

Parliament and Parliamentary Reform: The Enduring Legacy of C.E.S. Franks

In 2018 we lost one of the most significant voices participating in the study, discussion, and promotion of Canada's parliamentary democracy. C.E.S. Franks' was well known amongst scholars for his decades of work based at Queen's University; but he was also known among the Canadian public as an expert commentator frequently sought out by journalists who covered Canadian politics. In this article, the author pays tribute to Franks by highlighting his seminal work, *The Parliament of Canada* (1987), and explaining how its insights remain relevant to any debate on how and why Parliament could or should be reformed.

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The passing of Professor C.E.S. "Ned" Franks on September 11, 2018 truly marked the end of an era for students and practitioners concerned with the importance of understanding and appreciating the Canadian parliamentary system.

Over his 35-year career in the Department of Political Studies at Queen's University and through his many published works, Professor Franks provided a clear-eyed and critical understanding of Parliament and the legislative process. For reporters seeking comment on parliamentary proceedings, Professor Franks was always quotable, mixing expert analysis with wry observations on the very human nature of life on the Hill.

Professor Franks' seminal work, *The Parliament of Canada* (1987), remains not only the most accessible, yet thoughtful and scholarly examination of Parliament written since that time, but serves as an invaluable reminder of the enduring strengths of the Westminster model which is the foundation of the Canadian system of representative and responsible government.

Take, for example, the simple but critical fact that in our parliamentary system the executive branch of government - the Cabinet - and the legislative branch - the House of Commons - are deliberately fused together rather than separated as is the case in the United States. In this way, Ministers are held to account and must answer for their decisions in the day to day conduct of government business. Such is the essence of responsible government.

Yet it is in explaining such basic tenets of the Canadian system that Professor Franks made an even more important contribution. He reminds us that only by examining how Parliament works in the Canadian context can we properly assess prescriptions for change.

Such ideas, as often as not wrapped in the rhetoric of "freeing" MPs, are as Franks notes all too frequently based on a flawed appreciation for the difference between the "parliament-centred" ambitions of reform – such as strengthening committees and more free votes – and the "executive-centred" reality of the parliamentary process. It is not that reform is not possible, Franks hastens to add, but technical changes to the standing orders cannot in and of themselves change the nature of how power and authority is focused and used in the Canadian system.

The author is a recently retired federal public servant. He was a student and friend of Professor Franks.



C.E.S. Franks

The perceived shortcomings of how Parliament works – and in this regard we speak particularly about the House of Commons – have not changed: that it suffers from excessive partisanship, that Parliament is too dominated by the government, and that private members should have more influence in public policy-making. It is a constant refrain.

Yet in each case, as Franks correctly notes, the solution is expressed in terms which harken back to a perceived “golden age” when MPs were free to speak their minds in the interests of their constituents and the country.

The Westminster model of responsible government, however, is an “executive-centred” system and it has always been so. As Franks reminds us, there was no golden age of parliamentary independence. Members of the House of Commons are elected - with few exceptions - not as free agents but as representatives of organized political parties. The day-to-day work-life of Parliament (e.g. votes, debates, caucus, committees) operates along party lines.

As for partisanship, the physical structure of the House itself is deliberately adversarial and intended to symbolize and promote Parliament’s challenge function by forcing the executive to defend its policies in debate while providing the Opposition with the opportunity to criticize and to offer alternatives.

The oft made complaint about party discipline as “the problem” with the House of Commons is likewise misplaced. As Franks correctly notes, it is the effect, not the cause, of a host of other variables. These variables include the growth and complexity of the modern State and the many and often overwhelming demands placed on Members of Parliament. They are set against the dominant role played by other actors in the Canadian federal system, including provincial premiers and governments, the professional bureaucracy, interest groups, the press and, in our time, social media.

This is not to say that reform cannot happen. Professor Franks took great care to underline that procedures and structures can and should be examined with a view to potential change – but only provided that such changes are based on realistic expectations and a genuine understanding of both the potential and the limitations inherent in a system of parliamentary responsible government in which power is concentrated in the executive. We must accept that Parliament does not govern. The parliamentary system means government within Parliament, but not by Parliament.

Curiously, for all the discussion about public disengagement from the political process, as true in 1987 as it is today, very little attention is paid to the potential (but neglected) role political parties could play in strengthening civic engagement. In this regard, Professor Franks’ analysis is prophetic.

He urged his readers to be concerned about the decline of political parties as an organizing principle of political engagement. Despite so many competing vehicles of participation in public affairs, only political parties are relevant to the operation of the legislative process.

As Franks points out, critical issues of representation, the conduct of elections, the proceedings of Parliament, and the review and passage of legislation are all structured around and dependent on the existence and effective operation of political parties. Their decline is a warning sign for democratic society as a whole. If one accepts this reasoning, then it is difficult

to understand why so much of the language of reform is based on denigrating political parties rather than strengthening them as agents of the public good.

The Parliament of Canada, then as now, demonstrates Professor Franks' deep appreciation and respect for the many and often conflicting roles a Member of Parliament is asked to play, whether in the constituency or on the Hill. MPs must confront a multitude of demands for their time and attention, overwhelming amounts of information, conflicting allegiances, and an unforgiving public environment.

Professor Franks also showed that procedure is far more than just arcane rules and processes, but rather part and parcel of the vital and ongoing debate over how power should be legitimately exercised and held in check in a democratic society.

He championed the role of Parliament as a focus for national debate on issues and defended its adversarial nature as a means by which the government must account for its actions and inaction. He saw the virtues of a parliamentary-cabinet system

which combines authority with responsibility, and in which the governing administration must ultimately answer for its decisions before the nation.

Professor Franks concludes *The Parliament of Canada* with these words:

"The main functions of the House of Commons are to create a responsible government and to hold that government accountable. Debate and party competition are the heart and soul as well as the blood and guts of our system of representative, responsive, and responsible government. The next challenge is to improve the quality, relevance, and reportage of this vital central core of our democratic processes."¹

To answer that challenge would make for a fine tribute to Professor Franks and the brilliant work which he left us. As Honourable Members might say... Hear! Hear!

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1. C.E.S. Franks, *The Parliament of Canada*, University of Toronto Press: Toronto, p. 269.