



Parliamentary Book Shelf

The People's House of Commons: Theories of Democracy in Contention by David E. Smith, University of Toronto Press, Toronto, 2007.

For forty years David Smith has been a pillar of the Political Science establishment. This is the last of a trilogy devoted to Parliament along with *The Invisible Crown* and *The Canadian Senate in Bicameral Perspective*.

Although now retired from the University of Saskatchewan David Smith is still a frequent witness before parliamentary committees and a participant in conferences relating to Canadian political institutions. He is noted for his mastery of the principles and conventions of the Westminster system, a knowledge he has shared with generations of students including many who are now legislators.

Over the years proposed reforms such as election of the Senate, proportional representation and fixed election dates have had to withstand his insightful analysis. If he often concludes in favour of the status quo it is not without raising serious questions about both the status quo and the proposed reform. Therefore a book by him on arguably our most important political institution is a must read for all interested in the study of Parliament.

The first chapter sets forth the constitutional principles on which the House of Commons is based including ways the Canadian House differs from its British namesake. He looks at challenges to the House from the Courts, from the proliferation of parliamentary officers who

now perform duties traditionally expected of members of parliament, and from self appointed citizen organizations such as Democracy Watch and Fair Vote Canada.

The next three chapters focus on parliamentary democracy, constitutional democracy and electoral democracy. With customary thoroughness he surveys the academic and popular literature in each area without really revealing his personal view on many of the criticisms. Perhaps his most prescient observation is that Canada's former distinction "rested in its commitment to pioneering a federal parliamentary democracy, now its defining character (rests) in values rather than institutions, a transformation of uncommon importance for the future of the people's house in Parliament." (p. 50). He leaves the reader to draw his own conclusion about the experience of other countries that have raised values to the level of creed and whether we really want to take Canada down this path.

The next chapter entitled "What is the House" points out how numerous American influences have seeped into the vary fabric of our constitution and our House of Commons. Election campaigning is now a year round activity. Constituency work has increased tremendously. In the House we see calls for more checks and balances such as parliamentary involvement in the appointment process. But checks and balances reflect a view of government as a negative force that needs to be continually checked. The fusion of the executive and legislature

that characterizes Westminster style government reflects a very different view.

Having outlined all the things various experts have said is wrong with the House of Commons, Smith comes to the rather curious conclusion in the penultimate chapter that "Canada has a better House of Commons than its critics allow, and even perhaps better than there are theories to explain it" (p. 116). This section includes a useful digression into the debate about the merits of proportional representation versus the first past the post electoral system. He argues that the mechanism used to choose members cannot be separated from the quality of the representatives who are chosen. If we have problems with the way our legislatures work it is logical to look at how they are selected – hence the decade long inquest into PR in this country.

Secondly he makes the case, albeit indirectly, that electoral reformers should not focus so much on the numbers game – making the seats won equal the popular vote. Instead they should make the argument that their particular form of PR would add some value to the way the legislature operates. That is certainly good and topical advice for those who will be making the case for PR in the upcoming Ontario election and eventually in British Columbia and perhaps federally.

There are however, two criticisms that can be made of this book. It does not consider, in any great detail, procedural reforms that could significantly improve the way the House works or address some of the

other issues he raises such as the clash between parliamentary privilege and the *Charter*. But David Smith is not a proceduralist and these ideas will have to come from elsewhere.

The other criticism relates to his suggestion for a royal commission on the constitution to “study the law, conventions, usages, and customary understandings that guide parliamentary government in Canada” (p. 140). If ever such a body was created, David Smith would be on the short list of individuals qualified to serve on it. But his argument that the key to change must be rooted in an understanding of the past, particularly the English parliamentary past is less convincing.

It prevents us from asking two key questions. First, is democracy rooted in an electoral process, the best way to choose the people to perform the functions we associate with a House of Commons? Secondly, is it really self evident that parliamentary institutions as we know them, are the best way to conduct public business.

For policy making the bureaucracy and think tanks are more heavily committed to public policy formulation and consultation than is Parliament.

For scrutiny the auditor general, a plethora of non governmental organisations and a free press provide just about all the accountability we can handle.

For freedom, our rights are assured by an independent court system.

For representation, public opinion polling is just as accurate as voting in determining the will of the people and the internet provides a direct link between government and citizen.

Perhaps the question that really needs to be asked is: Would our collective lives be worse if Parliament was suspended for a decade? This has actually happened before in the time of Cromwell and more recently in Newfoundland in the 1930s. In both instances Parliament was restored and we need to reflect upon what would be lost without a Parliament and why we want one.

The answer can be found not only by looking at English history but also at some contemporary bodies like the Citizens' Assemblies created to consider electoral reform in BC and Ontario. In both cases members were chosen at random rather than by election yet in each case the Assembly proved to be more representative than our elected Chamber. In both cases the assemblies were asked to consider a public policy issue. They began by informing themselves of the issues. They consulted widely and ultimately deliberated in a civil and respectful way before coming to a decision. Is that not exactly a prescription of what we expect from a House of Commons?

The Citizens' Assemblies met on a part time basis and without many of the resources available to MPs and

MLAs. In both cases participation was high and the members enthusiastic about their task. The decisions of the two assemblies were different but each enjoyed a legitimacy and respect because the process they went through was perceived to be fair and unbiased.

Of course the analogy is a limited one. The CAs did not have to deal with how to finance their proposal or take responsibility for them, or deal with more than one issue at a time. But they worked well enough to at least raise the possibility that perhaps elections, political parties, and legislative institutions in their present incarnations are not the best or the only way to attain our goals of economic growth, social stability, pluralism, and individual freedom. Would a part-time citizens assembly chosen at random from interested individuals combined with all the other extra parliamentary forces that have emerged, give us at least as good government as any reformed House of Commons that might come about as a result of a Royal Commission recommendation?

David Smith has produced a thoughtful book and he raises many important questions. But other questions are never asked even by one of the most prolific students of Parliament Canada has ever produced.

Gary Levy
Editor