crisis” so significant neoliberal reforms could be imposed on education (Fine, 2001). Another way to use crisis to impose significant reforms on education was the Ford government’s use of the previous rounds of austerity in education and the demonization of public sector wages to not just force the contracts on the unions, but to shield legal recourse with the NWC. They would weaponize the costs of education disruption, instrumentalizing the most vulnerable students as the most affected by the potential strike (see: Lecce, 2022b). The Ford government stated there would be a financial crisis for parents who could not afford to have their children outside of school (Lecce, 2022b), and that the government could not afford public sector wage demands (despite the union representing the lowest-paid education workers in the province). The Ford government’s seeming calculation was that even if they did not have the support of the majority of Ontarians, the inability to seek legal recourse and the perceived lack of mobilization potential from Ontario’s labour sector would allow them to proceed with few issues.

In addition to imposing severe wage and job security concessions, the *Keeping Students in Class Act* (2022) (*KSCA*) was one of the most disciplinary and anti-labour bills passed anywhere in Canada in the neoliberal era, with daily fines for contravening the act set at \$4000 per union member and \$500,000 for any employee bargaining entity. Notably, these fines were significantly higher than those set out in ordinary collective bargaining legislation for engaging in unlawful strike activity during an *active* collective agreement (Barrett, 2023; emphasis by author). The *KSCA* would also utilize the NWC expressly to limit the jurisdiction of the Ontario Labour Relations Board and its agents from hearing any case related to the legislation<sup>7</sup> and would exempt the law from both the Ontario Human Rights Code and the Charter. By imposing a contract and unilaterally cutting off any legal accountability structures within existing institutions alongside criminalizing legal strikes outside of those same existing institutions, the Ford government made clear that it was going to use every institutional tool possible to force neoliberal attacks on public sector services and the power of union labour in the province.

First, they would cast themselves as defending the public sector and education, with Lecce arguing “we can’t be a bystander. We have to stand up and take action in defence of public education, which is exactly what the government is doing” (Lecce, 2022b), and Ford stating “there is only one party in this chamber that is standing up for students and parents, and that’s the PC Party. The Liberals and NDP want to make sure they stand up for the heads of the union” (Ford, 2022). Second, the language of pure majoritarianism and the ability to override laws through it was regularly invoked, for example: “We were re-elected with a larger majority on June 2nd of this year because the citizens of this province trust us with fiscal responsibility, with being fair, with balancing competing interests and rights” (McCarthy, 2022). The additional focus on special interests also invokes what Stuart Hall

argued was one of the main tricks of authoritarian populism, deploying the discourses of “the people” against class, unions, and the “others” cast as the cause of society’s ills while receiving special treatment from the social democratic project (Knott, 2020, 115-116). It resulted in an embrace of parliamentary supremacy through a majoritarian government that had not been seen in Ontario ever, and in Canada in decades.

This legislation was about disciplining labour and overriding charter rights, but it also was rooted in the demand for austerity in the public sector, with this language being representative of the need for neoliberalization and insulating austerity and anti-democratic politics from accountability. This represents what Evans et al. (2023, 20) argue that:

“The new restrictions on free collective bargaining, trade unions, and social movements are consistent with the neoliberal view that a free society pivots around market freedoms and, occasionally, requires restraints on the ‘excesses of democracy.’ In this regard, the authoritarian tendencies of neoliberalism as actual state practice have mutated into a ‘disciplinary democracy’ that restricts trade union and workers’ rights more broadly.”

It was also theoretically necessary for Ford to use this power for his goals due to the changing tide of labour rights in the last 20 years before the Supreme Court of Canada (SCC). The pre-emptive use of NWC to protect the KSCA from legal scrutiny was done strategically to remove the prospect of OLB decisions and arbitration from occurring and potentially awarding CUPE with far more significant gains than the government was willing to accept. In the last 15 years, the SCC has begun to change the tide of how labour rights are viewed in the Charter era of Canadian politics and individual rights protection. Firstly, in 2007, the SCC ruled that the freedom of expression protected by the charter extended to collective bargaining (*Health Services and Support-Facilities Subsector Bargaining Association v. British Columbia*), with Judy Fudge (2008, 26) arguing that the historical failure of courts to hold provincial governments to account when abolishing collective agreements and repealing labour legislation created an impetus for a change in jurisprudence. In 2015, in *Saskatchewan Federation of Labour v. Saskatchewan*, the SCC found that the right to strike was constitutionally protected, with Fudge arguing that the impugned legislation was effectively utilized to cut off legitimate bargaining avenues and unilaterally decide what unions were not allowed to strike (Fudge, 2015, 17). More specifically, in Ontario, despite the Liberals repealing the *Putting Students First Act*, which imposed contracts on teachers’ unions in 2012, the Court of Appeal for Ontario awarded the affiliated unions over \$100 million in damages in February 2022 (Rushowy, 2022). Finally, only a month after passing the KSCA, Ontario’s top court would rule Ford’s 2019 legislation limiting wages for public sector workers as unconstitutional, with Justice Markus Koehnen arguing the government did not attempt to justify the law as financially necessary or constitutionally justifiable (CBC News, 2022). This created a transparent juridical environment where Ford thought it strategic to insulate his attacks on labour from critique and labour recourse (Kelpin, 2022b; 2022c). By sidestepping all liberal democratic processes for recourse, these policies reflect Ford’s tendency towards –neoliberal parliamentarism by utilizing existing parliamentary and constitutional processes to remove access to specific avenues for recourse both within and outside the parliamentary institution. In this manner, Ford was simultaneously able to silence all critique both intra and inter-institutionally, all while utilizing existing laws and

processes restrained only by convention, worries over a lack of political capital, or a potential future electoral threat.

The reality of the resistance it caused was outside of Ontario's formal institutions. It was won in the streets by a broader labour movement coming together and winning the battle of public opinion. Ford could use the NWC to insulate this austerity from critique from within institutional and constitutional forums, but he could not remove the capacity for political consequences for his party in the media and public discourse. Beyond the affected CUPE locals, CUPE Ontario, CUPE National, and virtually all other major unions, in both the public and private sectors, came together in a historic moment to bolster the 'illegal' strike through direct actions, media boosting, and a sharing of resources. The strike action moved from a sectoral labour response to a more significant social referendum on Ford's governing style and the use of the NWC to impose austerity and remove the rights of workers in such an aggressive fashion. In the days after this, Abacus Data found that 62 percent of Ontarians blamed Ford for the strike, while 70 percent preferred Ford negotiate with the union (Aguilar, 2022). It would be additionally condemned by various academic and law associations, all the way up to Prime Minister Justin Trudeau (in Rocca, 2022), who stated: "The suspension of people's rights is something that you should only do in the most exceptional circumstances, and I really hope that all politicians call out the overuse of the NC to suspend people's rights and freedoms". It was a political groundswell by competing elites<sup>8</sup> as well as on-the-ground immediate social resistance to Ford's authoritarian attempts to impose neoliberalism on workers, and it would result in the repeal of not just the NWC on the bill but the entire bill itself. After rumours of the entirety of Ontario's major unions readying an announcement of a general strike, Ford backed down. Licking his wounds and fearing an enormous groundswell of anti-austerity organizing more akin to what Harris had to endure, Ford stated he "was past fighting" (Gindin, 2022).

This shows that resistance outside of institutions can sometimes be a method of accountability and recourse. Billingsley (2002, 346) argues that "public reaction to the use and proposed use of Section 33 will determine whether the giant lives or dies, sleeps or awakes", and others warn that the rise of right populism has led to a decline of norms regarding section 33 which puts Canadians at risk (Mailey, 2019). At a specific moment, the ability to resist authoritarian neoliberalism is not fruitless. The idea of 'awakening a sleeping giant' was flipped by NDP MPP Jennifer French (2022) when she related the Liberals' 2012 legislation to the *KSCA*:

"I had no idea that I had collective bargaining rights. I was just doing a job that I thought was super important. But then I learned, and I was willing to stand up and defend those rights. That's what this government is doing, and I don't know that they get that yet. You are awakening a beast. You are going to have education workers who are going to wake up and realize their full potential, and all of you are going to feel it".

While this legislation and its rhetoric are directly associated with neoliberal parliamentarism, they also indirectly show what political resistance can look like outside of the processes and institutions being wielded to silence dissent and insulate anti-democratic attacks and austerity from critique.

## Conclusions

This article has argued that Ford's brand of neoliberal governance has utilized an authoritarian turn through the use of existing institutional and constitutional tools to insulate austerity and anti-democratic attacks from critique. Following a legacy of COP in general, but more aggressively since Harris, Ford has combined an infantilized view of municipalities with anti-majoritarian decision-making principles and utilized the constitution to protect attacks on municipal democratic institutions. With both threats and actual legislation of the NWC occurring at a rate unseen by any Canadian province outside of Quebec, Ford has also shown a willingness to silence debate and accountability when it comes to politically contested policies that he aims to pass. While the NWC has been used to attack labour previously in Saskatchewan, it is historically remarkable how Ford has utilized it alongside his anti-democratic attacks and consistent threats to use the *Charter* to silence critics across the board. As McDowell has shown with neoliberal parliamentarism in Ontario, there has been a trajectory in the neoliberal era to use inherited institutions and procedures to silence dissent and insulate austerity from critique. However, in March 2025 the Supreme Court of Canada overruled this *Protecting Elections and Defending Democracy Act* (2021) on a section 3 Charter challenge regarding democratic rights, a subsection in which the NWC cannot be applied to overrule rights. Still, with Ford's use of these constitutional tools, similar anti-democratic strategies show a potential to have a thriving trajectory towards commonplace politics. It is not just in the realm of formal politics where neoliberal parliamentarism can be resisted, but out in the streets with the general population coming together to reject the abuse of basic governing procedures and existing laws for political gain and to further neoliberalization in the province.

## About the author

Ryan Kelpin has a Ph.D. in Political Science from York University where he is also a contract faculty member. In addition to his scholarly work on neoliberalism and right populism in Ontario and Canada, he is a contributor to Jacobin, Canadian Dimension, and The Grind.

## Acknowledgements

An earlier form of this article was presented at Congress 2023 at York University, as part of the Canadian Political Science Association conference. The author would like to thank Paul Kellogg for his feedback and encouragement as a fellow panellist. Additional thanks to the two anonymous reviewers from the *Canadian Political Science Review*, as well as feedback on earlier drafts from Tom McDowell, Dani Magsumbol, and Dillon Wamsley.

## ORCID

<https://orcid.org/0000-0003-3522-9078>

## End Notes

---

- 
- <sup>1</sup> This is within the larger treatment of capitalism, which has always been about compromise with the idea and practice of democracy. As Ellen Meiksins Wood (1995) stresses, capitalism inherently and necessarily limits democracy because the conditions that make liberal democracy inherently narrowly limit ideas and systems of democratic accountability. The devaluation of citizenship within capitalism is an “essential attribute of modern democracy” (Wood, 1995, 211) and that “capitalism that makes possible a form of democracy in which formal equality of political rights has a minimal effect on inequalities or relations of domination and exploitation in other spheres” (Wood, 1995, 224).
- <sup>2</sup> He ultimately did not have to due to a ruling by an Ontario appeal court.
- <sup>3</sup> Ironically, in March 2025 the Supreme Court of Canada overruled this bill on a section 3 charter challenge regarding democratic rights, a subsection in which the NWC cannot be applied to overrule rights.
- <sup>4</sup> This was recently ruled unconstitutional by the Court of Appeal for Ontario on the grounds that the act violated section 3 democratic rights, which are inalienable rights not covered by the notwithstanding clause.
- <sup>5</sup> For a brief period in the mid-1950s, the Chairman of Metro Toronto Council was both unelected and had veto powers over the elected city council.
- <sup>6</sup> “*There’s no organization of our size in the world anywhere, government or private, that would have the people who run the operation report to 45 people*,” Miller said. He also wants his executive committee - 12 councillors plus himself - to be able to meet privately. He gave one example of how his enhanced role - *he refused to describe it as increased power*, saying it’s about more “accountability and responsibility” - could work” (Donovan and Benzie, 2008; emphasis by author).
- <sup>7</sup> It also unilaterally terminated any existing related OLRB claims by the unions.
- <sup>8</sup> Even Canada’s leading conservative business paper, the *Globe and Mail*, would argue (in Barrett, 2023, 15): “Even those unsympathetic to the union should be dismayed by the government’s response. The growing use of the notwithstanding clause, in such a cavalier manner, and to deal with humdrum matters rather than constitutional emergencies, threatens Canada’s fragile constitutional order ... The notwithstanding clause was intended as a nuclear option. It was never meant to be used as a tactic in collective bargaining, as the Ford government is doing. Nor was it supposed to become a commonplace addition to legislation - a bit of pre-emptive boilerplate to insulate governments against lawsuits.”

## References

- Aguilar, Bryann. 2022 “Poll finds 6 of 10 Ontarians blame Ford government for labour disruptions.” *CTV News*. 6 November. Accessed on May 21, 2023.  
<https://toronto.ctvnews.ca/poll-finds-6-of-10-ontarians-blame-ford-government-for-labour-disruptions-1.6141246>
- Albo, Greg, Evans, Bryan, and Carlo Fanelli. 2019. “So much for ‘austerity-light’ in Ontario.” *Policy Options*. 15 May. Accessed on April 15, 2023. <https://policyoptions.irpp.org/magazines/may-2019/much-austerity-light-ontario/>
- Anand, Deepak. 2022. *Queens Park Debates*. Ontario Legislature. 17 November.
- Benzie, Robert. 2018 “Toronto is the only city targeted by Ford in legislation.” *Toronto Star*. 30 July. Accessed on April 16, 2023.  
<https://www.thestar.com/news/queenspark/2018/07/30/toronto-is-the-only-city-targeted-by-ford-in-legislation.html>
- Barrett, Steven. 2023. “From Repression to Resistance to Resurgence: The 2022 Education Workers Strike in Ontario”. *International Union Rights* 30 (1): 13-16.
- Biebricher, T. 2015. “Neoliberalism and democracy.” *Constellations* 22 (2): 255-266.

- Biebricher, Thomas. 2016. "Neoliberalism and law: the case of the constitutional balanced-budget amendment." *German Law Journal* 17 (5): 835-856.
- Biebricher, Thomas. 2020. "Democracy, neoliberalism and James Buchanan." *Journal of Australian Political Economy* 86 (1): 37-60.
- Billingsley, Barbara. 2002. "Section 33: The Charter's Sleeping Giant." *Windsor YB Access Just.* 21 (1): 331-346.
- Boffo, Marco, Alfredo Saad-Filho, and Ben Fine. 2019. "Neoliberal capitalism: The authoritarian turn." *Socialist Register* 55: 312-320.
- Brenner, N., and Theodore, N. (2002). "Cities and the Geographies of 'Actually Existing Neoliberalism,'" *Antipode* 34 (3), 349-379.
- Brenner, Neil, Peck, Jamie, and Nik Theodore. 2010. "Variegated Neoliberalization: Geographies, Modalities, Pathways." *Global Networks* 10 (2): 182-222.
- Brenner, Neil, Peck, Jamie, and Nik Theodore. 2014. "New Constitutionalism and Variegated Neo-liberalization." In Stephen Gill and A. Claire Cutler (Eds.), *New Constitutionalism and World Order* (pp. 126- 142). Cambridge University Press.
- Brown, Wendy. 2015. *Undoing the Demos: Neoliberalism's Stealth Revolution*. Boston: MIT Press.
- Brown, Wendy. 2019. *In the Ruins of Neoliberalism: The Rise of Antidemocratic Politics in the West*. New York: Columbia University Press.
- Brown, Wendy, Gordon, Peter E., and Max Pensky. 2018. *Authoritarianism: Three Inquiries in Critical Theory*. Chicago: University of Chicago Press.
- Budd, Brian. 2020 "The people's champ: Doug Ford and neoliberal right-wing populism in the 2018 Ontario provincial election." *Politics and Governance* 8 (1): 171-181.
- Budd, Brian. 2021. "Maple-glazed populism: Political opportunity structures and right-wing populist ideology in Canada." *Journal of Canadian Studies* 55 (1): 152-176.
- CBC News. 2022 "Ford government appeals Ontario court decision striking down Bill 124". *CBC*. 29 December. Accessed on April 16, 2023. <https://www.cbc.ca/news/canada/toronto/ontario-appeals-bill-124-1.6699900>
- Clark, Stephen. 2022, November 17. *Better Municipal Governance Act*. Ontario Legislature. <https://www.ola.org/en/legislative-business/house-documents/parliament-43/session-1/2022-11-17/hansard>
- Clement, Tony. 1999 December 6. *Municipal Restructuring*. Ontario Legislature. <https://www.ola.org/en/legislative-business/house-documents/parliament-37/session-1/1999-12-06/hansard-1>
- Constitution Act (1867). 30 & 31, Vict. c 3 Retrieved from <https://canlii.ca/t/ldsw> Cornelissen, Lars. 2017. "'How can the people be restricted?': the Mont Pèlerin society and the problem of democracy, 1947-1998." *History of European Ideas* 43 (5): 507-524.
- Crawley, Mike. 2018. "Doug Ford 'won't be shy' to use notwithstanding clause again, and he's getting support for that." *CBC News*. 12 September. Accessed on April 23, 2023. <https://www.cbc.ca/news/canada/toronto/doug-ford-notwithstanding-charter-1.4818730>
- Donovan, Vincent and Robert Benzie. 2008. "Premier backs Miller's power bid; McGuinty supports 'strong-mayor system,' saying it's needed to ensure 'effective governance model'." *Toronto Star*. 20 March.
- Drimonis, Toulia. 2018. "Doug Ford is too close to Donald Trump for comfort." *National Observer*. 13 March. Accessed on April 4, 2023. <https://www.nationalobserver.com/2018/03/13/opinion/doug-ford-too-close-donald-trump-comfort>
- Eggleton, Art, Crombie, David, Hall, Barbara, Miller, David, and John Sewell. 2022 "Letter to John Tory from 5 former Toronto Mayors." *Progress Toronto*. 21 November. Accessed on November 22, 2022. <https://www.progresstoronto.ca/former-mayors-letter-to-tory>
- Erl, Chris. 2021. "The People and The Nation: The 'Thick' and the 'Thin' of Right-Wing Populism in Canada." *Social Science Quarterly* 102 (1): 107-124.
- Evans, Bryan, Carlo Fanelli, and Thomas McDowell. 2021. "Resisting Low-Wage Work: The Struggle for Living Wages". In *Rising Up: The Fight For Living Wage Work in Canada*. Edited by Evans, Bryan, Carlo Fanelli, and Thomas McDowell. Vancouver: UBC Press.
- Evans, Bryan, Carlo Fanelli, Leo Panitch, and Donald Swartz. 2023. *From Consent to Coercion: The Continuing Assault on Labour*. Toronto: University of Toronto Press.
- Fairclough, Isabella, and Norman Fairclough. 2012. *Political Discourse Analysis: A method for advanced students*. London: Routledge.

- Fanelli, Carlo. 2016. *Megacity Malaise: Neoliberalism, Public Services and Labour in Toronto*. Halifax: Fernwood Publishing.
- Fine, Sean. 2001. "Chalk lines drawn over Ontario's education policies." *Globe and Mail*. 4 June. Accessed on May 23, 2023. <https://www.theglobeandmail.com/news/national/chalk-lines-drawn-over-ontarios-education-policies/article1031880/>
- Ford, Doug, and Rob Ford. 2016. *Ford Nation: Two Brothers, One Vision*. Toronto: Harper Collins.
- Ford, Doug. 2018a. *Queens Park Debates*. Ontario Legislature. 30 July.
- Ford, Doug. 2018b. *Queens Park Debates*. Ontario Legislature. 2 August.
- Ford, Doug. 2018c. *Queens Park Debates*. Ontario Legislature. 18 September.
- Ford, Doug. 2022. *Queens Park Debates*. Ontario Legislature. 1 November.
- French, Jennifer. 2022. *Queens Park Debates*. Ontario Legislature. 31 October.
- Fudge, Judy. 2008. "The Supreme Court of Canada and the right to bargain collectively: The implications of the Health Services and Support case in Canada and beyond." *Industrial Law Journal* 37 (1): 25-48.
- Fudge, Judy. 2015. "Constitutionalizing labour rights in Canada and Europe: Freedom of association, collective bargaining, and strikes." *Current Legal Problems* 68 (1): 267-305.
- Gillespie, Kerry. 2008. "Premier wants strong mayor; McGuinty agrees with recommendation that Miller needs more power so he can 'exercise leadership'". *Toronto Star*. 26 February. Accessed on May 23, 2023. [https://www.thestar.com/news/ontario/premier-wants-strong-mayor/article\\_a71bd1cc-8b89-5e2c-8f64-80ad4694850c.html](https://www.thestar.com/news/ontario/premier-wants-strong-mayor/article_a71bd1cc-8b89-5e2c-8f64-80ad4694850c.html)
- Gindin, Sam. 2022. "Education workers lead but come up short: What lessons for labour?" *Canadian Dimension*. 15 December. Accessed on May 24, 2023. <https://canadiandimension.com/articles/view/education-workers-lead-but-come-up-short-what-lessons-for-labour>
- Glasbeek, Harry. 2022. "Ford, CUPE, class struggle and the Charter." *Canadian Dimension*. 8 November. Accessed on May 24, 2023. <https://canadiandimension.com/articles/view/ford-cupe-class-struggle-and-the-charter>
- Hall, Stuart. 1985. "Authoritarian populism: A reply to Jessop et al." *New Left Review* 151, (1): 115-123.
- Hickel, Jason. 2016. "Neoliberalism and the end of democracy." In *The Handbook of Neoliberalism*. Edited by Simon Springer, Kean Birch, and Julie MacLeavy. New York: Routledge: 142-152
- Jones, Daniel Stedman. 2018. "The neoliberal origins of the third way: how Chicago, Virginia and Bloomington shaped Clinton and Blair." In *The Sage Handbook of Neoliberalism*. Edited by Damien Cahill, Melinda Cooper, Martin Konings, and David Primrose. SAGE Publications Ltd: 167-178
- Kanapathi, Logan. 2022. *Queens Park Debates*. Ontario Legislature. 17 November.
- Kassam, Ashifa. 2018 "Canada's Trump moment? Doug Ford rises in conservative party." *The Guardian*. 30 April. Accessed on April 7, 2023. <https://www.theguardian.com/world/2018/apr/30/doug-ford-ontario-conservative-trump-comparison-canada>
- Kelpin, Ryan. 2022a. "Doug Ford's 'strong mayor' system is an anti-democratic power play." *Canadian Dimension*. 8 August. Accessed on April 20, 2023. <https://canadiandimension.com/articles/view/doug-fords-strong-mayor-system-is-an-anti-democratic-power-play>
- Kelpin, Ryan. 2022b. "The time is now for real resistance to Ford's austerity agenda." *Canadian Dimension*. 3 November. Accessed on April 20, 2023. <https://canadiandimension.com/articles/view/the-time-is-now-for-real-resistance-to-fords-austerity-agenda>
- Kelpin, Ryan. 2022c. "Ford government uses notwithstanding clause to deny workers rights: An interview with Redeye Radio". *Vancouver Co-op Radio 100.5*. 2 November. <https://www.spreaker.com/user/redeye/ford-government-uses-notwithstanding-cla>
- Kelpin, Ryan. 2024. "Right Populism or Neoliberalism? Understanding Austerity in Doug Ford's Ontario." *Alternate Routes: A Journal of Critical Social Research* 35: 64-79
- Knott, Andy. 2020. "The new moving right show." *Soundings* 75 (1): 111-123.
- Leach, Al. 1997. *Queens Park Debates*. Ontario Legislature. 14 January.
- Lecce, Stephen. 2022a. *Queens Park Debates*. Ontario Legislature. 31 October.
- Lecce, Stephen. 2022b. *Queens Park Debates*. Ontario Legislature. 1 November.
- Lilley, Brian. 2022. "Ford government's Bill 39 an affront to democracy." *Toronto Sun*. 7 December. Accessed on April 28, 2023. <https://torontosun.com/opinion/columnists/lilley-ford-governments-bill-39-an-affront-to-democracy>
- Magnusson, Warren. 2005a. "Are Municipalities Creatures of the Provinces?" *Journal of Canadian Studies* 39 (2): 5-29.

- Magnusson, Warren. 2005b. "Protecting the Right of Local Self-Government". *Canadian Journal of Political Science*. 38 (4): 897-922.
- Mailey, Richard. 2019. "The Notwithstanding Clause and the New Populism." *Constitutional Forum* 28: 9-20.
- Matlow, Josh. @JoshMatlow. 2022. "Together, the majority of Toronto city council has taken a stand for the basic tenets of democracy. We would've preferred that Mayor John Tory join us. Our letter to Premier Doug Ford and Minister Steve Clark, requesting they do not approve Bill 39." *Twitter*. 6 December. 3:32 pm. <https://twitter.com/JoshMatlow/status/1600226573923323914>
- McCarthy, Todd J. 2022. *Queens Park Debates*. Ontario Legislature. 1 November.
- McDowell, Thomas. 2019. "Neoliberal Parliamentarism: a comparative analysis of approaches to legislative governance by the Harris and Ford governments in the province of Ontario, 1997 to 2019". *Studies in Political Economy* 100 (1): 132-149.
- McDowell, Thomas. 2020. "The Origins of authoritarian neoliberalism: the role of the legislature in implementing fiscal retrenchment in British Columbia, 1983". *Critique* 48 (4): 387-403.
- McDowell, Thomas. 2021. *Neoliberal Parliamentarism: The Decline of the Ontario Legislature, 1981-2021*. Toronto: University of Toronto Press.
- McGrath, John Michael. 2018. "The numbers are in, and the Liberals are in trouble." *TVO*. 18 January. Accessed on May 23, 2023. <https://www.tvo.org/article/the-numbers-are-in-and-the-liberals-are-in-trouble>
- NA. 2018. "What the judge said in the ruling on Doug Ford's plan to cut size of Toronto council." *Toronto Star*. 11 September. Accessed on April 20, 2023. <https://www.thestar.com/news/toronto-election/2018/09/11/what-the-judge-said-in-the-ruling-on-doug-fords-plan-to-cut-size-of-toronto-council.html>
- Office of the Premier. 2018. "Doug Ford Announces Action to Uphold the Better Local Government Act." *Government of Ontario*. 10 September. Accessed on April 7, 2023. [Doug Ford Announces Action to Uphold the Better Local Government Act | Ontario Newsroom](https://www.ontario.ca/govt/doug-ford-announces-action-to-uphold-the-better-local-government-act)
- Peck, Jamie, and Adam Tickell. 2002. "Neoliberalizing space." *Antipode* 34 (3): 380-404.
- Peck, Jamie, and Nik Theodore. "Still Neoliberalism?" *The South Atlantic Quarterly*, 118 (2) 2019, 245-265.
- Pelinka, Anton. 2013. "Right-wing populism: Concept and typology." In *Right-wing populism in Europe: Politics and Discourse*. Edited by Ruth Wodak, Majid Khosravini, and Brigitte Mral. London: Bloomsbury. 3-22.
- Perrella, Andrea M.L., Kiss, Simon J., and Barry J. Kay. 2020. "Conservative Populism or Unpopular Liberalism: Review of the 2018 Ontario Provincial Election". *Canadian Political Science Review* 14 (1): 118-146.
- Porter, Catherine. 2018. "Will a Canadian Donald Trump become Ontario's leader?" *The New York Times*. 2 June.
- Redway, Alan. 2014. *Governing Toronto: bringing back the city that worked*. Altona: Friesen Press.
- Rocca, Ryan. 2022. "Ford says Trudeau 'selective' in criticizing use of notwithstanding clause." *Global News*. 7 November. Accessed on April 20, 2023. <https://globalnews.ca/news/9257617/doug-ford-justin-trudeau-notwithstanding-clause/>
- Rushowy, Kristin. 2022. "Ontario elementary teachers awarded \$103M as 'remedy' for Liberals' Bill 115". *Toronto Star*. 2 February. Accessed on May 23, 2023. <https://www.thestar.com/politics/provincial/2022/02/02/ontario-elementary-teachers-awarded-103m-as-remedy-for-liberals-bill-115.html>
- Saad-Filho, Alfredo, and Deborah Johnston. 2005. *Neoliberalism: A critical reader*. Chicago: University of Chicago Press.
- Sancton, Andrew. 2000. *Merger Mania*. Montreal: McGill-Queens Press
- Silver, Daniel, Zack Taylor, and Fernando Calderón-Figueroa. 2020. "Populism in the city: The case of Ford Nation." *International Journal of Politics, Culture, and Society* 33 (1): 1-21.
- Slobodian, Quinn. 2018. *Globalists*. Cambridge: Harvard University Press.
- Van Dijk, Teun. 2015. "Critical Discourse Analysis". in *The Handbook of Discourse Analysis*. Edited by Deborah Tannen, Heidi E. Hamilton, and Deborah Schiffrin. Oxford: Bloomsbury Publishing, 466-485.
- Wolin, Sheldon. 2008. *Democracy Incorporated: Managed Democracy and the Specter of Inverted Totalitarianism*. Princeton: Princeton University Press.
- Wood, Ellen Meiksins. 1995. *Democracy Against Capitalism: Renewing Historical Materialism*. Brooklyn: Verso Books.
- Wood, Ellen Meiksins, and Larry Patriquin, eds. 2012. *The Ellen Meiksins Wood Reader*. Leiden: Brill.