Debating Bill C-18: An Analysis of Power and Discourse in Parliamentary Proceedings on Canada’s Agricultural Growth Act

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Abstract: Bill C-18, Canada’s Agricultural Growth Act, amended several pieces of agricultural legislation and represents an important step in Canada’s efforts to modernize its agriculture and agri-food legislation. Although the bill received widespread support from many farm and seed organizations, the groups who critically opposed it cited potential implications such as increased corporate control, further restrictions to seed-saving practices, and financial hardships. How were these highly divergent perspectives accounted for within law and policy formation? Using a framework based on multiple forms of power, this article contributes to a broader and more integrated approach to exploring the ways power dynamics get articulated in law and policy debates. Discourse analysis of 32 parliamentary documents helps to shed light on a range of patterns regarding relations of power in the text and context of these debates. Based on this analysis, I discuss how varying and interconnected relations of power produced an imbalanced climate for agriculture and agri-food law and policy development—one that prioritizes economic freedom, global competitiveness, and private property rights. Further research regarding these varied and complex power relations is necessary for improving equity and accountability within these legislative contexts and, more generally, Canada’s agriculture and agri-food system.

Keywords: Canadian agriculture, power, discourse, parliamentary debates, agricultural legislation
analyse, j'étudie la façon dont certaines relations de pouvoir, diverses et interreliées, créent un contexte déséquilibré pour l'élaboration de politiques et de lois agricoles et agroalimentaires, un contexte qui privilégie la liberté économique, la compétitivité mondiale et les droits liés à la propriété privée. D'autres recherches sur ces relations complexes sont nécessaires afin d'améliorer l'équité et de renforcer la transparence dans ces cadres législatifs et, plus généralement, dans le secteur agroalimentaire canadien.

Mots clés : agriculture canadienne, pouvoir, discours, débats parlementaires, lois sur l'agriculture

Introduction

Bill C-18, the Agricultural Growth Act, amended several key pieces of Canadian agriculture and agri-food legislation: the Plant Breeder’s Rights Act, Feeds Act, Fertilizer Act, Seeds Act, and five others. Many of these amendments were identical across multiple acts, in an effort to bring the legislation up to date. In short, the bill is said to “streamline legislation in the agricultural sector, increase access to new crop varieties, enhance trade opportunities and food safety, and reduce administrative red tape” (Thacker and Healey 2014, 14). Language use, such as references to updating and streamlining legislation, is among the aspects evaluated in this study, as such references point to important connections between discourse, power, and policy development. Bill C-18 received royal assent in Canada on 25 February 2015.

According to the Library of Parliament’s (2014, 1) legislative summary, the overall goal of this bill was “to support innovation and open up new international markets while continuing the modernization process begun by the Canadian Food Inspection Agency (CFIA) under the Food and Consumer Safety Action Plan.” This plan was introduced in 2007 by then Prime Minister Stephen Harper and included commitments to legislative modernization—a key result being the Safe Foods for Canadians Act (2012), which consolidated four different statutes in an effort to improve oversight, streamline and strengthen legislative authorities, and enhance Canada’s international market opportunities (CFIA 2015). Bill C-18 is described as being a complementary initiative to this 2012 legislation, with similar goals of streamlining and strengthening acts under the scope of the CFIA (as well as Agriculture and Agri-Food Canada). By analyzing the parliamentary debates over this bill, the present study reveals important insights regarding the different power relations that influenced the direction of agricultural law and policy development in Canada during this time.

A broad approach to examining power is adopted in this article to make further connections between actors, structures, goals, and ideologies within the development of agricultural law and policy in Canada. Since the 1980s, plant breeding has experienced a shift, from being a part of farming and public research to a scientific
field dominated by private sector/corporate actors (see Fowler and Mooney 1990; Kloppenburg 1990). Further, in recent decades, the Canadian government has seen important shifts in agricultural policy more generally; technological innovation, market-based approaches, and greater collaboration with the private sector have been accompanied by a rise in techno-scientific developments such as genetic engineering (Moore 2002). Relatedly, Abergel and Barrett (2002), and Andrée (2002) point to the government’s early emphasis on the economic potential of biotechnology and science-based risk assessments, which sidelined considerations of social and ethical issues. Bill C-18 is examined in this article, with a particular emphasis placed on its alignment with these shifts in Canadian law and policy. Political goals, corporate interests, and discursive strategies are among the power relations directing agricultural laws and policies toward global economic growth and private property rights.

The governing Conservative Party (CPC) introduced Bill C-18 in late 2013 and defended it in parliamentary debates for over a year, and Members of Parliament (MPs) from the New Democratic Party (NDP, Canada’s Official Opposition at the time), the Liberal Party (LIB), and the Green Party (GP) all offered their critiques of the bill before it was passed. From an industry perspective, the introduction of Bill C-18 clearly sparked controversy; many organizations (such as the Canadian Seed Trade Association) welcomed aspects of the bill as long overdue, while others (such as the National Farmers Union) viewed it as another significant step toward increased corporate control and a loss of farmer sovereignty. The argument was that the bill would, among other things, restrict seed-saving practices of farmers while providing multinational agribusinesses with increased revenues, as well as increased controls through added intellectual property provisions in the Plant Breeders Rights Act (National Farmers Union [NFU] 2014b). Representatives both for and against the bill spoke as witnesses in House of Commons and Senate committee meetings, offering important details on their positions. In light of the contrasting points made by MPs and witnesses, this study seeks a fuller understanding of how these divergent perspectives were accounted for within the legislative process. Using a framework based on multiple forms of power, this article contributes to a more extensive and integrated approach to exploring how power dynamics get articulated in parliamentary debates.

Discourse analysis of 32 parliamentary documents helped to shed light on a range of patterns regarding relations of power in the text and context of debates on Bill C-18. This study outlines four ways these debates were influenced: (1) parliamentary debates were preceded by instrumental advantages that supported the passing of the bill, such as corporate lobbying and a Conservative majority government; (2) structural constraints, such as time allocation and omnibus-style legislation, were
used to limit debate within Parliament; (3) discursive framing strategies were used to align the bill within common value assumptions; and (4) particular histories, norms, and ideologies compose an embedded constitutive influence on the debate overall. By applying a multidimensional power typology within a discourse analysis of parliamentary documents, this article contributes to current research on political and social power. Instrumental, structural, discursive, and constitutive power intertwined as they influenced the direction of debate and decision-making on Bill C-18. Overall, this direction appears biased toward policies that reflect neo-liberal ideas that prioritize systems that support economic liberalization, increased private property rights, and global competitiveness.

Contrasting Perspectives on Bill C-18

Amendments related to the expansion of plant breeders’ rights (PBRs), the provision of a farmers’ privilege to save and reuse seed, and amendments for Incorporation by Reference and the use of foreign evaluation represent some of the key sites of contention regarding this bill. Supporters of Bill C-18 see it as a necessary and long-awaited step forward in improving many aspects of agricultural laws in Canada. In contrast, critics like the National Farmers Union (NFU) target several amendments put forward in the bill, viewing these changes as mechanisms to increase corporate control in the seed industry, erode farmers’ rights to save seeds, and scale back input from Canadian researchers in certain decision-making processes. This section reviews these three sites of contention while also providing some relevant context regarding the industry and legislative climate leading up to the bill.

Plant Breeders’ Rights: Security or Control?

Bill C-18 includes an amendment to the Plant Breeders Rights Act, which aligns Canada with UPOV ’91, the latest rules of the International Union for the Protection of New Varieties of Plants (UPOV) Act. UPOV offers a system of crop variety protection to its 72 member countries. Prior to this change, Canada had been party to UPOV’s 1978 act since 1991. Although new provisions made under the 1991 act raised some concerns regarding the expanded PBR privileges, several organizations supported these changes. According to the Grain Growers of Canada (2015), changes to the PBRs provide a level of security that ensures farmers remain competitive with access to the latest seed varieties, and ensures that breeders’ investments in these varieties are protected.

Also important to note is that aligning the Plant Breeders Right’s Act with UPOV ’91 has been previously attempted, for example, with the introduction of Bill C-80
in 1999 (Library of Parliament 2014). While such changes have been pursued by the CFIA and supported by industry for many years, groups like the NFU have also been pushing back. In 2005, the NFU submitted a report to the CFIA calling for “the termination of active consideration of UPOV ’91 as an appropriate model for funding Canada’s plant variety development systems” (NFU 2005, 22). The CFIA’s efforts to strengthen and streamline legislation under their authority need to be considered within this context of resistance from farm organizations like the NFU.

Among the new rights granted to plant breeders under Bill C-18 is an extension of the length of time these PBRs are upheld. The bill amended the “Term of Rights” of the Plant Breeders’ Rights Act, extending the default term of PBRs from 18 to 20 years, except for trees and vines, where rights were increased from 20 to 25 years (Library of Parliament 2014, 8). This amendment has important implications for farmers and breeders on its own, simply by providing breeders further opportunity to make financial gains on their breeding investments. This extension of breeder’s rights also interacts with Variety Registration regulations, however. In May 2014, the Seeds Regulations was amended to include a new provision for which a registrant (the person or organization which registers a plant variety) may request the cancellation of a variety’s registration (see section 74[j] of the Seeds Regulations, c. 1400). According to the NFU (2014c, 6), as of 2014, “PBR holders are now in a position to withdraw varieties before their exclusive rights expire, and can use this power to prevent older varieties from being commercially useful once they enter the public domain, increasing the pressure on farmers to use the seed that is subject to royalty payments.” Breeders are now given 20 years to collect royalties, and at the end of this term, they can cancel the variety’s registration to severely limit its use as a public, royalty-free seed variety. Glenn Tait (2015), a member of the NFU, expressed concerns that Canada is “heading towards a variety treadmill.” Protection through contracts and patents, and the ease of registration and deregistration, help to keep farmers buying new varieties each year. Diverging perspectives on the role of PBRs point to important differences in underlying norms and values; how these differences are accounted for in parliamentary debates over Bill C-18 is an important aspect of this study. This bill includes another change to PBRs, which is also a direct result of aligning the Plant Breeders’ Rights Act with UPOV ’91—the introduction of a farmers’ privilege, an important and widely debated amendment regarding seed saving.

Farmers’ Rights / Farmers’ Privilege

Bill C-18 adds a new section, 5.3(2), to the Plants Breeders’ Rights Act, which allows farmers to use their harvested seeds from the protected plant varieties on their own holdings (Library of Parliament 2014). Further, the House of Commons Standing
Committee on Agriculture and Agri-Food made an amendment to this section, clarifying “that this farmers’ privilege includes the right to store and stock seeds as well as produce, reproduce and condition seeds” (Library of Parliament 2014, 7). These provisions are aligned with the recommended framework of UPOV ‘91. Whereas UPOV ‘78 made no specific mention of replanting seeds of protected varieties (meaning there were no set rules permitting or prohibiting seed saving), the 1991 act of the UPOV Convention specifically outlines an optional exception for farmers to replant seeds on their own farms (UPOV 2011). Further, it is recommended that the restriction of breeders’ rights should be “within reasonable limits and subject to the safeguarding of the legitimate interests of the breeder” (UPOV 2011). The UPOV rules regarding seed saving point to important power relations regarding the privatization of seeds and the changing roles (and rights) of farmers. This section of the bill on a farmers’ privilege to save seeds sparked debate among farm and seed organizations, including the Canadian Federation of Agriculture (CFA) and the NFU.

Organizations supportive of Bill C-18, such as the CFA, only sought further clarity regarding the details of what the section on farmers’ privilege will mean. According to the CFA (2016, 2),

> There has also been controversy over whether the word privilege needs to be changed to right. For CFA, so long as the privilege includes all the requirements farmers need to keep producing seed they legitimately purchased, the CFA believes it is a non-issue.

The phrasing used by the CFA is important here, as it points to the controversy over the issue of farmers’ privilege and the aim to carve out a middle ground wherein a specific form of seed saving is protected, regardless of being written in law as a privilege or right. Attention to wording like privilege is part of a wider opposition to the long-term push to advance the rights agribusinesses have over their seeds. The NFU (2014a, 2) argues that UPOV advises governments to “be prepared to limit or avoid granting farmer privilege too widely” and to ensure “that the Plant Breeders’ interests are taken care of first.” Both the NFU and Food Secure Canada (FSC) cited concerns regarding this section of the bill, particularly because of the possibility of changes being made in the future that would further limit the seed-saving practices of farmers (see FSC 2014). An important aspect of the opposition from the NFU, FSC, and like-minded organizations is their attention to the future; these changes are viewed as part of an overall erosion of farmers’ autonomy with potential implications over time. In addition to the aforementioned amendments to the PBRs, which harmonize Canada with UPOV ‘91, there are other important provisions within Bill
C-18 that have wide-reaching implications; these include the incorporation and use of external resources in regulations and evaluations.

**Streamlining Legislation or Limiting Canada’s Voice?**

Using identical language in each of the five acts, Bill C-18 amends the *Feeds Act*, *Fertilizer Act*, *Seeds Act*, *Health of Animals Act*, and *Plant Protection Act* to include a provision called “Incorporation by Reference” (Bill C-18). The amendment permits these acts to “incorporate by reference any document, regardless of its source, either as it exists on a particular date or as it is amended from time to time” (Bill C-18). The five aforementioned acts also include provisions that explain that “the Minister may consider information that is available from a review or evaluation ... conducted by the government of a foreign state or of a subdivision of a foreign state or by an international organization, or association, of states” (Bill C-18). The latter is referred to as “use of foreign evaluation” in shorthand. The wording in both of these amendments is an important site of analysis: it ensures the federal government can incorporate information from a very wide range of sources into regulations, and that changes over time can be accounted for, as well. Both of these amendments are part of the bill’s overall intention to streamline legislation and reduce administrative red tape.

In the view of the Canadian Seed Trade Association (CSTA), a key supporter of Bill C-18, these amendments (referring to the bill’s changes in the *Seeds Act*) could help speed up the approval and registration processes for seed varieties (CSTA 2014). In contrast, the NFU (2014c, 2) argued “that incorporation by reference will be used primarily as a mechanism to accelerate regulatory harmonization and to give multinational agribusiness corporations more influence over our agricultural regulations.” As these positions are not completely contradictory, it is possible these amendments both streamlined legislation and further limited Canada’s voice to influence agricultural legislation. By adding in the amendments of “incorporation by reference and “use of foreign evaluation,” the Canadian state moves further toward accelerated policy development based on pre-existing information; in this way, the capacity to develop positions based on Canadian research and public consultations is diminished.

Overall, endorsements for—and critiques against—Bill C-18 are extensive. Farm and seed organizations on either side of the debate have carefully articulated their positions, but the direction of law and policy development appears biased in a particular direction, one that prioritizes systems that support economic freedom, global competitiveness, and privatization over other policy options. Exploring how these divergent perspectives were accounted for within parliamentary debates is necessary.
to understanding the role and forms of power in agriculture and agri-food law and policy formation.

**Power in Four Dimensions**

The power dynamics in the parliamentary debates over Bill C-18 are examined with a broad and complex conceptualization of power to reveal overt, embedded, and underlying influences that effectively prioritize particular stakeholders and policy directions. As a concept and analytic tool, *power* has been defined and categorized with considerable depth and breadth, and it has been conceptualized into varying typologies (see Barnett and Duvall 2005; Fuchs 2007; Lukes 1974; Strange 1998). A four-dimensional understanding of power is used in this analysis. Fuchs's (2007) and Clapp and Fuchs's (2009) use of instrumental, structural, and discursive forms of power are adopted and extended with literature outlining a fourth dimension. The addition of constitutive power captures key aspects regarding the influence of normatively embedded discourses and the creation of subjects, drawing from Digeser (1992), Foucault (1980, 1982), and Haugaard (2002, 2012), among others.

*Instrumental* power is a concept built from Dahl's (1957) focus on actors' capacity to influence actions/events through their own actions. Clapp and Fuchs (2009) apply this term to discuss the influence of agri-food corporations on global food systems. For instance, corporate lobbyists have the capacity to directly influence policy formation by passing on information that sways decision outcomes. Instrumental power accounts for “a range of relations between actors that allow one to shape directly the circumstances and/or actions of another” (Barnett and Duvall 2005). Smythe (2009) explains that the Canadian government’s strongly supportive position on biotechnology also represents a form of instrumental power. Lobbyists and government support represent significant relations of power in the development of Bill C-18.

Bachrach and Baratz (1962, 948) extend Dahl’s conceptualization to include a second dimension of power that investigates the “mobilization of bias”: actors exert power by “creating or reinforcing social and political values and institutional practices that limit the scope of the political process.” This form of power is referred to as *structural* power, an example being agri-food corporations articulating disincentives, such as the consequences of lost jobs or added costs to farmers and consumers if too many restrictions and regulations are placed on the industry (Clapp and Fuchs 2009; Smythe 2009). Similarly, the need for regulations that do not limit investment opportunities was a recurring theme within debates over Bill C-18. These two dimensions of power represent influences based on the interaction of certain actors (Barnett...
and Duvall 2005). Steven Lukes’s (1974) work adds a third dimension, wherein actors exert power, but not through direct and explicit interactions.

Lukes’s (1974) third dimension of power explains how subjects being influenced can act voluntarily, accounting for modifications in actors’ values and beliefs that are (arguably) contrary to their best interests. Clapp and Fuchs (2009) refer to this third dimension as discursive power; it precedes decision-making and involves the framing of issues around norms and values. This form of power acknowledges the role of media and other public relations mechanisms in framing political issues (Clapp and Fuchs 2009). For example, Tomlinson (2013) usefully problematizes the consistent framing of food security around the idea that doubling global food production by the year 2050 is necessary to keep up with population growth. Framing issues through the deployment of language and ideology is a key part of law and policy debate; which norms and values are called upon to argue for a certain decision is an important focus of this article. Particularly relevant to this article are the ways in which norms and values (which infiltrate parliamentary debate) can be viewed as embedded in dominant discourses that have their own underlying influences—the fourth dimension of power.

Dean (2010, 461) explains that it is useful to look beyond “the identification of agents of power” and to “attempt to understand the kind of power relations in which such forms of agency appear.” Constitutive power is a form of power that is not wielded by actors operating toward their own perceived ends but instead helps to make certain power relations possible. It is a form of power focused on the influences of embedded norms and discourses, and the constitution of subjects (subjectification). Embedded in one’s own identity and self-consciousness are influences that categorize individuals and their identities and impose certain laws of truth regarding what makes sense (Foucault 1982). Subjectification is an essential aspect of Foucault’s conception of power—it has to do with forces that enable and/or constrain a subject’s capacity for agency (see Digerter 1992). This article focuses on the role of discourses within these processes—the way discourses form, and are formed by, subjects and embed dominant ways of thinking that influence the legislative process, enabling and constraining debate and dialogue over certain ideas and topics.

Regarding debates over Bill C-18, and similar politico-legal contexts, the form of power being examined here is evidenced by embedded norms, histories, and ideologies within the discourses analyzed. That is, the focus here is the constitutive power of discourse. This understanding of constitutive power is critical to the analysis of language and text—the ways in which dominant discourses mask alternative understandings, conceptualizations, and definitions. Further, this approach to constitutive power also highlights the importance of making “the constitutive force of discourse
visible and thus revisable” in order to “engage in using language to break open old
certainties and generate new ways of speaking/writing, new forms, new images that
give a life to previously unimagined possibilities” (Davies 2000, 180). For Trowler
(2001, 187), discourses both reflect and constitute social contexts; they are “consti-
tutive of systems of knowledge and belief, of social relations, practices as well as
of social identities.” What is significant to this study is the ability to draw linkages
between parliamentary discourses, embedded norms and ideologies, and broader
trends within Canadian and international agricultural law and policy. Such linkages
point to power imbalances that may bias decision-making in certain directions.

Andrée (2005) explains that conventional scientific reasoning exercises a form of
agency in that it places limitations on what makes sense. Actors without that kind of
scientific-technical knowledge are limited in their capacity to influence policy, regard-
less of their level of interest in the policy outcome (Andrée 2005). This form of scien-
tific discourse enables and constrains the capacity for agency or, rather, the capacity
to possess and exercise power. Constitutive power enables a range of power rela-
tions regarding normatively and historically established ideas; additional examples
include expectations regarding economic reasoning, properly scientific evidence, and
democratic decision-making wherein actions too far outside the norm become more
challenging to advance. This conceptualization of power is a useful complement to
the other three dimensions, and I argue that all four are valuable tools or concepts for
exploring and uncovering power relations within agriculture and agri-food law and
policy development.

Data and Methods

Discourses are analyzed in this study in order to expose the multiplicity of elements
that create meaning and represent social life (see Fairclough 2001), thereby reveal-
ing the ways in which discourses impact what is debated in policy-making and how
certain ideas and positions are interpreted, articulated, and pursued. Such an analysis
combines well with a multidimensional power framework, allowing a diverse explora-
tion of social interactions and relations from an in-depth examination of parliamentary
discourse. A total of 32 individual documents were compiled for analysis. The unit
of analysis was limited to materials published from Canada’s 41st Parliament, 2nd
Session Sittings and Meetings of the House of Commons and Senate for Bill C-18,
the Agricultural Growth Act. These sittings and meetings took place from 9 December
2013 to 25 February 2015. All materials were collected from the Parliament of Canada
website (http://www.parl.gc.ca). Discourse analysis was conducted using a combina-
tion of manual and automatic coding using the qualitative data analysis software
ATLAS.ti.
The documents were coded and analyzed in an iterative process; insights were used from sociological discourse analysis (see Ruiz Ruiz 2009) and critical discourse analysis (see Jäger 2001; Fairclough 2001, 2013). The framework of analysis used in this study involves a combination of textual analysis, contextual analysis, and reflexive interpretation. First, textual analysis involves looking at the wording, metaphors, and other grammatical elements of a text (Jørgensen and Phillips 2002; Ruiz Ruiz 2009). The repetition of particular terms (e.g., investment) and the logical structure of arguments are examples of what is examined in this phase. Second, contextual analysis involves outlining the context of the material being analyzed, including considerations of authorship, audience, and dissemination. It includes a review of the “circumstances in which the discourse has been produced and the characteristics of the subjects that produce it” (Ruiz Ruiz 2009, s. 3.2). Third, reflexive interpretation, or sociological analysis, involves a reflection on the social space from which discourses emerge, which includes examining the role of ideological constructs and interpreting discourse as a social product embedded in histories, ideas, and assumptions (Ruiz Ruiz 2009). Constitutive power plays a key role in the interpretation of emergent social spaces based on historically embedded norms, meanings, and ideologies. By ideologies, this article explores “the fundamental social cognitions that reflect basic aims, interests and values of groups” (van Dijk 1993, 258). The goal here is to apply the category of constitutive power to better understand the influence of embedded values on the construction, deployment, and reception of certain discourses. This final phase of analysis involves the sociological interpretation of discourse, and it takes place before and after the phases of textual and contextual analysis—“analysis is conducted in a constant and bidirectional manner among these three levels” (Ruiz Ruiz 2009, 25). As the present discourse analysis is limited to examining the final debates over this bill before being passed, future research is needed in order to follow up on the resulting impacts (real or perceived) of Bill C-18. Results from the analysis of parliamentary debates on Bill C-18 are outlined in the Findings sections that follow; they are then examined further using four dimensions of power (see the Discussion section).

Findings: Text, Context, and Interpretation of Parliamentary Debates

An analysis of transcripts from meetings in the House of Commons, the Senate, and their respective committees reveals useful details regarding power relations within parliamentary debates on Bill C-18, as well as insights toward Canadian law and policy development in general. Documents were analyzed based on the three phases of discourse analysis discussed above: (1) textual analysis identified central codes and themes within and between the debates, such as the focus on economic
growth and investment; (2) contextual analysis, which focused on authorship, audience, and context, identified powerful actors, organizations, and coalitions engaged in these debates; and (3) reflexive interpretation, based on an examination of underlying norms, histories, and ideologies used to help to defend Bill C-18, revealed technological progress, neo-liberalism, and scientific expertise as influential. Overall, these findings highlight influences that directed decision-making on this bill in particular ways—influences that are analyzed using the four dimensions of power outlined previously in order to develop further insights as to how parliamentary debates are susceptible to conditions of power imbalance.

Findings: Textual Analysis

The various codes developed from the analysis represent key recurring texts—or discourse fragments, as Jäger (2001) refers to them—which represent, or belong to, a specific theme or meaning. That is, different terms and phrases were coded together when they were intended for the same use or meaning. The codes identified can be categorized into at least three useful themes, which I have termed keeping pace, standard/non-standard, and fairness. Keeping pace refers to the recurring arguments articulating the importance of updating and modernizing agricultural legislation to keep pace with other developed countries. Standard/non-standard refers to the polarization created between breeders and farmers, conventional and organic (or smaller-scale) farmers, private and public research, scientific and non-scientific research, experts and non-experts, and so on. Fairness refers to discussions on democratic process within parliamentary debates, as well as references to preferred outcomes of the bill. Particularly, the notion of finding a balance (for instance, between the priorities of farmers and breeders) was a dominant code. As well, the insistence by opposing parties that Bill C-18 is an omnibus bill that covers too much information to sufficiently debate was ubiquitous. These categories represent central themes, textual patterns, and focal points in the parliamentary debates over Bill C-18. Descriptive statistics on these codes and categories are detailed below in Table 1 and are reflected on further in the Discussion section.

Findings: Contextual Analysis

This phase of analysis explored the discourse positions of actors involved in debating Bill C-18, as well as the local norms governing discursive interactions in Parliament (see Ruiz Ruiz 2009). The two key findings from this phase are the meanings and influences tied to the private sector actors who endorsed Bill C-18 and the use of a parliamentary practice called time allocation. Though the positions and characteristics of actors opposing the bill (e.g., the NFU) were reviewed, their involvement in parliamentary debates was limited and was not identified as emanating from powerful partnerships, organizations, and social structures. Instead, the involvement of
witnesses opposing the bill appeared more as like-minded voices articulating important critiques and counterpoints from a position of disadvantage.

Partners in Innovation and GrowCanada usefully illustrate the complex network of actors in support of the bill. According to their website, Partners in Innovation (2013) represents “a diverse group of farm organizations and value chain groups from across Canada,” comprising a total of 20 regional and national farm organizations. GrowCanada is a partnership of 15 organizations, composed of several members of Partners in Innovation, as well as two key trade and industry associations: CropLife Canada and BIOTECanada. Explaining CropLife’s connection to various stakeholder groups, Dennis Prouse (vice president, Government Affairs, CropLife Canada) spoke as a witness in the House of Commons, stating the following: “We also work very closely with a number of stakeholder groups. We’re very proud of the fact that all of Canada’s major farmer-based grower groups are members of our GrowCanada partnership” (House of Commons 2014a, 11). Significantly, CropLife’s membership includes Monsanto, DuPont, Syngenta, Cargill, Bayer CropScience, and 30 others (CropLife Canada 2015). The former three are the largest seed companies in the world, each with seed sales in the billions (USD), representing 53% of the world’s market combined (ETC Group 2011). The number of organizations that vocalized support for Bill C-18 is significant, and the participation of these actors contributes to the overall context of parliamentary debates (see Table 2).

### Table 1. Code counts for three key themes developed from a textual analysis of House of Commons and Senate Committee meetings on Bill C-18

<table>
<thead>
<tr>
<th>Theme</th>
<th>Code</th>
<th>Count in House of Commons Committee</th>
<th>Count in Senate Committee</th>
<th>Total count</th>
</tr>
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<td>Keeping pace</td>
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<td>4</td>
<td>6</td>
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<td>Investment(s)</td>
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<td>312</td>
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<td></td>
<td>Modern(ization)</td>
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<td>Update/updating</td>
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<td>Science/scientific</td>
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<td></td>
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<td>Member of GrowCanada</td>
<td>House of Commons Meetings, Bill C-18</td>
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<td>Western Canadian Wheat Growers Association</td>
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Note: The column titled House of Commons Meetings, Bill C-18 refers to the meetings of the Standing Committee on Agriculture and Agri-Food, which took place in 2014. The column titled Senate Meetings, Bill C-18 refers to the meetings of the Standing Senate Committee on Agriculture and Forestry, which took place in 2014 and 2015. Organizations attending as witnesses in House of Commons Committee meetings were each given six minutes (frequently shortened to five minutes) to present their position on the bill. It was common for more than one individual to represent an organization, and in these circumstances, time was divided equally between speakers representing the same organization. Specific accounts of the time allotted to witnesses speaking at Senate Committee meetings were not found.
Table 2 captures a useful comparison of select organizations from the memberships of Partners in Innovation and GrowCanada. This comparison aids in the analysis of co-operation efforts among organizations supporting Bill C-18 and identifies which organizations belong to Partners in Innovation and GrowCanada, which organizations were represented by witnesses speaking at parliamentary meetings for the bill, and which of these organizations had active, registered lobbyists in Canada during this time. Although further and more extensive comparison is needed regarding the patterns and connections between these organizations, this table provides a useful depiction of actors who influenced the context of parliamentary debates through their collective support for the bill and individual statements through witness representatives. This depicts the ways supportive organizations hold a capacity to exert instrumental and structural power relative to other organizations with fewer resources.

Time is another significant finding from the contextual analysis, particularly because time is treated as a procedural tool in parliamentary contexts. Explicit (and some implicit) references to allotments of available time for making speeches was revealed as a key marker of context in these debates in that it directly impacted the manner in which debates occurred. Time developed into a major coding category during analysis, with the discussion of time allocation as one of the most pertinent references to time. Time allocation is a rule that “allows the government to impose strict limits on the time of debate” (Marleau and Montpetit 2000). Concerns raised (by MPs from the Opposition) over the use of time allocation point to an important strategy deployed by the CPC for limiting debate. When a time allocation motion was put forward by CPC MP Peter Van Loan for Bill C-18 on 19 November 2014, Peter Julian (an NDP MP) responded as follows:

This is the 82nd time that it has imposed a time allocation motion and closure on a government bill before the House. This sorry record is unprecedented in the history of Canada. We have never seen a government axe debate in the House so quickly before. Only a handful of people get the opportunity to speak to the bills in question. (House of Commons 2014f, 9547).

Circumstances in which time for debate is prevented—as well as circumstances wherein speeches are rushed, cut off, and/or pressurized because of time constraints—have important implications regarding the balance of power in parliamentary debates. Everyday procedural tools like time allocation need to be reviewed for their contribution to larger and broader power relations wherein multiple factors, including the limitation of debate, work to erode the overall democratic goals of the legislative
process. Time is used as a form of instrumental and structural power, controlling the context of the debate by allowing for coverage of several topics in a minimal period. This can create imbalanced conditions for debating and developing law and policy. These connections between context and power will be explored further in the Discussion section.

Findings: Reflexive Interpretation
In this phase of the analysis, the focus is on the interpretation of discourse as a social product of certain histories, norms, and assumptions, as well as seeing discourse as ideology, “which aims to demonstrate how social discourses are impregnated by dominant discourses projected from sources of power” (van Dijk 1999 quoted in Ruiz Ruiz 2009). Separating the minutes of parliamentary debates into clear categories, such as by political party or support for/opposition to the bill, allowed for an analysis of normative and ideological perspectives and an assessment of power relations within these perspectives. Reflexive analysis and interpretation of parliamentary debates revealed three important themes: the coupling of increased economic growth with the ethic of feeding a growing population; a marginalization of values associated with food sovereignty; and neo-liberal ideas that prioritize growth, competition, and privatization. These discourses are highlighted here because they represent important sites of framing wherein arguments to defend or oppose Bill C-18 are embedded in ideas, norms, and values that are not debated over but instead underlie the debate as axiomatic details. The Discussion section that follows illustrates how these details represent a combination of discursive and constitutive forms of power; actors deploy discourses that have a pre-established influence.

Increasing global food production to match global population growth is a recurrent idea articulated to justify technological directions that prioritize increased crop yields. In June of 2014, at the same time Bill C-18 was being debated in the House of Commons, the Standing Senate Committee on Agriculture and Forestry published their report titled Innovations in Agriculture: The Key to Feeding a Growing Population. This report explains that increasing the rights of plant breeders (and the growth of breeding corporations) is needed to meet the growing food demands of a growing world. Associating expected global population growth with the need for changes in Bill C-18 was common, appearing 11 times throughout the bill’s debates in Parliament. To illustrate, Gary Stanford, President of the Grain Growers of Canada, reported the following in a witness statement:

In closing, we urge the committee to pass Bill C-18. With the world’s population expected to reach 10 billion by 2050, Canada’s grain producers will
need the most innovative technology and the newest varieties in order to maximize production and minimize environmental impacts. (House of Commons Standing Committee on Agriculture and Agri-Food 2014b, 6)

This excerpt from Stanford’s speech is typical of the messages put forth throughout the debates on Bill C-18. A total of eight separate statements (from CPC MPs) reference the population projections for 2050, as well as the need for additional mechanisms (like those in Bill C-18) for meeting a growing food demand.

The marginalization of values associated with food sovereignty was another important finding from the analysis. According to Wittman (2011, 87), food sovereignty refers to “the right of local peoples to control their own food systems, including markets, ecological resources, food cultures, and production modes.” The marginalization of values associated with food sovereignty is evident throughout the parliamentary materials analyzed, not only in the minimal inclusion of related terms but, more pointedly, in the lack of response or acknowledgement to the topic when it was raised in debate. Bill C-18’s potential consequences to issues related to food sovereignty were introduced in parliamentary debates by both an MP and a witness, but when these concerns were introduced, they were not debated or addressed with substantial responses. The importance of food sovereignty was commented on by two NDP MPs, Alex Atamanenko (twice) and Jean Rousseau; yet the most significant reference to food sovereignty within the debates was by Ariane Gagnon-Légaré, a Community Organizer for Les AmiEs de la Terre de Québec, who spoke as a witness at a House of Commons Committee Meeting (No. 039) as well as a Senate Committee Meeting (No. 23). Gagnon-Légaré’s position is well captured by the statement:

Through our work concerning agricultural biodiversity, its recognition as the common heritage of humanity, open access to seeds and democratic participatory management, we are seeking to advocate for food sovereignty. (Senate Standing Committee on Agriculture and Forestry 2015, 127)

This position on food sovereignty was not taken into further consideration and debate, leaving the CPC’s position on food sovereignty unexplored. Instead, Gagnon-Légaré was probed about her speech with questions such as the following:

Ms. Gagnon-Légaré, I have a question for you. In your presentation, you use words such as “profit” and “large companies” like they are bad words. I’m not sure how anybody is supposed to continue to eke out a living when they don’t make profits, and large profits are good. (Senator Plett quoted in Senate Standing Committee on Agriculture and Forestry 2015, 133)
Senator Plett’s use of language (and the underlying normative/ideological assumptions) is reflective of an overall trend among the discourse analyzed, which identifies a dominance of neo-liberal ideas that prioritize growth, competition, and privatization—particularly within the speeches made by MPs from the CPC. This use of language is consistent with the broader principles of the CPC, as stated in their constitution. Belief in a free competitive market economy, limited government, and the right to own property are all listed as values that guide the party’s policy directions (National Constitution Committee 2016). Neo-liberalism, though not consistently defined, is used here to represent a hands-off approach to economic regulation and a reinforcement of “strong private, individual, and exclusive property rights” (Heynen et al. 2007, 5). Several codes and thematic categories from the analysis fit well into this finding, such as growth and innovation. All of the codes/terms investigated regarding a dominance of a neo-liberal ideology are detailed in fig. 1, which organizes word use statistics by political party from a key debate over Bill C-18, the first round of speeches in the House of Commons (2014b).

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**Fig. 1.** Word use statistics by political party. Bill C-18, Second Reading, House of Commons Debates, Vol. 147, No. 055.

CPC = Conservative Party of Canada; NDP = New Democratic Party; LIB = Liberal Party

To ensure an accurate comparison between speeches, the word count analyzed for each party was controlled to 4,000 words (the approximate length of the speeches made by the Liberals, as the NDP and CPC speeches were longer). The Green Party was not included in the analysis because none of the terms were used in Elizabeth May’s comments (341 words).
The results show a much higher frequency of word use by CPC MPs in all of these categories, which provides an indication of their attachment to these concepts and, relatedly, a neo-liberal viewpoint. An excerpt from Gerry Ritz’s first speech in the House of Commons for Bill C-18 further illustrates the CPC’s devotion to these values. He states,

With the agricultural growth act we would be modernizing Canadian legislation on a foundation of science, technology, innovation, and international standards. The proposed legislation would bolster the competitiveness of Canada’s agricultural sector while ensuring a consistent regulatory approach across all commodities. (House of Commons 2014b, 3397)

This statement is rich in embedded values regarding what is best for Canadian agricultural legislation. The Discussion section that follows considers the importance of viewing such statements as part of a larger discourse wherein dominant ideas about science and progress are viewed as axiomatic. An additional finding regarding the dominance of neo-liberal ideas is the lack of critical evaluation of these ideas by the opposing parties. Whether or not this finding is expected and unsurprising, it is important to point out that debate and/or disagreement over the importance of growth, competition, technological innovation, and international trade were essentially absent. These findings are explored further in the following section, using the four-dimensional power framework outlined previously.

Discussion: Power and Bill C-18

Power relations appear in varying forms, from structures and social contexts to everyday norms and social practices. Analysis reveals important power relations working through direct, instrumental actions, as well as within more indirect, structural biases and discursive frames. Furthermore, constitutive social contexts, values, and histories help position these power relations as normal. There are four key conditions that, when combined, appear to exert significant influence over the direction of decision-making on Bill C-18: (1) interactions between the actors and organizations in these debates were preceded by instrumental advantages for supporters of the bill (e.g., corporate lobbying); (2) structural constraints, such as time allocation, were used to limit debate within Parliament; (3) discursive framings of policy positions used common value assumptions to shape opinions and sideline counter positions; and (4) particular histories, norms, and ideologies compose constitutive background conditions, which underlie the three other forms of influence and work together to impact the debates.
Instrumental power is expressed by the CPC’s capacity as the majority government at the time and the lobbying power of supportive organizations. Research findings regarding the instrumental advantages of government and corporate actors are highlighted by the contextual analysis of actors supporting the bill. The textual theme of fairness also illustrates these advantages, particularly in the inattention to the NDP’s concern for finding a balance in the bill’s priorities.

A total of 170 Conservative MPs formed the majority government for the 41st Parliament of Canada. Although the power of a majority government is not necessarily absolute, it operates with considerable influence regarding the introduction and passing of new bills. According to Malcolmson and Myers (2009, 47), because of a party’s influence over their MPs’ votes, “a cabinet backed by a parliamentary majority is almost guaranteed the automatic confidence of the House” and can generally “govern as it wishes.” During the Second Reading of Bill C-18, several comments established the perceived impact of the Conservative’s majority. Bruce Hyer, then an MP in the Green Party, stated,

In terms of process, what worries me is that with a bill of this scope ... We need to have more information. I would like the hon. member for Timmins-James Bay to give us his thoughts on the process of ramming and cramming this bill through in such a last-minute, draconian fashion.  
(House of Commons 2014c, 6860)

NDP MP Carol Hughes remarked as follows:

The Conservatives see the summer coming, and they are trying to get as much under their belts as possible, but at what risk? We need to have proper debate on this bill.  
(House of Commons 2014d, 6958)

Commenting on the point that Bill C-18 was introduced by a Conservative majority, Alex Atamanenko (2015) (then NDP MP, British Columbia Southern Interior) explained that not a lot of consensus building occurred and that the bill was more or less merely introduced and run through. These statements help illustrate the instrumental capacity of the majority government itself. The Conservative’s instrumental power to push the bill through with limited compromise is further illustrated by the NDP’s failed attempts to pass amendments to the bill in the hopes of balancing expected benefits. This is illustrated well in the House of Commons Hansard 142, from 17 November 2014, wherein then NDP MP Ruth Ellen Brosseau stated the following:
My NDP colleagues and I were there for all of the testimony. We did our homework and we proposed at least 16 amendments to this bill—common-sense amendments that were all rejected, unfortunately. Our party proposed amendments in the interest of a balanced approach between protection for plant breeders and for agricultural producers. Our amendments would have ensured that all participants could benefit fully from these ambitious changes. (House of Commons 2014e, 9377)

Later in this debate, then Liberal MP Mark Eyking stated,

We should be pushing the government to come forward with better legislation because it would help the small farmers, the new farmers, the young farmers who are just starting up. There is not enough in the bill for them. The government has done a disservice to the parliamentary system by not putting some of our amendments into the bill. This could have been a better bill. (House of Commons 2014e, 9381)

These quotes effectively represent the climate of debate as the bill moved through Parliament. Amendments proposed by the NDP, as well as the Liberals and the Green Party, were consistently voted down. The clear instrumental power of the CPC is, arguably, also connected to the constitutive power of Canada’s democratic process. This is true as far as the Opposition MPs vocalized disappointment in the end result of the bill but did not challenge the system in which the bill was designed, introduced, and debated. The dominant and unchallenged system of the legislative branch created the space for an imbalanced debate resulting in legislation that could have been better.

In addition to the power exercised by the majority Conservative government, the interactions of powerful organizations in support of the bill also represent an important level of instrumental power. Discussing instrumental power, Clapp and Fuchs (2009) explain that lobbyists are able to directly influence policy formation, for example, by disseminating (their own) industry information to government representatives. Instrumental power is expressed by the various organizations that supported the bill, especially considering that 13 of the 28 organizations analyzed have active lobbyists petitioning their interests. Table 2 (see Findings) identifies the seed and farm organizations belonging to Partners in Innovation and GrowCanada (who vocally supported the bill), as well as the organizations that were represented by witnesses speaking at the committee meetings of the House of Commons and Senate, and which of these organizations had active, registered lobbyists in Canada (as of 2014). The instrumental power held by the CPC and supporters of Bill C-18 is
clear; this may help to explain the NDP's consistent failure to make amendments to the bill in hopes of a balanced legislation.

(2) Structural Biases in Law and Policy Formation
Research findings from the textual and contextual analysis highlight important structural biases in the development of Bill C-18. Structural power is expressed through the use of time allocation to limit debate and through the use of an omnibus-style bill, which includes a significant amount of amendments to several different pieces of legislation. Together, these two measures imposed structural limitations on the extent to which the bill was debated and studied. These measures represent the structural power to mobilize bias, wherein “some issues are organized into politics while others are organized out” (Bachrach and Baratz 1962, 949).

The use of time allocation is an important finding regarding the government's ability to structure debate—particularly since the use of time allocation motions have been on the rise since the mid-1970s (Plante 2013), and its possible use in silencing dissent has already been identified (see Pelletier 2000). Linked to the perceived unfairness of the CPC’s instrumental power, as noted in the previous section, the use of time allocation is identified as problematic, yet it remains accepted as part of the legislative process overall. That is, while such procedural tools can be viewed as further assisting the prime minister’s capacity to pass legislation (see Malloy 2004), there is also an embedded (constitutive) power attached to these structural biases.

In addition to the issue of time allocation, concerns over the omnibus-style construction of Bill C-18 was one of the most commonly coded issues, found peppered throughout every reading and committee meeting in the House of Commons. Introducing several different changes in a single omnibus bill meant the new act had to be adopted in its entirety—so if some changes were widely supported and others more contested, MPs were in a position to either make compromises in order to get important changes passed or take the position of being against the bill in its entirety. As then NDP MP Ruth Ellen Brosseau explained,

As with all of the government’s other omnibus bills, I have a bittersweet relationship with this bill. There are some parts I like and some parts that really concern me. (House of Commons 2014e, 9377)

As well, Malcolm Allen (then NDP MP and critic for Agriculture and Agri-Food) stated the following:

Mr. Speaker, the minister has asked why can we not support the bill. If there were individual bills instead of an omnibus bill, we probably would
have supported the vast majority of it ... We have problems with one side of it and we do not get to vote on it separately, which I do not think is allowable, so we end up with this. (House of Commons 2014e, 9372)

From a Liberal Party perspective, MP Mark Eyking, referring to the compromises that could have been made, stated that

the Liberal Party is going to vote in favour of this legislation because there is too much good in it for farmers not to have it, but it should have been split off. (House of Commons 2014e, 9381)

The combination of an omnibus-style bill with a limited debate (through time allocation) works as a structural tool that enables the majority government to foster unbalanced conditions for debating and developing law and policy. Essentially, the scope of the political process is limited by the reinforcement of particular institutional practices (Bachrach and Baratz 1962). In addition to the instrumental and structural interactions within debates over Bill C-18, the discursive framing of varying arguments captures another important layer of power imbalance.

(3) Discursive Framings of Policy Positions
Discursive power adds an important component to the analysis, as it pertains to the strategies actors use to influence others by promoting and justifying certain arguments. Research findings from the textual analysis (including key findings based on coding categories like keeping pace), as well as the reflexive interpretation of text regarding the need to feed the world, represent key discursive framings of policy positions in Bill C-18 debates.

The discursive framing of genetically modified organisms (GMOs) around the moral claims of climate change, food security, and feeding a hungry global population is consistently being done by pro-GMO actors (Dibden, Gibbs, and Cocklin 2013; Sell 2009). This discursive strategy has also been applied in parliamentary debates over Bill C-18, framing the bill as critical for helping Canada keep pace with other countries and to produce enough food to feed a growing population. The discursive power exercised in this context is the attempt to convince other politicians of a pre-existing, common-sense solution to certain social/policy problems (Fuchs et al. 2015). In this case, discursive power draws on the values and norms related to food security to influence the political agenda (Fuchs et al. 2015). The intention is to reshape perceptions regarding certain policy changes by pairing them with a food security/climate change discourse. Although it is difficult to specify the degree of impact these discursive strategies make, this sort of framing is an important component of the array of power relations within law and policy development.
Concerning Bill C-18, *keeping pace* and *feed the world* were two themes identified as key discursive frames used to advance positions favouring the bill. Pierre Lemieux (then CPC MP and parliamentary secretary to the Minister of Agriculture) effectively demonstrates the discursive frame of *keeping pace* with the following statement:

> As new agricultural production techniques and new developments in science arrive, the legislative tools for agricultural products must keep pace, especially since other international trading partners have innovated and have modernized their approaches. We need to keep pace with the modern world and help our farmers grow their businesses, and we need to do it now. (House of Commons 2014b, 3409)

This statement is particularly relevant because Lemieux phrases these changes as predetermined. The idea being framed is that as a country, Canada “must keep pace” and “do it now” or else risk falling behind the rest of the world. Likewise, the framing of Bill C-18 as necessary to help feed the world in a future with a global population over 9 billion is illustrated by Maxime Bernier (CPC MP), who stated that

> it is not surprising that the overall demand for world-class food produced by our farmers is increasing. The world’s population is expected to reach 9.3 billion by 2050. To respond to this increasing demand, we need productive, competent farmers. (House of Commons 2014e, 9547)

Discursive power is largely about “the potency of the frames that actors use to couch their preferences” (Sell 2009, 188). For this reason, it is important to highlight the goals, values, and assumptions that were used to justify and encourage the contents of Bill C-18. If amendments such as Incorporation by Reference and the adoption of UPOV ’91 can be coupled with the need to “keep pace with the modern world” and support increased production growth for a hungry planet in 2050, then actors and organizations may be more inclined to accept changes that may or may not be in their best interests. Discursive power is linked closely with constitutive power, as it deals with the underlying norms and values actors use to make sense of the world. The difference is that while discursive power is being deployed here through the language use of MPs, constitutive power comprises the embedded background conditions that enable actors to exercise their agency in instrumental, structural, and discursive forms.

(4) Ideologies, Norms, and Histories as Constitutive Influences
Drawing largely from the findings of the textual analysis (specifically the significance of the themes *standard/not standard* and *keeping pace*; see Table 1) and the reflexive
interpretation of discourses regarding the influences of neo-liberalism, this section sheds light on the constitutive power of particular ideologies, norms, and histories that influence the actions of individuals and create the space for individuals to engage in different relations of power. Parliamentary discourse on Bill C-18 reveals a predominance of codes and coding categories that are situated within three important historical/ideological assumptions: technological progressivism, neo-liberalism, and scientific expertise. This section outlines key instances to illustrate these patterns and considers the types of impacts such guiding histories/ideologies might have on decision-making.

Technological progressivism, according to Kleinman and Kinchy (2003, 378), “has its roots in the Enlightenment”; this is an era where continual technological innovation and development became normatively embedded. The key type of technology discussed in debates over Bill C-18 is plant breeding technology and relates to coding themes such as keeping pace. Progress as a need is effectively captured by Bev Shipley (CPC MP) in the bill’s Second Reading:

If Canada’s farmers, along with the agriculture and food sector, are to maintain their competitive edge on the global stage, they need 21st century technology. We need to keep pace with the modern world, and we need to help our farmers grow their businesses. (House of Commons 2014b, 3411).

The value and need for technological progress have been identified as dominant discourses in GMO policy debates (Kleinman 2009) and appear to be relevant in the context of Bill C-18 as well. This section seeks to map out instances wherein the ideology of progress (technological and otherwise) is embedded in parliamentary discourse. Analysis reveals that discourses representative of technological progressivism commonly occur within discussions of global competition, growth, and investment—themes that signify a devotion to neo-liberal values.

Neo-liberalism comprises many different aspects. This study focuses on the celebration of private property rights, an emphasis on individual rights and responsibilities, and “shifting and ‘rolling back’ the state apparatus where it is seen to impinge upon capital investment, commodity production, and market exchange” (Heynen et al. 2007, 5). Such aspects are an important site of analysis, as legislation in agriculture (and other sectors) moves in this direction and neo-liberal values become normalized. These characteristics of neo-liberalism are consistent with the overall tone of Bill C-18—more extensive property rights for plant breeders, further categorization of farmers’ and breeders’ individual rights and responsibilities, and a scaling back of mechanisms thought to limit opportunities for investment and market exchange. The neo-liberal tone of bill supporters is illustrated by Maxime Bernier (CPC MP), who stated the following:
The bill provides guarantees for food safety and future markets and, lastly, it ensures that our products will be welcome in other countries without tariff and non-tariff barriers. (House of Commons 2014e, 9372)

In addition, Pierre Lemieux (then CPC MP and parliamentary secretary to the Minister of Agriculture) contributes to this tone with the following statement:

Adopting UPOV ’91 in Bill C-18 would strengthen intellectual property rights for plant breeders and would help increase investment in research and development for Canada’s crop sector. (House of Commons 2014g, 9684)

Phrasing by CPC MPs and supportive witnesses often centred on the importance of property rights, growth, investments, competitiveness, new markets, and free or enhanced trade. Changes are discussed as “new tools” and “better services,” creating an “effective, innovative and nimble legislative framework” (House of Commons 2014b, 3396–7). In line with Kinchy, Kleinman, and Autry’s (2008) study, the present analysis identified links between neo-liberal ideologies and the support of scientific expertise.

Scientific expertise, in particular contexts such as this, represents the ideological assumptions of scientism—“the notion that values should not be allowed to mix with facts, and further, should not be considered in decisions about science and technology” (Kleinman and Kinchy 2003, 379). 15 The aspects of parliamentary discourse that combine the guiding ideologies of neo-liberalism and technological progressivism with conventional scientific expertise are of particular interest because scientific reasoning becomes enmeshed within these normative/ideological discourses. Scientific expertise is useful for endorsing economic growth and technological innovation. Two excerpts from Gerry Ritz’s (then CPC MP and Minister of Agriculture and Agri-Food) introductory speech for the bill depict this combination of guiding ideologies:

With the agricultural growth act we would be modernizing Canadian legislation on a foundation of science, technology, innovation, and international standards. (House of Commons 2014b, 3397).

Wielding the latest science, tools and practices, Canada’s agricultural sector has the potential to grow and prosper in a manner that secures the future of our agricultural industry and benefits all Canadians. (House of Commons 2014b, 3399).

These statements illustrate the grouping of scientific expertise with the imperative to grow, modernize, and innovate. Coupling technological innovation with the
need for the latest science is unsurprising, as the two reinforce one another in important ways. As Kleinman (2009) explains, in disputes over new technologies, the only issues typically considered legitimate are those that can be assessed using scientific methods, such as health and safety. In this way, Bill C-18 is positioned as a way for Canada’s technological innovations to be supported by sound science and up-to-date legislation. This effectively combines embedded values regarding technological progress and scientific knowledge.16

What is also interesting is that discourse from the other parties (NDP, LIB, and GP) did not directly counter the guiding ideologies/values of neo-liberalism, technological progressivism, and scientific expertise, focusing instead on warnings, concerns, and skepticism. This highlights the relative reluctance of opposing parties to challenge dominant ideologies that influence decision-making on bills. Although the NDP highlighted the importance of food sovereignty and the Green Party took a strong stance against passing the bill, the values of neo-liberalism remained untested, and references to technological and scientific progress, competition, and growth were largely absent from criticisms of the bill.

Conclusion

The potential implications of Bill C-18, the Agricultural Growth Act, are not yet certain, but the bill has no doubt pushed Canada even further into directions that prioritize economic liberalization, global competitiveness, and private property rights. As highlighted by the NFU and other opponents to this new legislation, farmers may see increased costs, further erosion of their rights and control over seeds, and an industry that has moved one step further toward prioritizing the interests of corporations over those of Canadian farmers. As Canada’s governing party changed in 2015 from Stephen Harper’s Conservative government to a Liberal majority under Justin Trudeau, it is possible that Canada’s agriculture and agri-food laws and policies will change once again.

Analysis of debates in the House of Commons, the Senate, and their respective committees reveals useful details regarding the power relations within parliamentary debates over Bill C-18, as well as insights toward Canadian law and policy development in general. Through an analysis of parliamentary discourse, I have outlined multiple interactions and relations of power impacting the development of and debate over this bill. These include the instrumental capacity of the majority government and corporate actors to produce change, structural biases in developing the bill and restricting debate, and discursive framings of Bill C-18 as necessary for keeping pace with other countries and helping to feed the world. Furthermore, the constitutive power of norms, histories, and ideological assumptions are represented
by a prioritization of technological progressivism, neo-liberalism, and scientific expertise. These interconnected interactions and relations work together to produce an imbalanced climate for agriculture and agri-food law and policy development overall. Moving toward a more balanced politico-legal system will depend, in part, on the replacement of deeply embedded discourses that narrow the range of perspectives and ideas used in decision-making.

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NOTES

1. The five others Bill C-18 amended were the Health of Animals Act, Plant Protection Act, Agriculture and Agri-Food Administrative Monetary Penalties Act, Agricultural Marketing Programs Act, and the Farm Debt Mediation Act. An analysis of all of Bill C-18’s amendments and their potential impacts is outside the scope of this article.

2. Though it had only one seat in the House of Commons, held by party leader Elizabeth May, the Green Party held the firmest opposition by being less willing to compromise.

3. This bill was introduced in April 1999, but because Parliament was prorogued the following September, it did not pass first reading.

4. This is an important connection between Bill C-18 and the recent changes to the Variety Registration regulations. Bill C-18’s extension of Term of Rights from 18 to 20 years allows breeders two more years of royalty collection before they can opt to unregister a variety. This is a summation of the policy interactions between Bill C-18 and the Seeds Regulations, and refers to conditions such that variety registrants are also PBRs holders, or are in a business partnership with PBRs holders (as many are) (NFU 2014b). It should also be noted that farmers benefit from plant varieties that are beyond their protected Term of Rights period but are still registered, since most crops can only be sold at full price if they are registered plant varieties (NFU 2014c).

5. I have chosen the term constitutive power, which is consistent with the language (drawing heavily from Foucault) used to describe this form of power (see Digeser 1992; Haugaard 2002). The term constitutive also reflects what Barnett and Duvall (2005, 9) refer to as “social relations of constitution,” which involves a like-minded application of the fourth dimension of power. Regarding past uses of the term, some authors position constitutive power as possessed and deployed by actors, such as the state (see Browning and Christou 2010; Neocleous 1996); others view it as embedded in socially and historically developed norms and discourses (see Davies 2000; Trowler 2001). The present study adopts the latter view.

6. It is important to note that these categories, particularly discursive power, are not necessarily mutually exclusive. Barnett and Duvall (2005, 21) note that “discursive processes
and practices produce social identities and capacities as they give meaning to them.” As such, an engagement in discursive strategies plays an active role in the production of subjects (constitutive power).

7. After the bill’s Second Reading in the House of Commons, it was reviewed by their Standing Committee on Agriculture and Agri-Food. After the bill’s Second Reading in the Senate, it was reviewed by their Standing Senate Committee on Agriculture and Forestry.

8. Details on the Partners in Innovation can be found on their website: http://partnersininnovation.ca.

9. GrowCanada comprises seven members from Partners in Innovation, all of which had witnesses provide supporting statements on Bill C-18 to Parliament.

10. Many of these organizations are smaller-scale firms. Debate over the scale of breeding firms and farmers is an important detail in the discourse on Bill C-18 but is outside the scope of this article.

11. One discussion from the Opposition regarding this ideological theme of neo-liberalism was over-privatization vis-à-vis the importance of public breeding programs. To varying extents, MPs from the NDP, Liberal Party, and Green Party all reported that public breeding programs needed to be protected and/or promoted.

12. During the period that the bill was being read in Senate and studied by the Senate Standing Committee, the Conservatives held approximately 60% of Senate seats.

13. It is worth noting here that the CPC under Stephen Harper has been criticized previously for their use of debate-restricting omnibus bills. Bill C-9 in 2010 and Bill C-38 and Bill C-45 in 2012 are omnibus bills passed by this party; Kirchhoff and Tsuji (2014, 108) critique “the use of omnibus bills to ‘streamline’ Canadian environmental legislation.”

14. These three ideological assumptions are appropriated from Kinchy, Kleinman, and Autry (2008); Kleinman and Kloppenburg (1991); and Kleinman and Kinchy (2003). These works offer important discussions regarding discourse and ideology in the context of biotechnology.

15. According to Kleinman and Kinchy (2003, 379), “scientism is rooted in precisely this perception of the separation of science and values, a boundary that was cultivated in the earliest efforts to create science as a profession, but dates back at least to Plato.”

16. It should be noted that when referring to scientific knowledge and the constitutive power embedded in science-based information, the reference is to conventional, reductionist forms of science as opposed to more complexity-oriented approaches. Complexity-oriented approaches seek to manage uncertainties and account for a diversity of perspectives; such approaches point to important research on science-policy relations not explored here.

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