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# In Defence of Parliamentary Opposition

*John Wilson*

**E**xperience has taught me that most people regard parliamentary opposition as an enormous waste of time, a wholly improper use of public money, and something there ought to be less of. The government has a job to do, they say. Let it get on with it.

For such people, parliamentary opposition is, in a word, a nuisance. But anyone who has the slightest familiarity with the evolution of the British system of government knows that Her Majesty's Loyal Opposition is just as essential to its success as Her Majesty's Government. The connection is obvious. If there is a case for opposition there must also be a case for nuisances and it may therefore be useful to discover more precisely what that case may be.

Nuisances are people who vigorously and persistently pester and challenge those in authority. They are the people who deliberately try to embarrass the leadership at a trade union or shareholders meeting – or who heckle and are removed from political meetings – or, perhaps, they are academics who quibble over what are said to be small points. Nuisances are people who get in everybody's way, and they can be found in every walk of life.

Some people think being a nuisance is simply freedom of expression gone mad. But it is not just people doing and saying what they like; it's freedom of expression directed at particular individuals. What the nuisance does is challenge the quaint notion – so often held not just by prime ministers and presidents, but also especially by university professors and teachers of all kinds – the notion that such people have a corner on knowledge, and that simple folk are expected to shut up and listen to them. By challenging this view the nuisance forces those in authority to hesitate just long enough to accept the possibility that they are wrong. The peculiar characteristic of the nuisance is that he or she is not put off by a pat on the head and a knowing smile. Nuisances cannot be accommodated – almost by definition – and it is that aspect of their behaviour which is so thoroughly offensive to those in charge. Nobody seems to be able to persuade them to move aside.

But when we talk of responsible democratic government, as opposed to dictatorship, we are really talking about a political system where the government is made accountable not just to the people every four or five years, but also to a

continuing assembly of individuals elected to represent the people. When we contemplate that way of doing things politically it is immediately obvious that what is most important is not the government nor its accountability, but the method by which it is kept accountable. It is not at all difficult to move from that perception to the idea that opposition is really more important than government – especially in a parliamentary system – and that recognition shows us the fundamental connection between opposition and nuisancehood.

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*“The characteristic political activity of a democratic society is the regular calling to account of its leaders. That is what allows us to claim we are a developed country in political terms.”*

The key to understanding why opposition is so important in parliamentary systems lies in the very nature of the Westminster model. Perhaps the best way to describe it quickly is to outline the structure of power which makes it work. At the bottom we have a parliament. Conventional wisdom tells us that the British constitution is essentially unwritten, and is for that reason very different from the American constitution. In another sense, however, as someone once waggishly said to make the point, there very clearly is a written British constitution. It has two sentences: “There shall be a parliament. It can do anything it pleases.” In short, parliament is sovereign – and no less in Canada than in the United Kingdom – except that Ottawa may not deal with things which are in the jurisdiction of the provincial legislatures – who are similarly sovereign.

But this has an immediate consequence, which is central to the operation of the system. If it is true that parliament can do anything it pleases then obviously governments will depend for their political lives on the support of the House of Commons. It is this fact – that in theory the government can be removed from office at any time – that is the other side of the coin of parliamentary sovereignty. Cabinets seek always to control the House of Commons – in order to stay in office

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for a full term – and they have generally been able to do so in modern times because of the development of a very rigid party system.

It is worth recognizing how this way of doing things sets us apart from the congressional system – where the administration is never really threatened during its four-year term. Walter Bagehot caught the most important consequence of the difference in a famous passage from his celebrated study of the character of the British constitution.

“Human nature despises long arguments which come to nothing – heavy speeches which precede no motion – abstract disquisitions which leave visible things where they were. But all men heed great results, and a change of government is a great result. ... And debates which have this catastrophe at the end of them – or may so have it – are sure to be listened to. ... Under a presidential government ... there are doubtless debates in the legislature, but they are prologues without a play. There is nothing of a catastrophe about them; you cannot turn out the government. The prize of power is not in the gift of the legislature, and no one cares for the legislature.”

Indeed, said Bagehot, were it not for the fact of cabinet domination of the House – through its control of patronage, the purse strings and parliamentary business – the British way of doing things could easily make nonsense of the very idea of responsible government. The administration would spend the better part of its time looking for support from the “loose fish” (as they were called in Sir John Macdonald’s day) instead of concentrating on the management of the nation’s affairs.

But the development of the modern system has revealed a new element of authority in parliamentary government. It is no longer enough to say simply that the cabinet can usually control the behaviour of the House of Commons. We have now reached the stage where the prime minister – who used to be viewed as simply *primus inter pares* – is far more important than other cabinet ministers.

There is no need to catalogue the many different ways in which he or she can influence what happens at every turn – one sees it almost every day – but some stories are better than others. I remember being in Ottawa in 1967 and proudly marching my children into the public gallery to show them their heritage. We had come at question time – it was just a few days after the Israelis had launched their military strike into the Sinai peninsula and everyone on the opposition side had questions for the prime minister. Christopher, who was six at the time, watched these exchanges for a while and then he said, “Daddy, what do they do, take turns?” I said yes, that was more or less what they were doing. Then he said, quite pensively, “Mr. Pearson gets an awful lot of turns.” A child’s view of the power of the prime minister – he gets more turns than anyone else.

The result of all of this is that if parliament may do anything it pleases, and if the cabinet – by necessity, as we have seen – dominates parliament, and if the prime minister

has absolute control over the cabinet, we simply must have a vigorous and determined opposition. Its job, almost by definition, will be not merely to watch what the government proposes to do, but to harass the government with all the strength it can muster. Why? Because only by harassment can you keep untrammelled authority respecting its limitations – by constantly forcing it to take a second, or even a third or fourth look at what it is doing. In that process the characteristic component is not simply debate – because governments with majorities do not lose debates – but a capacity to make the government fear for its political life over the longer term. The best way to do that is to make it look foolish. No one likes to be made to look a fool – if for no other reason than that those who look foolish quickly lose the respect of the multitude – and if there is a permanent possibility of their being made to look foolish those in authority will likely be more careful. The whole thing sounds suspiciously like the way in which we expect nuisances to behave.

The role of the opposition has become so central to our way of doing things that we formally recognize it in a number of different ways. The structure of the British House of Commons, and of all legislatures copied from the Westminster model, quite literally creates the atmosphere by seating government members on one side, facing the opposition members on the other. This is in stark contrast to the French National Assembly and the houses of the American Congress, where everyone sits in a semicircle. But that is not the main point.

Our commitment to the principle of opposition has led us to some quite intriguing arrangements. Just after the 1975 Ontario election, when the NDP became for a brief period the official opposition in the legislature, Stephen Lewis visited the University of Waterloo to speak to one of our first year classes. At the end of the talk a student asked him what it was like to be Leader of the Opposition. He replied: “Well it’s much the same sort of thing, really – although you may be interested to know that in the event of a nuclear attack on Queen’s Park I get to share the bunker with the cabinet.” The opposition must be able to carry on as well as the government.

In Canada we pay the Leader of the Opposition a salary – over and above his parliamentary stipend – equivalent to that of a cabinet minister. Indeed, we pay the leaders of other recognized parties in the Commons a salary over and above their parliamentary stipend. These practices are also testimony to the fact that opposition is just as important as government.

But despite the formal recognition we give to the opposition’s special role, many people in authority seem not to have made the connection between its necessity and the equal necessity of nuisancehood. A number of years ago Mitchell Sharp, then a minister in a Liberal minority

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government, had this to say about the behaviour of the opposition.

“We have slightly fewer than half the members and, therefore, ...the attitude of the opposition is far more important than it has ever been. ...If we were sitting there with 175 members we could ignore the opposition and say: ‘Well, you know, that’s just what you expect.’ But they are sitting in a position of much greater influence... and, therefore, they should have a greater sense of responsibility.”<sup>1</sup>

That is always what those in authority say. “You’re holding us up. Let us get on with the job.” But it is precisely the opposition’s role to stop the government in its tracks, and to delay the passage of government measures just long enough to allow the expression of an informed public opinion. If the people are sufficiently angry about what the government is doing they will say so – and the government may very well back off. But if the people don’t know about it they will do nothing. And so the opposition has to fight for that time. It is, again, exactly what nuisances do – delay.

Now all of this suggests that although parliamentary opposition is little more than organized nuisancehood it is nonetheless an honourable calling. It is, as Eugene Forsey is fond of saying, rather like marriage in the Anglican prayer book: “Not by any to be entered upon, nor taken in hand, unadvisedly, lightly, or wantonly; but reverently, discreetly, advisedly, soberly, and in the fear of God.” Constructive obstruction is needed in a parliamentary system, just as it is needed in society as a whole. Those in authority must constantly be forced to face the music.

Well, how is it done in Ottawa, and what can we learn from it? For the person who wants to become deeply familiar with the vast store of unwritten rules which govern parliamentary practice just as much as the written provisions of the Standing Orders, there is an almost endless opportunity to find ways to be a nuisance, and yet to do so in the very civilized terms we simply call “parliamentary.”

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***“One of the great accomplishments of the evolution of the British way of doing things is that it has taught us how to disagree without being disagreeable.”***

There are a number of specific points in the parliamentary timetable when the opposition can easily get at the government without having to resort to such things as walking out of the House and refusing to turn up for a vote.

In the hands of the practiced nuisance they are dynamite. Let’s take them more or less in order.

Section 21 of the Standing Orders of the House of Commons, provides that fifteen minutes prior to the regular Question Period will be set aside to allow any member who can catch the Speaker’s eye to make a statement – on anything he or she might wish – lasting in each case for no longer than 60 seconds. The only limit is that members may not use these occasions to offer congratulations to any person or any group of persons or to any organization of any kind. The Speaker holds the stopwatch, as it were, and anyone with any imagination at all can see that here is an opportunity to really embarrass the government – and the beauty of it is that the government cannot answer back.

But that is a new trick. We most commonly see the government under attack at question time in the House of Commons. Here is where ministers are challenged every day. We often do not recognize the virtue of our special institutions, and it may be useful if I remind you of it in this case by an anecdote from many years ago.

Early in 1957 President Eisenhower went to Bermuda to discuss with Harold Macmillan a number of matters of concern to their two countries. After their meeting the British prime minister gave a press conference where he was asked some pretty searching questions by the assembled journalists. As the time for the session drew to an end a quite young American reporter caught Macmillan’s eye and asked: “Mr. prime minister, now that you’ve had the experience what do you think of this great American invention – the press conference?” “Why,” Macmillan said, “I think it’s a very good thing; absolutely the cream of the crop.” “Well, then,” said the reporter, not recognizing the British politesse, “do you intend to introduce the practice when you return to the United Kingdom?” “Oh, no,” said Macmillan, “we’ve had it for centuries. We call it question time in parliament.”<sup>2</sup>

Opposition members bent on being a nuisance very quickly learn how to get around the rules the Speaker will impose on them – that the question must be a question and that there can be no argument or debate. Question time is an opportunity to embarrass the government – to make it think twice about what it’s going to do – and in the right hands it may even be a chance to make some ministers look like idiots.

The device for doing this is what is known as a parliamentary sleeper question – that is, an innocent and entirely trivial first question followed by a devastating supplementary. In its most common form it is seen as asking a minister if he or she has received a certain letter, and if the

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1 *Kitchener-Waterloo Record*, September 9, 1966.

2 *Globe and Mail*, March 25, 1957.

answer is “no” you produce the copy sent to you as proof that the minister is not doing his homework. But a really good – and in fact much more elaborate – example can be found in the debates of the Canadian House of Commons back in 1966, mounted by none other than John Diefenbaker, one of the most effective leaders of the opposition we have ever had. Hansard records the following exchange on this occasion, beginning with Mr. Diefenbaker’s parliamentary sleeper. “Mr. Speaker, I would direct a question to the Minister of Justice and ask him whether in the last few days any order has been passed declaring a state of emergency in this country under the provisions of the War Measures Act”. Mr. Cardin replied, “Not to my knowledge, Mr. Speaker,” and you could see him twisting in his chair to catch the prime minister’s eye, wondering what on earth the Leader of the Opposition was up to. Then Mr. Diefenbaker produced his supplementary question. “Well then, Mr. Speaker, if there has not, what justification is there, and what authority is there to keep a man who has not been tried, Victor Spencer ... under perpetual surveillance? What is the authority under law that allows the government of Canada to interfere with the rights of a citizen in that way?”<sup>3</sup>

His point was that only in very extraordinary circumstances could the government behave this way. And he had an impact. Within minutes the prime minister himself had promised a full investigation into the circumstances surrounding the Spencer situation.

Part of the skill that goes with making a nuisance of oneself is the ability to be very rude without seeming to be. There are many examples of this in everyday life but – as you might imagine – there are some really quite delightful ones to be found in the give and take of parliamentary debate. Unparliamentary language is not permitted in the House of Commons, but any trained nuisance can get around that. Winston Churchill once managed to call a cabinet minister a liar by telling the Speaker that “the Rt. Hon. gentleman is guilty of a terminological inexactitude.” Or you might want to say that “there is some doubt, Mr. Speaker, about the maternal ancestry of the Rt. Hon. gentleman.” Your effectiveness as a nuisance is directly proportional to your ability to seem as if you are being nice when in fact you are being lethal.

While question time is the most prominent occasion on which opposition members can take on the government – and with skill make real nuisances of themselves – it is no more than that. A government with a solid majority does not have to worry about nuisancehood if it can summon up the patience.

Nor will it have to worry about the several other points in the parliamentary timetable when the cabinet’s performance can be attacked. The debate on the address in reply to the Speech from the Throne, a motion to go into supply, or a budget motion – all of these occasions are times when the government can be gotten at from the other side of the House. But these occasions are few and far between.

In a more prominent way, there is the opportunity for a debate on the adjournment – and not just because this route could be followed every day. We expect the opposition to make a fuss about budgets and the like; we don’t expect disagreement over the proposition that the House should adjourn. In whatever form – whether to allow discussion of an urgent matter of public business or merely to permit a member to let off steam – a debate on the motion “that this House do now adjourn” – is clearly an attack on the government. In theory, if the government were to lose such a vote they would no longer be in charge of the business of the house (and might on that account be expected to resign) and therefore Governments will generally go out of their way to avoid such an outcome.

In practice however, the debate on the adjournment has become simply another way in which the opposition can vent its feelings – by holding up the adjournment until it has been heard – and then at the end ordinarily a formal division does not occur at all and there is simply unanimous consent to adjourn.

In all of this activity you will notice that there is less an attempt to bring the government down than to make it face up to some frequently uncomfortable facts. I rather think that being a nuisance is much the same. Nuisances do not want office. They prefer the comfort of opposition, away from the responsibility of leadership. But there may be times when there is no alternative to removing the government – and then the opposition will have to move to a motion of no confidence.

In Canada there is a widely misunderstood set of principles associated with this really quite extreme kind of confrontation between government and opposition. None of these principles is written down anywhere. They have been derived from literally centuries of experience in the British parliament, and are entirely composed of merely conventional rules. These have lately been the subject of much discussion but for our purposes it will be enough to say that they can be reduced to two statements.

The first is that if the government is defeated on a direct vote of no confidence – that is, on a vote where the motion specifically says that the House has no confidence in the

3 Canada, House of Commons *Debates*, January 21, 1966, p. 85.

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government – it must resign. The last time that happened at the federal level in Canada was in early 1963.

Coupled with this is the equally important rule that any other government defeat in the House does not automatically require resignation unless the government wants to treat the question as a matter of confidence. In most cases that will require some interpretation – because the House may only be saying “we did not like that item, but we do have confidence in your ability to run the country.” In all of these cases it is obviously up to the government to decide – simply because if it was up to the opposition to make these judgments then it would have control of the business of the House. And if that was the case it would be the government.

There may be cases where even though the motion is not worded in non-confidence language it is so obviously directed in that way that it cannot be ignored – such as the Trudeau government’s defeat on the budget in 1974 or the 1979 defeat of the Clark government. Many of the special debates I mentioned earlier might also turn out to be questions of confidence – particularly if the government was defeated. A government that tried to pretend that such defeats were not a matter of confidence would no doubt look very silly, but the essential point is that only the government can decide what the defeat really means. If it draws the wrong conclusion it is always open to the opposition to move a direct motion of no confidence to settle the question.

Now many people say, “Well what kind of protection is that, when governments have majorities of the kind Mr. Mulroney has in the Canadian House today – with 211 seats out of 282?” The answer to that question lies in the story of what happened in the British House of Commons in May of 1940. It is the proof that opposition can always make the difference.

This was not the occasion of a government defeat – although perhaps you should be the judge of that. It was only a debate on the adjournment; but it was almost certainly the most famous adjournment debate of all time. It began at approximately 4 o’clock on the afternoon of May 7 and lasted until 11:30 that night (when the Speaker adjourned the house without question put) – that is, apart from question period it was the only business before the House on that day. It was taken up again at 4:30 p.m. the next day and again was the only business before the House apart from the question period. It lasted until just after 11 o’clock that night when a formal division took place.

You will surely recognize that this was one of the darkest periods of the Second World War. The Allied Expeditionary Force was still in France. Dunkirk was yet some time away but it seemed very clear that Hitler’s armies would be free to

roam at will over continental Europe, and perhaps even to invade the United Kingdom. The great American war machine was not yet on stream – Pearl Harbour, too, was yet some time away – and in everybody’s mind was the fear that without the British Isles as a jumping-off point there would be no possibility of getting back to the continent if the Allied armies in France – as now seemed very likely – were driven into the sea.

In these circumstances the Chamberlain government faced a debate on the adjournment in the House of Commons. The opposition’s argument was, quite simply, that the government’s conduct of the war was clearly a disaster and that no case could be made for adjourning the House at such a critical time in the nation’s history. It was one of those electric occasions of the kind Walter Bagehot imagined when he wrote of the possible catastrophe which always lies at the end of a parliamentary debate. Speaker after speaker castigated the government for its failures. You could just feel the tension in the air as a packed House of Commons tried to vent its feelings over the two days.

And it was on the first night that what is in my judgment one of the most magnificent interventions ever heard in a parliamentary debate occurred. Leo Amery, that wise student of the British constitution, rose in his place on the Conservative backbenches and, after a short but eloquent speech, pointed his finger at the prime minister and repeated Cromwell’s famous words to the Long Parliament: “You have sat too long here for any good you have been doing. Depart, I say, and let us have done with you. In the name of God, go.”

At that time the Conservatives held some 430 seats out of a total of 615, with the largest opposition group being the Labour party with about 150 seats. But on the night of May 8, 1940 the government carried the adjournment vote by only 281 votes to 200. Even allowing for the MPs who were absent it is obvious that many Conservatives abstained, and some clearly also voted with the opposition. In moral terms, even though it had won the vote, the government had suffered a tremendous defeat.

The outcome shows what can be done even when you are facing a government with an overwhelming majority. The prime minister was so staggered by the animosity on all sides of the debate that he decided he had to resign. But Churchill, who as First Lord of the Admiralty had taken a great deal of the responsibility for the government’s failures, saw no reason to give up. Characteristically, as the world was to see in the coming years, he counselled Chamberlain to carry on. “This has been a damaging debate, but you have a good majority,” he said. “Strengthen your Government from every

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quarter, and let us go on until our majority deserts us.”<sup>4</sup> But Chamberlain could not escape what had happened in the House, and two days later he did resign.

I have always been struck by Churchill’s account of what followed. For just while all of this was happening Germany invaded the Low Countries. Everywhere you went in London the newspapers had big woodcut headlines trumpeting the latest word of the turmoil in Holland and Belgium. So nobody noticed the long black limousine on the afternoon of May 10, 1940 working its way from the Palace of Westminster along the Mall and entering the gates of Buckingham Palace about 5:30. It carried Mr. Chamberlain. Only a few minutes after his arrival he emerged as another long black limousine pulled up to the Palace entrance – carrying Mr. Churchill, who stayed rather longer. Churchill records that the King, who had a sense of humour, looked at him quizzically for a few moments and asked “I suppose you don’t know why I have sent for you?” Adopting the King’s light-hearted mood, Churchill replied, “Sir, I simply couldn’t imagine why.” Whereupon the King laughed and said, “I want to ask you to form a Government.”<sup>5</sup>

Now many people like to say that these kinds of practices are altogether too formal for the modern age, and that to follow them in Canada is to exhibit an unnecessary dependence on the mother country. But what have I described to you? I have simply told you how – at the war’s darkest stage – the British House of Commons was able to get rid of an incompetent government and replace it with one more likely to do the job. In short, I have described the parliamentary way of changing leaders. Surely you would agree that it is better than shooting them?

That is no idle jest. How many American presidents have been assassinated in office? How many more candidates for the presidency? Yet from 1820 to the incident at Brighton in 1984 there had not been an attempt on the life of a British prime minister, and in Canada political assassination of any kind has been virtually unknown since the death of D’Arcy McGee in 1868. Why? Because we have a better way of getting rid of our leaders. Either the opposition brings the government down on a vote of no confidence or, as with the British case in 1940, the assault of the nuisances so terrorizes the government that the prime minister feels compelled to resign.

What, then, is the virtue of being a nuisance? Well, we know, of course, that it is not generally the task of the opposition to bring down the government, any more than it is the task of nuisances to drive out of office whatever

authority figures they are challenging. Neither needs to go so far in order to do the job. The virtue of being a nuisance lies in something much less dramatic. In our society – in any society – we are surrounded by people who are much more powerful than we are. They are wealthier than us, or stronger, or faster, or smarter, or slicker – whatever. They all threaten the development of a genuinely egalitarian society by the undue exercise of their powers to gain their own way. And just as there is a built-in mechanism in a parliamentary system to deny government an easy passage – a mechanism which thrives on nuisancehood – so in society at large we have the capacity, if we will but learn to use it, to deny those more powerful than ourselves an easy passage.

By doing this, by being a nuisance who gets in the way of an easy passage; by constantly badgering those in authority; by forcing them to answer for their stewardship – not at every general election, but every day – we will be teaching them that they must accept the necessity of their accountability. We will be showing them, as Eugene Forsey so nicely put it some years ago, that “it is our Parliament, not theirs. They are our servants, not our masters.”<sup>6</sup> What calling could possibly be more virtuous?

What I have tried to say here is that an understanding of the principle of the necessity of opposition – which lies at the heart of the successful practice of parliamentary government – shows that in society generally we should encourage every nuisance we can find. Indeed, we should pay homage to them, for theirs is every bit as noble a calling as is Caesar’s. They are the people in our midst who draw attention to abuses of authority, wherever they occur. They are the little boy who insists that the emperor has no clothes on. They are Socrates, Antigone, Gallileo, Milton, Bonnie Prince Charlie, Thomas Jefferson, William Lyon Mackenzie, John Stuart Mill, John Diefenbaker, Eugene Forsey and so on. It is a long and distinguished tradition.

That they make no personal gain from their activity has never bothered them, for their ends are invariably unselfish. Really good nuisances have a kind of messianic feeling about their work. They see themselves as having been specially called to that purpose. And like all those who have through the ages followed the honourable calling of opposition, at the end of yet another day of struggle in a cause that may never end, they can console themselves with the words Bernard Shaw gave to Joan of Arc – another notable nuisance – at the end of his famous play: “O God that madest this beautiful earth, when will it be ready to receive Thy saints? How long, O Lord, how long?” □

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4 Winston Churchill, *The Gathering Storm*, London, 1948, p. 527.

5 *Ibid.*, p. 530.

6 “The Problem of ‘Minority Government’ in Canada,” *Canadian Journal of Economics and Political Science*, XXX (1964), p. 6.