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# Obstacles and Opportunities for Parliamentary Reform

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by Preston Manning, MP

There are four obstacles to parliamentary reform that have impressed me, particularly since our group got to Ottawa. These are, first of all, inertia; secondly, the absence of a coherent integrated theory of democratic representation among elected people; thirdly, widely held misconceptions about proposed reforms; fourthly, the strength of the confidence convention. Let me just touch on each of these briefly.

With respect to inertia, I think anybody who is trying to promote change will run into this all of the time. It is just the resistance to change. It has nothing to do with the content of the change you are trying to achieve, it is just that people do not want to do things differently if they have been doing them in a set pattern in the past. I think this is true of Parliament and it is true of other institutions as well.

When our group of 52 new MPs got to Parliament our first encounter with this resistance to change had nothing to do with some grand procedural change. We simply wanted to set our caucus room up differently than had previously been done. Rather than the "theatre style" way caucus rooms tend to be set up, we wanted to put a bunch of tables in a square. It took us eight meetings with the administrative people in the West Block to get that one simple change. We were given a thousand reasons why you could not get tables in that room, and why you had to have chairs. We got another thousand reasons why we could not put them in that configuration. This was the simplest, most elementary change — just how we set the room up. But it took us eight meetings and a great deal of negotiating to achieve.

The only way I know to overcome inertia is by persistent effort. Just to keep plugging away at it. If you

do not do that, it is pretty easy to get discouraged and to give up.

The second obstacle I see to parliamentary reform is an absence among traditional parties of any kind of integrated theory of democratic representation and a theory that gives weight to constituent interests and constituent views. When you ask Canadians what is it that they want their MP to do for them in terms of representation, you tend to get three answers, which political scientists have built theories around.

Some people will say that they want their MP to represent their views on a particular issue in the Parliament, particularly when there is a consensus in the riding as to what that view should be. This is the so-called "delegate view of representation." When you stand up in Parliament and speak or vote, you are essentially doing it as a delegate of the people that sent you there.

The other thing people say is that they expect politicians to keep their promises and implement the program on which they sought public support in the first place. In other words, carry out your program. This is the so-called "mandate theory of representation." You ran on a platform, you got elected and you are expected to work for it in the Parliament.

And of course, the third thing people say, is that they expect you to use your judgement on the issues that come up in the Parliament, particularly on issues that were not anticipated during the election — the so-called "trusteeship theory of representation." You act as a trustee of the interests of the people that elected you, and you discharge that trusteeship as a parliamentarian.

Now it seems to me that the challenge for modern democratic parties and institutions is to integrate these three into one coherent theory of representation and develop guidelines for voting in caucus and voting in Parliament in accordance with that model.

Reformers in the 35th Parliament have been asking questions of the Prime Minister and others, as to what their view is of representation in Parliament. It is clear from the answers that are given that there is no coherent,

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comprehensive, single theory of representation, even among the members of the same party. But in the theories that are held, the party line and the judgement of the individual member are given much more weight, in most cases, than the views of the constituent.

By way of example, here is a question one of our members put to the Prime Minister.

I believe the only way to restore public trust in the judgement of Parliament is for Parliament to show greater trust in the judgement of people. Would the Prime Minister agree that one of the most effective ways of doing this is to give the people a direct role in major decisions from time to time through binding national referendums?

The Prime Minister responded by saying:

Mr. Speaker, there was a referendum in Canada, about a year and a half ago. It can be used once in a while, but it cannot be used as a formula to run Parliament. That is not the way to do it. We were elected under a program.

So she then asked him:

When government members then vote in the House on a particular issue, does the Prime Minister expect them to represent the position of their party, their personal judgement or the majority view of their constituents?

And he said:

I said yesterday, and it is very simple, that this notion that we should be replaced by polling is revolting to me. And I repeat it today, we have been elected to use our judgement. Members of this party use their judgement knowing they belong to a party which was elected with a program. This is what a political party is.

I think you will find that Reformers have been asking a lot of questions like this on the theory of representation to different people in the Parliament. You will notice within the reply by the Prime Minister, the heavy weight that is given to the party line, the weight that is given to the judgement, but the skepticism about giving voice to the will of the constituents. I think that this is a general pattern that you will find among many traditional parliamentarians.

A third obstacle I see to parliamentary reform is some of the misconceptions about proposed reforms. If you propose greater use of referendum, for example, you are accused of wanting to "govern by referendum." Now this strikes me as completely silly.

Nobody is talking about government by referendum, but we are talking about more frequent consultation of the public through this mechanism than we have done in the past. We have to fight the misconception that if you even mention the word referendum you are talking about going to some sort of total direct democracy on every issue that goes through Parliament.

If you propose recall mechanisms, you are accused of advocating virtual anarchy as if members are going to be recalled every month. You have to try to deal with that misconception. I say, "No, you are talking about a mechanism that has threshold levels, and protective devices..." It would be used essentially in extreme cases and is mainly used as a threat. A good recall mechanism is not effective because of how it is used, because the threat of its use is its greatest asset. But you have to fight the misconception, as you even mention the word recall, that you are talking about complete destabilization of the electoral process.

If you mention freer votes, you are often accused of wanting to undermine the whole concept of Cabinet responsibility and responsible government. You then have to explain that you are not talking about doing away with political parties. Even under freer votes there would still be political parties and most of the votes would be on the basis of a pre-committed position. You are just talking about a little more freedom for members to vote their constituents' wishes, particularly when that happens to conflict with the party line or with their personal position.

***Here is a country that has only had three national referendums in its entire history, but if you propose "Why don't we have referendums?" they seem to think that you are talking about going to a referendum every second Tuesday.***

Some of the misdirected attacks on these proposals come about just from genuine misconceptions about the reforms advocated, but I think that many arise also from a pernicious feature of political debate in Canada that occurs almost all the time. Political debaters never accept an opponent's real position and then argue for or against that position. Rather they take their opponent's position and push it to the extreme and then argue against the extreme.

This is particularly effective in Canada. I think it is because as Canadians, we are so afraid of extremism. I think it was Mr. Trudeau who said, "Canadians were extreme moderates," which is an interesting concept. If the earth was flat, Canadians would all be in the middle because we would just not want to get close to the edge.

Often in our political debates, we do not argue or debate about people's real positions. The tendency is to push your opponent's position out to the extreme where it becomes ridiculous and argue up and down how

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stupid that extreme is. But you are then not talking about the real position. I see this often when people debate about referendum, recall, citizens' initiatives and fixed election dates. You do not talk about the real issue, but you push it to the extreme and argue against the extreme. That is an obstacle to even communicating and understanding reform, let alone getting them accepted.

The fourth obstacle I see to parliamentary reform is the whole strength of the confidence convention, the treatment of every motion in most of our legislatures and Parliaments as confidence motions. This is a convention which could be changed simply by a policy statement by the Prime Minister, Premiers and most of the legislatures at the beginning of the session.

We have asked about this question in the House of Commons and I will read one reply here. We were going to ask this question virtually every day and we will ask it many times during the course of this Parliament. This is from one of our members in British Columbia, who got up and said:

Is today the day that the Prime Minister is going to rise in his place and free the members of this Parliament to represent their constituents by declaring that the government will not consider the defeat of a government motion, including a spending measure, to constitute an expression of non-confidence in the government, unless it is immediately followed by the passage of a formal non-confidence motion?

Now Mr. Chrétien replied to this by saying:

Mr. Speaker, this House has had a long standing rules of procedure...

Here we get into the tradition.

Although actually the confidence measure is not governed by rules of procedure, which we follow, I think it would be very easy with the majority we have to embark in a process that would render the government not accountable for its decisions.

Here is this idea that somehow freer votes are contradictory to the concept of responsible and accountable government.

We have to keep in mind what would be the long term affect of such a proposition in this Parliament. Mr. Speaker, this House is not a group of independents who have been elected, we are members of a party and we have a program to implement.

## Opportunities

Now let me be a little bit more optimistic and talk to you a bit about the opportunities for change in this 35th Parliament.

First of all, it does seem to me that the public interest in direct democracy reforms and in reforming our

institutions generally, has never been as high as it is at the present time. Participation in the referendum on the Charlottetown Accord was generally a good experience for rank and file people. They liked participating and they liked the chance to tell the elites of the country that they wanted to go in a different direction. I think that positive experience with people can be built upon.

The informal surveys that the Reform Party has done, mainly through direct mail, show a lot of public support for reforms like recall, citizen's initiatives and referendum, with recall being the most popular of the whole bunch. We found in our election campaign that these types of proposals had a great deal of attractiveness to rank and file Canadians.

The second optimistic thing I see is that there is significant interest among the new MPs in parliamentary reform. There are over 200 new MPs who know that the public has a very skeptical view of the performance of the 34th Parliament. They know that the public wants change and they themselves, generally want more freedom to represent their constituents. Reformers are going to do everything we can to encourage greater independence on the part of backbenchers from the whips, both on our side of the House and on the other side.

We have already, in one of the debates, told the story of the British Parliament, which had managed to relax the confidence convention at least more than we have in our Parliament. My understanding of that story is that it did not come about because of some great commitment to parliamentary reform on the part of the executive during the Thatcher years. It came about by a bunch of backbenchers getting together and walking into the Cabinet one day and telling them that they were going to defeat a bill but they did not intend to defeat the government. If it were followed by a confidence measure, they would support the government, but they were going to defeat the bill.

As one British commentator said, "After 300 years the backbenchers in the mother of Parliaments finally figured out one simple mathematical fact — that there were more of them." We are thinking of maybe putting posters around the backbenches and in the lobbies of the House of Commons, saying: "Backbenchers of the House unite. You have nothing to lose but the shackles of party discipline. Count how many of you there are, count how many members there are of the executive and the parliamentary assistants, and recognize that there are more of you. Think about it."

The third optimistic thing is the reforms that are being proposed for the Standing Orders of the House. This is an initiative that has come from the government itself and is part of its program. The proposed changes include a proposal to allow public bills to be sent to committees

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before second reading rather than after. They include a proposal to allow the committees to draft and introduce bills. They include a proposal to allow the Standing Committee on Finance to consider and make reports on proposals regarding the budgetary policies of the government. All of these are good measures. And the government motion to amend the Standing Orders also concludes with an omnibus paragraph:

“The Standing Committee on Procedures and House Affairs should examine procedures regarding members’ statements, special debates, the taking of divisions of the House by electronic means, the conduct of private members’ business, the reform of question period, measures to achieve more direct participation by citizens, including citizens’ initiatives, the right of constituents to recall their MPs, binding referenda, free votes in the House of Commons and debates on petitions and fixed election dates.”

That committee is hearing expert witnesses now on an ongoing basis, and right now this committee, operating with this mandate, is the best vehicle for pushing parliamentary reform in the 35th Parliament.

Let me now go to just a few suggestions for an agenda for action:

- Academics, we appeal to you and to students to send us a proposal for a thesis about some unified theory of democratic representation — one that integrates the trusteeship theory and the mandate theory and the delegate theory into a comprehensive whole and suggests some guidelines for voting in accordance with that theory. We actually have some research funds that we would be prepared to commit if we could get a proposal that we thought would be of practical use to our members.
- Write editors and call talk shows to encourage media attention for political institutional reform.
- Monitor Hansard in the question period. We will flush out the “small-r” Reformers and the defenders of the status quo. We intend to ask other members for their views on representation and these reforms. If you follow some of that in the Hansard or on the parliamentary channel, you will be able to get a feel for the degree of support there is for this type of change in the Parliament.

- Write to or call some of these new backbenchers who show some tentative interest in parliamentary reform and encourage them. The contest is going to be whether they are influenced by people that want parliamentary reform or whether they are going to be influenced by more traditional politicians who will be trying to pull them away from that.
- Write to or call some of the “old fossils” in the current Parliament. When they advance gross misconceptions of some of the reforms that are being advocated, help set them straight.
- Encourage Government backbenchers to defeat some tiny insignificant government motion, while sustaining the government, to prove that the world does not come to an end when you do that.

### Conclusion

Let me conclude with an observation drawn from a visit to about a dozen of these struggling, undernourished newborn democratic reform parties in Latvia, Russia, Czechoslovakia and the Ukraine. We here may think that the obstacles and resistance that we encounter to re-inventing our political system and democratic process are daunting, but those people are not only trying to re-invent but in many cases invent for the first time, democratic institutions, new constitutional arrangements and market place economies — all at the same time, all against enormous odds, with only a fraction of the resources or the freedoms that we enjoy. I found myself, when coming back from that trip, thinking that surely if anyone can re-invent democracy and its institutional framework for the next century it ought to be Canada with our traditions and our climate of freedom and democracy and relatively peacefully political discourse.

We should get on with it. In terms of what other people are struggling with, we have opportunities that others can only dream of and if we do it, we will not only benefit ourselves and our children, but I think we would have something that at least half of the world would be interested in having as well. ♦