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# In Defence of Parliament

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by Claude Ryan

*Parliament is an ancient institution based on both written and unwritten rules and assumptions. This article argues that we must be careful in trying to reform Parliament that we do not introduce internal contradictions into the institutional structure.*

Of all the political institutions in Quebec, the National Assembly is probably the one that lends itself least to rapid and radical changes. Strengthened by more than two centuries of existence, it has weathered many a storm and adapted to many unexpected situations while conserving its essential features. It is to a great extent thanks to the historical continuity of its Parliament that the Quebec people have been able to evolve for so many generations in a climate where political freedoms, in the plural, and political stability, in the singular, happily coexist.

The Quebec Government intends to invite us over the coming months to say whether we would like to trade in our parliamentary system for a presidential system. While recognizing that a presidential system has significant merits, I want to make clear right from the start my staunch preference for maintaining a parliamentary system. This system has many objective advantages, which have been frequently pointed out by authors on political science, including many Americans. It has served us very well here in Quebec. Among other things, it helps to differentiate Canada from United States. At a time when –because of the phenomenal progress of communica-

tions – our powerful neighbour's influence on the way we think and live is more omnipresent than ever, we must take special pains to preserve the institutions that distinguish us from our neighbours south of the border, and to make only those changes in our institutions that are compatible with their essential nature.

The parliamentary system undoubtedly has its limitations and its weaknesses, but so does the presidential system. According to a number of studies, the comparison is not unfavourable to the parliamentary system. On the contrary; as long as the parliamentary system is not uniquely identified with the British system. It is a much broader concept than that. While the credit cannot be given exclusively to their political system, it does appear, from a number of studies, that stability is greater in countries with a parliamentary system.

Whatever choice is made, it will have to be consistent. As the Quebec Minister for the Reform of Democratic Institutions has aptly put it, there is no room for an à la carte menu when it comes to our political system. Either we opt for a presidential system and its main features, or we choose to preserve the parliamentary system and its well-known characteristics. We cannot cobble together the aspects that please us most from both systems. For example, the choice of the head of government by universal suffrage is a fundamental characteristic of the presidential system. But this method of choosing the head of government is contrary to the spirit of the parliamentary system, under which the executive power issues from the legislative power, is accountable to the legislative power for its actions, and must retain the confidence of the legislative power to remain in office. Since I favour the maintenance of the parliamentary system, I cannot logically

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favour the choice of the head of government by universal suffrage.

If it were true, as Jean Chrétien attempted to argue, that he held his mandate direct from the people, he could have stayed serenely in office for as long as that mandate allowed. But since we have a parliamentary system, he had to be able to rely on the support of his caucus. The carpet was pulled out from under him when he thought he was in firm control, and so he had no choice but to agree to retire. Many other party leaders and heads of governments have had to go through the same experience.

The parliamentary system gives politicians a margin for manoeuvre (which is nowhere defined in black and white but which seems to me greater than that allowed under a presidential system) for the resolution of difficult problems such as the legitimacy of the head of government or a particular party. We also avoid deadlock between Congress and President as sometimes happens in the United States.

Even though such matters are not always set down in writing, the parliamentary system establishes a clear sharing of the main players' responsibilities. The roles proper to the people, their elected representatives and the government are defined by long tradition more than by written texts. As the very name of the system indicates, the cornerstone of the edifice is the legislature, but the electorate and the executive also have important roles. The people elect their Members of Parliament by universal suffrage. From those Members emerges a group of people called upon to form the government, and the government is responsible not only for administration but also for proposing the legislation that Parliament will debate.

***Members are not free agents and only in exceptional cases should they be free to vote their conscience. Without a willingness of members to accept party discipline our system will not work.***

It is up to Parliament to scrutinize government actions, approve legislation and to hold the government to account. This work must be done, without exception by individuals working as a team and not by individual sniping. The members are not elected for their person views but rather as representatives of parties. When a party has won a majority of seats it is logical, indeed indispensable that it be able to count on the support of its members. This is the basis for the rule and custom of

party discipline to which all members but especially those on the government side must recognize.

Equally, for the system to function well, it is necessary that the government have a decisive influence on the legislative program and on the progress of parliamentary proceedings, and a large enough freedom of manoeuvre to manage affairs of state. Bills must certainly be submitted for Parliament's approval before being enacted. But while subject to control by Parliament after the fact, administrative decisions must be made without its prior approval. I am convinced that any attempt to reverse this order, on the pretext of giving more power to backbenchers or to the people, must be approached with caution.

Because I believe in the parliamentary system, I am of the opinion that any proposal to change it must be treated circumspectly if that change runs counter to its essence. I was in opposition for seven years, and then part of the government for nine years, and I am aware of the many weaknesses that justify criticisms of the present system. The main weaknesses seem to me to be the following:

1. The membership of the National Assembly does not accurately reflect the real will of the voters. The current voting method creates discrepancies that could be justified at a time when communication was much more difficult and attitudes more straightforward. But the distortions caused by this method of voting are no longer compatible with today's circumstances.
2. The control exercised by the government on the progress of parliamentary proceedings is too heavy-handed. It leaves too little room for private Members' business.
3. Within the main parties, too tight a control is exercised by the caucus and party power structures.
4. The freedom of action available to Members, especially government Members who are not in the Cabinet, is too limited.
5. In those aspects of parliamentary proceedings of which the public is most aware, the dominant characteristics are publicity seeking on the one hand and dull routine on the other. Question Period in particular often resembles a circus more than a serious exercise. All sides are scrambling for partisan advantage rather than seeking to determine the truth. The presence in the Blue Chamber of a very small number of Members on the occasion of plenary sessions held to debate the principles of bills before their passage also creates an unfavourable impression among many people watching from the outside.

I am as staunchly open to any change that seems compatible with the spirit of parliamentary government as I am staunchly opposed to change that would be contrary to that spirit. The first changes must involve the conduct of parliamentarians themselves. The right to speak, for

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example, is a Member's most important prerogative. For it to be fully meaningful, it must be exercised seriously and in a disciplined manner, I would even say with a certain respect for form and style. Anything that is likely to hinder or devalue the use of the right to speak in Parliament should be resolutely resisted. Among the things that should be done away with are procedural abuses, speaking on command (often at the dictates of the caucus or party power structure), the arrogance of Ministers, demagoguery, imputing motives, personal attacks, and so on.

Hand-in-hand with the quest for higher standards of conduct, which can never be dictated by regulations or legislation, we must attempt to improve the institution itself. Here are some proposals to that end.

- In the front rank of desirable improvements, I would put a reform of the method of voting. My own preference is for the system currently being used in Germany, because it is the one that best reconciles the need for direct representation of the population by directly-elected Members with the need for a balance of general representation in light of the preferences expressed by the people. And I think that this must be done within the existing National Assembly structure rather than by the creation of a second House.
- Question Period must be cleaned up. As it now operates, it is helping to discredit parliamentary institutions in the eyes of a large proportion of the population. The arrangements made for Question Period in the United Kingdom seem to me to offer interesting possibilities. There is much more diversity. There is much more opportunity for all Members – and equally all Ministers – to have a chance to be heard. In our system, it is only the stars who count. The same people always ask the questions, the same people do the talking, the same handful of Ministers have questions directed to them, and the rest are for all practical purposes ignored. This is contrary to the spirit of the institution.
- In order to enhance the role of backbenchers, I would favour the creation in Quebec of a regular time period reserved exclusively for private Members' bills and motions. The federal Parliament allows five hours a week are allotted to private Members' bills and motions. I think that the brief period that precedes Question Period in the Parliament of Canada, which allows each Member to make a lightning statement, one minute long, in order to draw attention to problems in his or her riding, is another good idea. During it, you hear about things that are happening elsewhere in the country, which Question Period and the other stages of parliamentary proceedings rarely touch on.
- I also favour the holding of free votes on bills or motions with significant implications for fundamental rights on either the moral or the religious plane, so that each Member can vote according to his or her conscience. On the other hand, I am not tempted by the idea of extending the practice of free votes to all

government bills, because this would inevitably have negative effects on the unity and stability of the government team.

- I favour more relaxed party discipline when it comes to committee proceedings, especially the detailed study of bills, so that Members can contribute more freely to improving legislation.
- I believe that parliamentary committees should be able to undertake more action on their own initiative. This is a promising avenue for the future that we have only begun to explore.
- Caucus power structures must make an effort to encourage active participation by all Members in parliamentary proceedings. Under the influence of the "star" culture that the media favour to an exaggerated extent, there is a tendency to restrict the right to speak in important debates to a handful of more gifted Members. In the long term, this practice is dangerous for the spirit of our system.
- I approve of the public hearings held by parliamentary committees. I think this is one of the most worthwhile initiatives instituted by the National Assembly over the past two decades. As a general rule, the hearings are held in an environment of mutual respect and courtesy.
- To loosen the government's grip on committee proceedings, I think that the Minister who sponsors a bill should not be part of the committee responsible for considering it; rather, he or she should be called upon to give evidence before the committee at the beginning and at the end of its proceedings, and, if necessary, whenever a truly important issue emerges during those proceedings.
- The temporary changes that have been made to the Standing Orders of the National Assembly regarding recourse to exceptional procedures for bills are laudable. I think these are some of the most valuable improvements that have been made. I understand they are still temporary; I hope they will be adopted permanently, because they would put an end to the stupid practice of obstructionism of which all parties have been guilty at one stage or another in their careers.
- Finally, I have a bone to pick with the media regarding the role they play in covering parliamentary proceedings. Rightly or wrongly, I find that their coverage leaves a great deal to be desired. They place too much stress on the unforeseen and the frivolous, on spats, petty scandals, personality conflicts that last for a day. They are much more interested in what goes on behind the scenes than in the serious and often very constructive work that is happening in committee. Very properly, journalists set high standards for parliamentarians. But it would be a good thing if they would examine their own consciences periodically to make sure they are providing the people with the best information possible.