



Parliamentary Book Shelf

Against Reform by John Pepall, University of Toronto Centre for Public Management Monograph Series, University of Toronto Press, Toronto, 2010, 164 pages.

This is an interesting and well written polemic against a variety of reform proposals that have dominated Canadian thinking in the last half century.

The book had the potential to do for political conservatism in the 21st century what George Grant's *Lament For A Nation* did for intellectual conservatism in the 20th. Instead it comes across more as a half baked critique of several half baked ideas. Nevertheless there are observations and insights that deserve careful consideration from budding reformers and non reformers.

The thesis of the book is simply and elegantly stated:

We have forgotten how and why our political institution came to be. The media, academics, and politicians have a bias towards change, and the mass of people who are content with our institutions are quiet, while those keen on change will not be quiet. We are distracted by the spectacle of American politics. Most importantly we misunderstand democracy and, in the hope of getting what we think people want, risk the people losing control of government. (p. 3)

Most of the problems stems from a confusion between parliament and government. Originally parliament had nothing to do with government.

The latter was in the hands of the King and parliament was called to grant money and air grievances. Even when government became dependent on parliament their roles remain distinct.

The leadership, coherence and work necessary for government are beyond the capacity of an assembly of hundreds. The role of parliament, the House of Commons in particular, remains support and scrutiny. It can make or break a government. It should expose and see rectified its failings in detail. But it cannot develop the policies, choose the people, administer the programs, and do all the other work of which government consists. (p. 99)

Over the course of several chapters the author makes the argument that fixed election dates, proportional representation, an elected Senate, recall, initiative and parliamentary confirmation of appointments are more or less incompatible with the classical parliamentary system that he has described.

He is particularly opposed to proportional representation and no less than 5 chapters are devoted to this with a separate discussion of the Ontario and British Columbia referendums. Only one chapter is devoted to parliamentary reform and much

of it is devoted to debunking a straw man – free votes, which has never been a serious reform except in the dreams of the early Reformers and in the somewhat muddled thinking of Paul Martin's action plan with its one, two and three line whips.

Committees rate only half a page although his main point is a good one. It may have been a mistake to allow committees to act completely on their own initiative instead of as servants of the House as they were originally intended and still are in most legislative assemblies.

He discussed changes intended to enhance the role of Private Members' Bills but concludes that giving more scope for these bills "is only an indulgence of MPs' vanity. It will do little harm. It will do no good." (p. 109)

The book fails not just because it takes a few cheap shots at some easy targets. It does not explain in sufficient detail why we find ourselves with dysfunctional political institutions, particularly since the advent of minority government. Here are a couple of possible reasons that deserved to be considered.

Did some well-intentioned reforms intend to overcome the executive's overwhelming power during the long period

(1980-2004) of majority government, fail to consider how these reforms would work in a minority?

Did we lose sight of the necessity for reform to always balance the need for governments to govern and oppositions to oppose and instead looked at reform mainly in terms of convenience for the parliamentary players?

He is also wrong in his criticism of a couple of specific reforms. The confirmation of appointments by parliamentary committees has actually been a success in terms of his own definition of how parliament is supposed to work.

Basically appointments are made, the appointee is called before a committee and subject to questioning that is sometimes respectful, sometimes probing and sometimes simple mudslinging. A decision is then made and reported to the House but this decision had no impact on the choice of Glen Murray as head of the National Round Table on the Environment and the Economy in 2005. The Standing Committee on Environment and Sustainable Development held hearings and ultimately voted against endorsing the candidate by a margin of 7 to 4. Despite this objection, Paul Martin certified the nomination.

In 2006 the Standing Committee on Government Operations and Estimates rejected the proposed appointment of Calgary businessman

Gwyn Morgan to the newly created Public Appointments Commission. Rather than seek another candidate or go ahead with the appointment anyway, as Mr. Martin had done, the government seems to have dropped the idea of a Public Appointments Commission.

Both are good examples of how parliament is supposed to work. Members talk and deliberate but ultimately the responsibility for the appointment belongs to the executive. If they choose not to listen to the committee they will ultimately take the responsibility. There is no ratification. There is no advice and consent. There is no veto. If the debates are sometimes unseemly they are nevertheless fully within the parliamentary tradition advocated by John Stuart Mill whereby free and full discussion, however distasteful, is the basis of our liberties.

Another mistaken critique relates to party switching. The author finds fault with attempts such as Peter Stoffer's bill intended to prevent members from switching parties unless they run in a by-election. He says:

"Parties must be able to split, merge, disappear and emerge to seek coherence that makes government possible. If when this was happening, all MPs who might be moving were subjected to re-election, political development would be inhibited and MPs would be trapped in parties that no longer served their purpose."(p. 105)

This may be true for ordinary members but the author ignores his own logic when he fails to distinguish between merely switching parties and switching in order to join government as did Belinda Stronach and David Emerson.

Until 1931 we had legislation requiring anyone joining the cabinet to resubmit to the electorate. We do not want to turn back the clock and make everyone appointed to cabinet resign and re-offer in a by-election but why not follow the lead of some provinces and territories and legislate to prevent the Stronach/Emerson situations which make a mockery of our form of government.

Finally the author is a bit too caught up with his theme – against reform – to even suggest some changes that might be worthwhile. For example the use of time in the House of Commons is perhaps the greatest single source of frustration to members, stakeholders and the general public. There must be a happy medium between the arrogant use of time allocation during a majority and the unlimited obstruction possible in a minority.

It is a shame the author did not apply his considerable analytical talents to coming up with creative suggestions to these and so many other problems facing our institutions.

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