

THE AFFAIR OF THE CHAIRS

David E. Smith

Early in November 2002, a political tremour shook Parliament Hill — fifty-six Liberal MPs voted against the will of their leader and with the opposition parties in the House of Commons. At issue was a Canadian Alliance motion to change House rules to allow chairs of committees to be elected by secret ballot. Purple prose and fervid speculation followed: Had the unthinkable happened and the Prime Minister “lost control of his caucus”? What did the future hold now that his caucus had “tasted blood”? How much of a personal humiliation was the vote for Jean Chrétien, and was it enough of one to cut short his interminable long goodbye? Or, was it evidence that the official opposition had coalesced sufficiently after its own leadership turmoil to carry through a successful divide and conquer mission? Could more of the same strategy be expected?¹

It was inevitable that the episode of the chairs, with its mixture of opposition intrigue and Liberal caucus disloyalty, should rivet the media’s attention. But it was equally predictable that they should equivocate when it came to interpreting its significance. Predictable because, as this article will argue, like politicians and the public, the media are inconsistent in the position they take regarding the place of party discipline in legislative politics. Nonetheless, in this instance a ready excuse for uncertainty presented itself. The results of the first committee elections using the secret ballot rather than the customary voice vote saw two Bloc Québécois MPs, two Tories and one New Democrat replace five Canadian Alliance MPs, who had previously served as vice-chairs of Commons committees. (Under House of Commons Standing Order 106, each committee has two vice-chairs, one drawn from the governing party and the other from the

opposition.) By contrast, all those expected to be appointed as chairs of the Commons standing committees, that is, Chrétien’s previous choices, were elected.

What kind of disobedience is this, to tweak the king’s nose in public but do his bidding in private? Is it anything more than an attention-getting device; and whose attention is being sought? A month after the revolt, the president of Ipsos-Reid said the Liberal majority government was “governing like a minority” in that its opposition “comes from within.”² The chairs affair lends support to his claim, for the significant feature of the disloyalty was its isolation. Even if it were to reappear, it would remain internal to the Liberal caucus. In this drama the opposition parties are destined to remain supporting players.

Is the ferment in the governing caucus symptomatic of some fundamental problem in the party, or Parliament, or both? At one level, the answer to that question is easy. Yes, there is a deep concern about the shadow Jean Chrétien casts over all parliamentary activity. Instances that could be cited in addition to the selection of committee chairs are the extended ethics controversy — be it about contracts, the role played by the current counsellor (Howard Wilson) or of a new guardian in the form of an Officer of Parliament; or the proposed stringent limitations on political donations; or the intrusiveness everywhere of the office of the Prime Minister, captured in Paul Martin’s aphorism, “Who do you know in the PMO?”³ Here, say critics, are the ingredients of “executive dictatorship.” This is an extreme charge but increasingly heard even in

¹ For a sample of newspaper comments, from which these quotations are taken, see Bill Curry, “56 Liberals Rise Against PM” *National Post* (6 November 2002) A1; Andrew Coyne, “Once They’ve Tasted Blood” *National Post* (6 November 2002) A1; Jane Taber, “Backroom Bid for Solidarity Fails to Rally MPs to Cause” *Globe & Mail* (6 November 2002) A4; and Paco Francoli & Mike Scandiffio, “Liberal Caucus Grievances Animated by Atmosphere” *The Hill Times* (4 November 2002) 661.

² Joe Paraskevas, “Liberals’ Opposition comes from within” *Star-Phoenix* (7 December 2002) A1. Paul Martin, the front-runner in the race to succeed Jean Chrétien, used the same language, although in denial: “I am not about to become the Leader of the Opposition” in Anne Dawson, “Martin Vows to Support Chrétien” *National Post* (31 January 2003) A7.

³ Paul Martin, “The Democratic Deficit” (December 2002–January 2003) 24:1 Policy Options 10 at 11 (extract from speech on parliamentary reform and public ethics, Osgoode Hall, York University, Toronto, 21 October 2002). The most cited work on the PMO is Donald J. Savoie, *Governing from the Centre: The Concentration of Power in Canadian Politics* (Toronto: University of Toronto Press, 1999).

established quarters and iconically expressed, for instance, in the doctored photograph of a smiling Jean Chrétien, in generalissimo's uniform, that graces the cover of Jeffrey Simpson's *The Friendly Dictatorship*.⁴ Yet, there is no shortage of descriptions of autocratic tendencies on the part of every Prime Minister. For instance, order-in-council appointments, which are an example of the exercise of *real* prerogative power as opposed to the selection of committee chairs, have generated strong criticism of the last three Prime Ministers.

The "decay," or "demise," or "decline" of Parliament is nowadays an editorial staple, comprised of critiques of the plurality electoral system (parliamentary representation of political parties is mathematically "unfair" because the number of seats won is not proportionate to the number of votes won); the appointed Senate, which is decried as triply "unfair" because its members are appointed on prime ministerial advice alone — their numbers ranging from four to twenty-four per province — and, whatever the numbers and however selected, a chamber unable to hold the government to account; and the practice of party discipline which stifles free expression of opinion and participation by members of Parliament and thus perverts representation of the people. Criticisms of the electoral system and of an unelected Senate are relatively recent additions to the bill of indictment. By contrast, party discipline and variations on that theme, such as quarrels with the confidence convention, are seasoned topics, never more forcefully advanced than by the Progressives of the early 1920s.⁵ Three-quarters of a century later, in his farewell address as an MP, Lee Morrison of the Canadian Alliance described the House as "a totally dysfunctional institution," "a rubber-stamp Parliament" composed of "irrelevant, ministerially guided committees." The *National Post* used the occasion to print an editorial on the "decay of Parliament" and to run a week-long series of articles under such titles as "Putting the Whips in Chains: MPs want greater role," "Constituency contact helps Grit endure job's drudgery," "A recipe for change: MPs and political observers suggest ways to revive a Cabinet-dominated Parliament," "Backbenchers fight back," and "No room for dissent."⁶

What is to be made of the longevity of a complaint about executive dominance whose source lies in the personal submission of legislators to the party whips? Does the discontent actually run so deep that its continuous expression is inexhaustible? Or, despite the echo of outrage, do the current attacks on elected dictatorship mark the resurrection of another, long-quiescent campaign to reform government by removing party politics altogether? Or is it, as Peter Aucoin has argued, a sign of "implicit acceptance of republican ideals [by which he means balanced constitutional arrangements] as the standard of conduct in parliamentary government"?⁷ Certainly, there is evidence to support these different interpretations. Still, the fact remains that they are different, even contradictory, in their diagnoses of Parliament's problem and in their prescriptions for change. What they share is antagonism toward the executive. On the one hand, they deny a strong executive, which is the tradition of Parliament most admired by outsiders and, on the other, the benefits of party government, which has long been the envy of foreign observers.⁸ But unity in what is opposed seldom assures clarity in its alternative.

Common to these interpretations is the element of reaction — MPs must act in order to staunch their institution's decline; something must be done to check the executive! The history of rules reform communicates this mood, although perhaps more gloomily than most parliamentary initiatives, since its inevitable sequel is a periodic audit that demonstrates how ineffectual rule changes are on the conduct of governments. Inevitably too, since executives in parliamentary systems continue to dominate, expectations are dashed, frustration mounts and institutional malaise spreads. More than that, expectations of what is required to make change happen grow still more inflated. Early in 2003, the author of a full-page letter to Liberal members of Parliament,

"A recipe for change: MPs and political observers suggest ways to revive a Cabinet-dominated Parliament" *National Post* (17 February 2001) A12; Christopher Moore, "Backbenchers fight back" *National Post* (13 February 2001) A16; Luiza Chwialkowska, "No room for dissent" *National Post* (15 February 2001) A14.

⁴ Michael Bliss, "Southern Republic and Northern Dictatorship" *National Post* (6 September 2002) A18. Jeffrey Simpson, *The Friendly Dictatorship* (Toronto: McClelland & Stewart, 2001).

⁵ See Robert MacGregor Dawson, ed., *Constitutional Issues in Canada, 1900–1931* (London: Oxford University Press, 1933) c. 4, s. 3; and Anthony Mardiros, *William Irvine: The Life of a Prairie Radical* (Toronto: J. Lorimer, 1979).

⁶ "Decay of Parliament," Editorial, *National Post* (14 February, 2001) A15; Sheldon Alberta, "Putting the Whips in Chains: MPs want greater Role" *National Post* (14 February 2001) A15; Jane Taber, "Constituency contact helps Grit endure job's drudgery" *National Post* (12 February 2001) A12; Robert Fife,

⁷ Peter Aucoin, "Accountability: The Key to Restoring Public Confidence in Government" (The Timlin Lecture, University of Saskatchewan, 6 November 1997) at 1. On the removal of partisan politics see John English, *The Decline of Politics: The Conservatives and the Party System* (Toronto: University of Toronto Press, 1977).

⁸ Woodrow Wilson, *Congressional Government: A Study in American Politics* (Boston: Houghton, Mifflin, 1885) at 298, 310; American Political Science Association, *Toward a More Responsible Two-Party System: A Report* (New York: Rinehart, 1950); Austin Ranney, *The Doctrine of Responsible Party Government: Its Origins and Present State* (Urbana: University of Illinois Press, 1962).

which appeared in the *National Post*, recommended, along with fixed election dates and free votes in Parliament on all bills except for budgets, non-confidence and key government policy initiatives, the introduction of “a two-term limit for future Prime Ministers.”⁹

If there is one feature that stands out in this analysis of Parliament’s problem, it is its circularity — the same problem (the executive), the same solution (more power to the MPs), the same outcome (stasis). From all sides Canadians are told their political system fails them. The political executive and bureaucracy are depicted, at least at the national level, since not much is said about the quality of provincial politics, as a cabal organized against the public interest. At the same time, members of Parliament present themselves as, in Aucoin’s words, “hapless victims” who could do much more for Canadians if only given the resources. It may, however, be profitable to look at the matter from another direction, rather than asking what is to be done with the political executive, ask instead, what is the role of Parliament? True, there is always a danger of over-interpretation when ascribing significance to one event; but the chairs affair is not a single datum. Rather, it is symptomatic of Parliament’s mood and behavior — indeed, of national legislatures in several countries. The explanation for what is happening in Canada’s Parliament today goes beyond the narrow executive-centred interpretation so often favoured. If that were the root cause, why would criticism not have been heard long before now, and why (if parliamentary ways are the cause) is criticism so muted in the provinces?

The short answer to these questions is that national legislatures in the past did not feel the same need to justify themselves. Now, in Ottawa (and London, and Canberra), the justification of Parliament proceeds apace. A number of reasons for this development might be suggested. Reaction to executive dominance is one, but there is another which, while related to concern about the executive, has a different emphasis — to demonstrate that legislatures work and that the work they do is good. A new book on the Canadian Senate, edited by Senator Serge Joyal, fits this description. So too does Robert Dahl’s recent work, *How Democratic Is the American Constitution?* Although in one respect a jeremiad, part of Dahl’s thesis is that Congress is good and can be still better. In Great Britain, Damien Welfare has argued that during the years of Margaret Thatcher, the House of Lords, despite the predominance of Tory peers, acted as an effective defender of local authorities and an unexpected adversary of the national

government.¹⁰ Another reason for justification is that legislatures today, as opposed to the past, have competitors, be they the courts and the *Charter*, a revived enthusiasm for direct democratic mechanisms (plebiscites, referenda, and recall), or the attraction of social movements, usually international and frequently global in reach and organization. Elected parliamentarians are determined to show that they are not the nobodies Pierre Trudeau said they were, a stigma that has proved hard to erase thanks to the media’s long-term memory.

But who are they, and what should they do? There appears to be growing uncertainty, not least among the members themselves, over the answer to this question. But uncertainty should not be confused with inaction. Whether in the constituencies or in the House, MPs today, when compared to their predecessors, are models of purposeful employment. Gone are the benign days of Louis St. Laurent, for example, when Members had few resources, travelled little and corresponded infrequently with their constituents. In Ottawa, says one close observer, “members of Parliament have come to devote major portions of their time to providing assistance to individual constituents.”¹¹ David Docherty, whose book *Mr. Smith Goes to Ottawa* is subtitled *Life in the House of Commons*, goes even further: “MPs,” he says, “have come to see constituency service as a primary role.”¹²

The time and resources devoted to the home front and away from the parliamentary arena might be seen as a cost. The late Alan Clark, a former Thatcher minister in Great Britain, so viewed it and gave it a name — “democratic overhead.”¹³ The cost is particularly steep in Canada, where constituents appear to have a different view of the significance of constituency work. “While it is valued by those who receive it, it has only limited influence in getting a

⁹ T. Caldwell, “Letter” *National Post* (25 January 2003) B12.

¹⁰ Senator Serge Joyal, ed., *Protecting Canadian Democracy: The Senate You Never Knew* (Montreal & Kingston: McGill-Queen’s University Press, 2003); Robert A. Dahl, *How Democratic Is the American Constitution?* (New Haven: Yale University Press, 2002); Damien Welfare, “An Anachronism With Relevance: The Revival of the House of Lords in the 1980s and Its Defence of Local Government” (1992) 45:2 *Parliamentary Affairs* 205.

¹¹ Library of Parliament, Political and Social Affairs Division, *The Roles of the Member of Parliament in Canada: Are They Changing?* (Ottawa: Library of Parliament, Research Branch, 2002) at 10.

¹² See David Docherty, *Mr. Smith Goes to Ottawa: Life in the House of Commons* (Vancouver: University of British Columbia Press, 1997) c. 7.

¹³ Alan Clark, *Diaries* (London: Phoenix Giant, 1993) at 120; see also Philip Norton & David Wood, “Constituency Service by Members of Parliament: Does It Contribute to A Personal Vote?” (1990) 40:2 *Parliamentary Affairs* 196.

Member re-elected.”¹⁴ To this paradox might be added the irony that nothing the MP does by way of constituency service has anything particular to do with Parliament, and it could be done, in a less personal manner perhaps, by a bureaucrat.

Constituency labours apparently do not occur at the expense of Chamber activity. Peter Milliken, now Speaker of the House of Commons, maintains that “the role and importance of committees in the House of Commons has increased dramatically over the past 20 or 30 years.”¹⁵ Contrary to the thesis much discussed in the 1960s that legislatures were in decline, there has been “a world-wide growth of parliamentary committees.”¹⁶ While this reversal may be a matter of quantitative record — number of committees, frequency of their meeting, size of membership — and of qualitative evaluation — disposition of recommendations, public and media response to committee reports — the phenomenon requires explanation because it runs counter to the thesis of an ever-expanding and more powerful executive.

At first glance, Parliament’s rehabilitation appears counterintuitive. The communications revolution, that is, the Internet and the transformation of knowledge, has irrevocably altered the relationship between government and Parliament on one hand and the public (or publics, if the kaleidoscopic diversity of the modern polity is to be acknowledged) on the other. Indeed, it is this transformed condition between leader and led which some observers say explains, first, the “revolt of the voting classes” — lower turnout, less confidence in government and a decline in political party loyalty and second, the power of social movements to set the political agenda. As a result, “citizens now have an active marketplace of participation in which to shop.”¹⁷ “Marketplace” is a peculiarly apt description, because social movements enter or leave the political arena at their own choosing; they are movements in both senses of that term. Here, surely, is a recipe for the disintegration of the familiar institutions of politics. And yet the challenge to Parliament that these

developments present has elicited a compensatory response. Turning their backs upon their tradition as generalists, members of Parliament seek, through the avenue of standing committees, to become specialists and to speak with authority on the issues that resound through Parliament and which are dominated by expert bureaucrats and academics, interest groups and scientists. It is this context that frames the familiar plea heard from MPs, of which the following is representative: “If the committees had more independence from the government, from the executive of cabinet, would it not be more beneficial for legislation and for the feeling that we are here for a purpose and with the ability to do something more than to be a talk shop or to have busy work going on in committees?”¹⁸

Arthur Kroeger, a former long-time senior civil servant, has said that “modern communication technologies ... not only increas[e] the public’s understanding of political issues but ... whe[t] their appetite for more meaningful involvement.”¹⁹ The first part of that proposition needs testing as well as modification. There is much evidence to suggest, not surprisingly, that public understanding of issues varies according to their complexity. Involvement is another matter. The consequence of the Internet, which is to annihilate distance, will be in Kroeger’s words, “similar to that of the extension of the franchise in the nineteenth century.” Members of Parliament need specialist knowledge not only to hold their own against a proliferation of experts (among whom, for the purpose of this discussion, should be included the occupants of the PMO) but also to respond to an aroused citizenry. The last word is important because specialist MPs speak not on behalf of the voters in the constituency they represent in the House but on behalf of individuals, wherever located, whose particular interests or concerns the MP articulates as a member of the standing committee.

The difference is important since committee members see themselves as formulators of public policy. “Liberal MP Reg Alcock ... said policy making should be in political hands because MPs are accountable.”²⁰ If that is too presumptuous, then they see themselves at least as contributors to policy formation. Once that perspective gains hold, the party whip chafes indeed. The whip in question is wielded

¹⁴ *Supra* note 11 at 11.

¹⁵ Peter Milliken, “The Future of the Committee System,” in Gordon Barnhart, ed., *Parliamentary Committees: Enhancing Democratic Governance* (London: Cavendish Publishing, 1999) at 82–95.

¹⁶ Lawrence D. Longley & Roger H. Davidson, “Parliamentary Committees: Changing Perspectives on Changing Institutions,” in Lawrence D. Longley & Roger H. Davidson, eds., *The New Roles of Parliamentary Committees* (London: Frank Cass, 1998) at 1.

¹⁷ J. Richardson, *The Market for Political Activism: Interest Groups as a Challenge to Political Parties* (San Domenico: European University Institute, 1994), quoted in Arthur Lipow & Patrick Seyd, “The Politics of Anti-Partyism” (1996) 49 *Parliamentary Affairs* 276.

¹⁸ *House of Commons Debates* (4 October 2002) at 329 (Dick Proctor).

¹⁹ Arthur Kroeger, “How to Keep Parliament Relevant,” in *The Eclipse of Parliament? The Concentration of Power in Canadian Politics* (Ottawa: Canadian Study of Parliament Group, 26–27 November 1999) at 1.

²⁰ Quoted in Kathryn May, “MPs, Bureaucrats Vie for Power” *Star-Phoenix* (8 October 2002) A10.

most obviously within the governing party, since the opposition party retains the luxury of criticizing discipline on the other side of the House — where the concern is to pass legislation through the Chamber — and at the same time voting in opposition to the government. The emergence of a committee culture, that is, the belief in legislative participation on policy-making, raises serious implications for the way the House works. First, it assumes what cannot be assumed — that MPs know what the public wants and that they can transmute this knowledge into policy. The logic of that assumption depends at the very least upon there being a congressional system, as in the United States, where, in the words of Preston Manning, there is a “political marketplace” in which popular support is mobilized “to force [ideas] higher and higher on the political agenda,” and where it is “necessary to build and maintain coalitions across regional and party lines.”²¹

Even when that condition is met, there is no assurance that the *vox populi* will be clear, or that varied interests will not result in a “cacophony of voices,” since “Office holders cannot ‘represent ... until the public presents.’”²² What kind of consultation is necessary? If there is extensive deliberation and discussions, ultimately some choice and some refinement of what is heard must follow. A recent example of the problem of contradictory messages can be found in the challenge posed by some western grain farmers to the Canadian Wheat Board. Late in 2002, thirteen farmers were jailed for refusing to pay fines incurred after they sold wheat in the United States outside the marketing scheme established by the Board. They depicted their action as civil disobedience in the face of a government sanctioned monopoly. Certainly, their grievances were shared by others, but how many others? Uncertainty as to the answer deepened when, the same month, grain farmers in CWB elections voted in four of five directors committed to maintaining the Board’s monopoly.²³

Conflicting opinions are a fact of life; more particularly, they are a feature of political life that complicates the act of representation. The Wheat Board controversy is relevant in the current discussion as an example of the potential for contradictory positions to arise even within one relatively homogeneous group. It is unusual, however, in that the expression of opinion

proved so categorical — go to jail in the one instance; vote for those Board candidates who support or oppose the status quo in the other.

Normally, choices in politics are not so stark, which may explain the confusion parliamentarians seem to display about their role and that of Parliament. The Manning view (and now the position of the Canadian Alliance) demonstrates a profound unease with the principle of representation. More than that, there is a suspicion of government and of political parties and, further still, of politics. What theory of politics informs the proposition that coalitions are more credible when they embrace interests found beyond those within a single political party? How does this improve upon parliamentary government, as traditionally set down in the textbooks; indeed, how is it reconcilable with parliamentary government? It is not reconcilable, and Manning has made no attempt in this direction. Implicitly, according to this interpretation, politicians acting within the confines of conventional party discipline are not to be trusted. Consider the following “householder” sent in 2002 from the office of the current Leader of the Official Opposition, Stephen Harper, with the message: “Our approach is not to say, ‘Trust us,’ quite the contrary. The Canadian Alliance approach is to set up a truly independent official to ensure honesty and integrity in government, regardless of who is in office.”²⁴ Those sentiments were first expressed in the House of Commons in the continuing debate over ethics and the need for a commissioner with a status of Officer of Parliament similar to that held by the Auditor General and the Information Commissioner.²⁵

Responsible government is about accountability, but the Canadian Alliance has an apolitical understanding of that term. That is why they invoke Officers of Parliament so regularly. Opposition parties have always looked to the Officers’ reports for political ammunition — after all, those officials serve Parliament — but the Canadian Alliance view is qualitatively different. They see members of Parliament, that is, the legislators, as in opposition to the executive. It is scarcely an exaggeration to say that from this perspective, the unity of responsible government as classically understood ceases to exist.

The Canadian Alliance speak in what might be called a second political vocabulary. Like the Reform Party, it has discussed proposals that would see voters,

²¹ Preston Manning, “How to Remake the National Agenda” *National Post* (13 February 2003) A18.

²² John Gastil, *By Popular Demand: Revitalizing Representative Democracy Through Deliberative Elections* (Berkeley: University of California Press, 2000) at 111.

²³ Jim Ness, “Selling Wheat, Doing Time” *National Post* (12 October 2002) A21; Les Perreux “Monopoly Foes Defeated in Wheat Board Vote” *National Post* (16 December 2002) A7.

²⁴ *House of Commons Debates* (20 June 2002) at 12938 (Stephen Harper).

²⁵ As a collectivity, Officers of Parliament remain understudied. See Megan Furi, *Officers of Parliament: A Study in Government Adaptation* (M.A. Thesis, University of Saskatchewan, 2002) [unpublished].

through referendums, override the *Charter of Rights and Freedoms*. In contrast to mediated politics that view parties as central to government, the Canadian Alliance champions unmediated politics which, by definition, deprives parties of their *raison d'être*. Yet, whatever affinity the Canadian Alliance may display with American direct-democracy movements, in its own way it remains as far removed from that country's republican tradition of "representation from the people" as the system it says has betrayed the people and which it seeks to replace.²⁶

In its platform the Canadian Alliance may espouse policies and adopt positions that echo American and, more particularly, Republican party views (for instance, the attack on Canada's election finance regime that restricts third-party financing in the interests of establishing a so-called level playing field for candidates, and which the Canadian Alliance sees as a restriction on freedom of expression), but the advantages of coalition building, as celebrated by Manning and identified with the United States Congress, misrepresent or, at least, misunderstand the tone of American political debate. Contrary to the inclusiveness purported to follow upon the negotiations leading to coalitions, many Americans resent what they call "deal-making," and "compromises," and for very specific reasons: "Th[e] belief that Congress members were inattentive, unresponsive, and out of touch," and needed to be "coerced into doing something."²⁷

This is not the place to evaluate the comparative merits of the congressional and parliamentary systems. Still, it needs to be emphasized that comparison is possible because the systems are different, and that the Manning-Canadian Alliance perspective ignores this difference in fundamental respects. Again, that feature of their critique would be of no more than moderate interest except that it has helped to condense and intensify the debate about trust that now envelopes national politics. The question of trust is not a uniquely Canadian concern. The BBC Reith Lectures for 2002 have this very title; and their author, Onora O'Neill, Principal, Newnham College, Cambridge, says that "'loss of trust' has become a cliché of our time."²⁸ It

arises wherever there is reliance on professional knowledge — doctors and scientists, politicians and, in Canada since Walkerton, possibly water-treatment engineers.

"Trust us"? There is no need, proclaims the Leader of the Official Opposition, when, by inference, we have lost trust in ourselves. Perhaps that is an unfair extrapolation of his message, but it is not an indefensible one. Legitimacy once arose out of a ballot box; it was conferred, not earned. Politicians no longer appear to believe in that morality. The want of confidence that is so favoured a topic of debate lies as much within the legislators themselves as it does in the government. It is fed by two beliefs that have recently gained currency. The first has to do with listening. It is often said that governments and MPs do not hear what citizens are saying, and that is because the parliamentary process offers no opportunity to incorporate citizens' views. The attraction of the Canadian Alliance lies exactly in this — that it offers citizens what critics say is crucially absent in the Canadian model of politics, the promise of "actually exercis[ing] power and pass[ing] judgment, either directly or through their individual MPs."²⁹ Listening is linked to concerns about inclusion, consultation and the interposition of opinion into policy-making instruments. Here is the justification for belief in direct democracy and for disdain in representative government as its poor substitute.

Listening can occur outside the legislature, through extra-parliamentary organizations like the National Citizens' Coalition. The NCC must be the most successful extra-parliamentary organization in Canadian history. Aggregating and articulating public opinion *against* Parliament, first with regard to MPs' pensions, and then the election finance law, the G.S.T., and more, created a constituency whose voice was heard in Parliament. Significantly, the NCC campaigns used the newspapers to communicate their message to the Canadian reading public and to provide a channel, through prepared statements to be sent to MPs postage free, to relay that message to Ottawa. Thus the NCC helped reduce the sense of difference between governors and governed that has been a feature of parliamentary government for several hundred years.

The role of media has been crucial to the success of the NCC and others who speak in what this article calls Canada's second political vocabulary. But the media have been more than facilitators in this regard — they

²⁶ For more on this subject, and bibliography, see David E. Smith, *The Republican Option in Canada: Past and Present* (Toronto: University of Toronto Press, 1999) at 139ff.

²⁷ John R. Hibbing & Elizabeth Theiss-Morse, *Congress as Public Enemy: Public Attitudes Toward American Political Institutions* (Cambridge: Cambridge University Press, 1995) at 97.

²⁸ Onora O'Neill, *A Question of Trust* (Cambridge: Cambridge University Press, 2002) at 9. For a rigorous examination of the topic, see Michael Power, *The Audit Society: Rituals of Verification* (Oxford: Oxford University Press, 1997); for a general Canadian review, see J. Patrick Boyer, "Just Trust Us": *The Erosion of Accountability in Canada* (Toronto: Dundurn Press, 2003).

²⁹ Jonathan Malloy, "The 'Responsible Government Approach' and Its Effects on Canadian Legislative Studies," Canadian Study of Parliament Group (Ottawa: Canadian Study of Parliamentary Group, 2002) at 9.

too have introduced what one British commentator has described as “an increasingly critical edge to their reports.”³⁰ “The ‘reality’ which the media construct for the public” is important not only for how citizens view politics — the launching of the *National Post* in the late 1990s and the confrontational tone it adopted in its editorials and coverage of the Chrétien government, faced by a disunited opposition in the House of Commons, helped feed the cynicism citizens increasingly expressed — but also for how parliamentarians view citizens.³¹ Abandon fixed ideas of rank and order and replace them with mechanisms by which ordinary Canadians might overcome everything that politically hampers them. And yet the new order of politics — with its insistent demands for participation — is flawed, for much of what people dislike about Parliament is endemic to what a modern Parliament is — party discipline and executive pre-eminence.

If listening is one modern belief that is transforming parliamentary politics, or at least political discussion, then resisting is a second. Here the emphasis is not on incorporation from below but on autonomy from above. To return to the matter of committee chairs, there is nothing in that controversy that speaks to citizens or groups of citizens or other political parties. Nor is there mention of negotiations or coalition-building. The concerns described above — for inclusion or deflection of critics — has no place here. And the reason is that the discipline “question” is a concern of those within the citadel who speak the insider’s tongue, the first political vocabulary. Traditionally, government has viewed the people as a rival and the expression of opinion outside of political parties as less than legitimate. The public could not be admitted because they were not accountable. And that gap has widened with the arrival of the *Charter of Rights and Freedoms*. Whether it need be this way is open to debate. Paul Martin’s remarks on the “democratic deficit” and a speech by Robin Cook (then Leader of the House of Commons in Great Britain), “A Modern Parliament in a Modern Democracy,” suggest that the House must become more like the people — pluralist.³² Whether that is possible in practice or in parliamentary theory is open to debate. And that is what is missing in the “chairs affair.”

Like the Canadian Alliance, the Liberal dissidents are theoretically at sea. On what grounds is party discipline to be impugned; how far is it to be challenged? The House cannot return to some golden age of independence where members debated issues and weighed — but how? — the national, the party and the constituency’s interests. Did such a time ever exist in Canada’s parliamentary history?³³ Wherein lies the authority for the actions Liberal dissidents have taken? It is intriguing to speculate whether the greater importance MPs now attach to their constituency role and, indeed, the extra work they do to bridge the distance between member and constituent are factors leading to a greater sense of independence. In the debate over Canada’s role in military action against Iraq, it was common to hear MPs use language such as the following: “MPs must be given the chance to express their constituents’ views on Canadian military participation.”³⁴ But then again, it was not unique to hear another rationale for dissent: “I want to send the Prime Minister a very strong message that attacking Iraq without UN authorization is not an option.”³⁵ During the Chrétien recession, some Liberal MPs, either as a representative of someone else or as a representative of no one but themselves, have taken an interest in guided independence in so far as procedures are concerned. When in February 2003, twenty-two Liberal backbenchers voted against the wishes of the Prime Minister and for an amendment to an ethics bill (C-15, the Lobbyist Registration Bill), one of their number explained the rationale: “On some of these issues, you have to represent both your own view and the view of your constituents ... It’s not a problem. The[re] aren’t questions of confidence in the government.”³⁶ Thus, on several matters in recent months, discontent with the Prime Minister’s treatment of the Liberal caucus has led to criticism but no defection by Liberal MPs.

Long-time, former NDP Member of Parliament Ian Deans has said each Prime Minister sets the tone of the House. He or she sets the standard of behaviour. If the Prime Minister does not care about the House, neither will the Prime Minister’s Office, and that disdain will spread to cabinet ministers and to the members themselves.³⁷ Is this another way of saying that

³⁰ Bob Franklin, “Keeping it ‘Bright, Light and Trite’: Changing Newspaper Reporting of Parliament” (1996) 49 *Parliamentary Affairs* 303.

³¹ Richard Hodder-Williams, “British Politicians: To Rehabilitate or Not?” (1996) 49 *Parliamentary Affairs* 292.

³² For Martin, see *supra* note 3; Robin Cook, “A Modern Parliament in a Modern Democracy” (State of the Union Lecture, The Constitution Unit, University College London, December 2001).

³³ See Norman Ward, “The Formative Years of the House of Commons, 1867-1891” (1952) 18 *Can. J. Economics & Poli. Sci.* 431.

³⁴ Sheldon Alberts, “Let House Debate Role in Iraq War: Liberal MPs” *National Post* (15 January 2003) A1.

³⁵ Jeff Sallot, “Liberals Break Ranks on Iraq Vote” *Globe & Mail* (12 February 2003) A4.

³⁶ Bill Curry, “Liberal Dissidents Vote to Amend Ethics Bill” *National Post* (27 February 2003) A5.

³⁷ Ian Deans, “The Eclipse of Parliament? The Concentration of Power in Canadian Politics” (Ottawa: Canadian Study of Parliament Group, 26-27 November 1999) at 18.

Chrétien is responsible for the outcome of the vote on committee chairs within the Liberal caucus? But there is also the fact that there is a leadership contest underway and that cabinet is experiencing much tension as a consequence. Following the selection of a new leader, will the unrest among the renegades abate? In all likelihood, yes, because there is no coherent theory of parliamentary politics or leadership to sustain it. At best, it is a half-theory: emancipate (to a limited degree) rank and file members but pay no attention to the effect change will have on the conduct of government. This closed circle approach to parliamentary improvement omits what is essential and what the Blair Government's Memorandum on "Modernization of the House of Commons: A Reform Programme for Consultation" has remembered: "The objectives of any programme must be to enhance [the executive's] authority to lead national debate on important political issues and to improve the capacity of the Chamber and Committees to scrutinize Government, both in its executive actions and in its legislation."³⁸ Notwithstanding the Manning-Canadian Alliance interpretation of a separation of institutions in parliamentary government, the executive and the legislature are one. It is salutary to bear this truth in mind if the constructive power of reform is to be realized.

Yes, the Prime Minister has too much power. Yes, the PMO sometimes treats ministers and caucus members with disdain. Yes, members have opinions and, in some instances, specialized knowledge and yes, the public believes its demands for participation go unacknowledged. What conclusion is to be drawn from these affirmations, and how are they to be incorporated into Canada's system of responsible, partisan government? The chairs affair has raised intriguing questions; it remains for students of Canadian government to provide the answers.

David E. Smith

Professor of Political Studies, University of Saskatchewan

³⁸ U.K., Select Committee on Modernization of the House of Commons, *Modernization of the House of Commons: A Reform Programme for Consultation* (Memorandum HC 440) (London: Her Majesty's Office, 2001).