

Parliamentary Bookshelf: Reviews

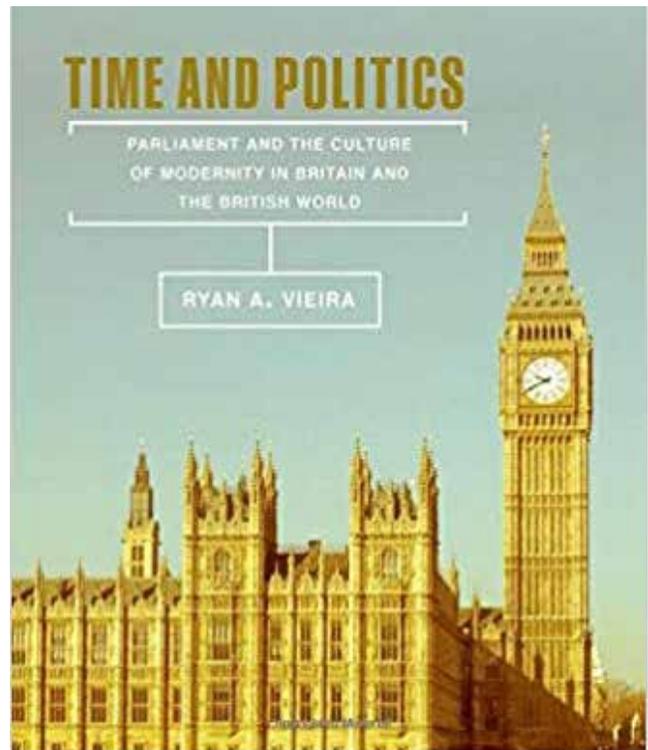
Parliament in the Age of Empire: The Hold of Tradition and the Obligations of Power

Time and Politics: Parliament and the Culture of Modernity in Britain and the British World by Ryan A. Vieira (Oxford University Press) 2015. 199p.

Essays on the History of Parliamentary Procedure in honour of Thomas Erskine May edited by Paul Evans (Hart Publishing) 2017. 347p.

For the past three years Parliament at Westminster has been embroiled by Brexit and the negotiations to take the United Kingdom out of the European Union following the 2016 referendum. The process has been arduous and dramatic. The referendum led to the resignation of David Cameron as Prime Minister. Failed attempts to secure Parliament's support for an EU agreement caused another Prime Minister, Theresa May, to resign. Her successor, Boris Johnson, the third Prime Minister in this drawn out saga, pushed for the adoption of a revised agreement as an October 31 deadline drew near, but he was repeatedly rebuffed by the House of Commons. He lost several crucial votes, expelled almost two dozen dissenting members from his own party, attempted to prorogue Parliament unlawfully, and was forced to seek an extension for further negotiations with the EU before finally succeeding in getting approval for an early general election. It has been a mess. Even the Speaker, John Bercow, became involved. He was variously blamed or praised for allowing backbenchers a greater role and for frustrating the government. Brexit has deeply divided the country and it has raised questions and complaints about Parliament and its capacity to deal with a complex subject sure to determine the social and economic future of the country. These complaints have been amplified through broadcasts and media streaming of the parliamentary proceedings. In ever mounting frustration many simply want "to get Brexit done".

Questions about Parliament and its effectiveness are not new. Throughout much of the 19th century, when Britain ruled a global empire and led the world in industrial production and international trade, Parliament was challenged by numerous issues that revealed persistent tensions. Some of these tensions were similar in nature, if not always in scale, to Brexit. Foremost was Ireland and the struggle for Home Rule.



It was deeply controversial and dominated much of the business of Parliament during the last quarter of the 19th century. Indeed, failure to achieve Home Rule through two attempts in 1886 and 1893 ruined the premiership of Gladstone, wrecked the Liberal Party, and threatened national unity. It also undermined public confidence in Parliament, at least temporarily. It is no small irony that Brexit itself has stumbled because of Ireland and the backstop proposal between Northern Ireland and the Republic. In the end, it may be asking too much to expect Parliament by itself, as the national forum of debate, to resolve such fundamental questions. It is just as likely that debate will be fierce and will expose depths of division that cannot be easily reconciled. Such debates, even in the 19th century, can test the limits of traditional representative democracy and the role of Parliament in arriving at solutions.

It has not always been seen this way. Standard accounts of the Victorian Parliament often tend to be positive and laudatory. Indeed, many of these histories describe Parliament's success and how it managed to fulfil its role at the apex of an empire. These histories focus on features such as the expansion of the franchise,

the development of political parties and modern election campaigns, the rise of leadership personalities, and the implementation of important social policies by the government. Two recent histories of Parliament seek to bridge the gap between the recognition of Parliament's achievements and the effort to overcome impediments to its effectiveness. The first of the two to be published is Ryan Vieira's *Time and Politics*. Vieira's analysis is framed by a context that sees Parliament struggling to adapt its procedures to the pressures of time and the weight of business coming before it. What is striking is the persistent resistance to reform and modernize parliamentary practices that were rooted in the 18th century and earlier. What was appropriate for an era when the House of Commons served as the "grand inquest of the nation" was no longer adequate in dealing with the growing pressures on government and the breadth of issues demanding the attention of the House of Commons. The reforms involved attempts by the government to curb excessive debate and to claim greater control over the management of parliamentary business. Vieira compares this history to the increasing pace of life outside Parliament with massive industrial growth and economic expansion. He notes how modern concepts of time and images of efficient machinery and virtuous masculinity came to be used to explain and justify the need for parliamentary reform. He believes that using such cultural tropes helps to provide a more integrative and complete explanation, a "new story" as he calls it, in this history of reform. This narrative is meant to complement more traditional accounts, the "old story", that prompted parliamentarians and motivated government to pursue more speedy procedures for law-making. Still, despite the increasingly obvious shortcomings of antiquated procedures, members remained reluctant to alter the rules and practices of the House. Through much of the Victorian era, changes were frequently proposed, sparingly adopted, and usually ineffective.

A similar tale is told in the second publication, entitled *Essays on the History of Parliamentary Procedure in Honour of Thomas Erskine May*. A collection written mostly by current and former clerks at Westminster, its major focus is Thomas Erskine May, the foremost parliamentary authority of his day. His career spanned much of the Victorian period. From his early days in the Library of the House of Commons beginning in 1832 to his eventual rise to become Clerk of the House of Commons from 1871 to 1886, the life of Thomas Erskine May seems to capture much of the character of the times. As the author of the *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, first printed in 1844, he exemplified the growing

professionalism and careerism that characterizes what Vieira identifies as the emerging culture of modernity. May's comprehensive manual, still in print, presented a thorough description and history of Parliament's practices based on precedent. Ironically, this had the unintended effect of increasing reverence for Parliament's long history and so reinforced resistance to change. Indeed, May himself seemed sometimes hesitant about reform. While he recognized the need for it and made numerous proposals to advance it, he was nevertheless cautious, often taking a gradualist approach. The weight of history and the inertia of tradition made substantive change difficult. However, the need to introduce tougher measures to improve the ability of the House of Commons to conduct its business more effectively became undeniable when the Irish Nationalists continued to systematically obstruct the work of the House.

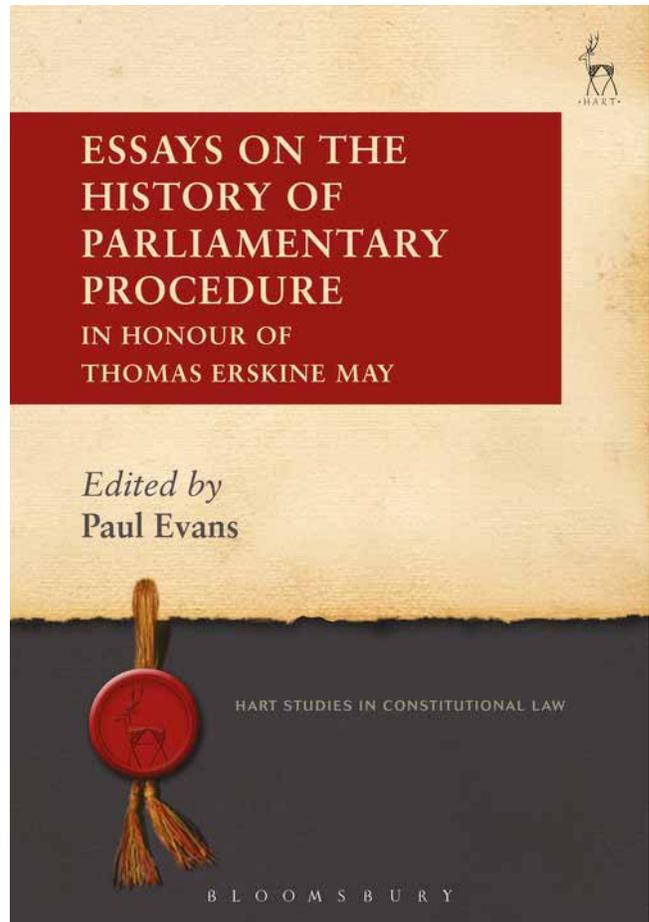
The Irish Parliamentary Party entered Westminster as a third party in 1874. Its goal was to seek, at a minimum, Home Rule for Ireland with the re-establishment of a parliament in Dublin. Resistance to the cause of Home Rule pushed the Irish Nationalists to find ways to demonstrate their determination. With the sessions of 1877 and 1879, obstruction became the tactic of choice and attempts to curb this abuse proved largely ineffective. From 1880, under the leadership of Charles Stewart Parnell, obstruction became even more persistent and crippling. The impact of this obstruction was unmistakable during second reading debate on the Protection of Person and Property in Ireland Bill which was intended to punish agrarian violence and to protect the estates of mostly Protestant landowners. Between January 31 and February 2, 1881, the House sat continuously until Speaker Henry Brand took the initiative to terminate the debate and put the question. It was an unprecedented and radical event: never before had closure been used to stop debate and never before had the Speaker taken such a measure on his own authority.

For Vieira, what is important to note in this event is the firm determination shown by Gladstone and the bold intervention by the Speaker; both attracted much attention well beyond the walls of Westminster. Public interest was intense and the imagery depicting the principal characters was striking. Vieira writes how Gladstone and Brand benefitted from heroic characterization with Gladstone portrayed in strong masculine terms as a "mythic hero ... engaging manfully with Irish monsters". In the end, it prompted the most sweeping reforms yet. In February 1882, Gladstone introduced changes that allowed for the

creation of standing committees, improved the supply process and confirmed the use of closure as a tool to end debate. For Vieira, this happened in part because “a cultural context had emerged that provided supporters of this reform plan with a powerful justificatory discourse. In the press and in Parliament, Gladstone came to be represented as a virtuous and masculine hero who was slaying an imperial other; as a labourer who was fixing the people’s machine; and as a man who was bringing Parliament into the modern age.” This identification with the broad culture of modernity is used to supplement the standard explanations for parliamentary reform. For all his skill, however, the goal of Vieira’s synthesis is not entirely convincing. He acknowledges the compelling nature of traditional accounts that focus on the factors that eventually forced government and parliament to restrict debate and to accelerate the process of legislative review. The addition of this gloss of modernity using what he identifies as shifts in the broader culture of time with all its implications does not really change this traditional narrative and does less than he seems to believe to integrate and complete it.

What seems more significant, and Vieira does explain this, is the scale of press coverage of parliamentary deliberations that grew during the Victorian period. This happened for two reasons. First, the House of Commons adopted a resolution in 1803 that finally permitted reporters to openly write about its deliberations. This reporting became a standard feature of the London papers including the penny press. Second, it was also taken up by provincial papers whose numbers expanded massively as the cost of producing papers continued to fall during the century, especially following the repeal of the Stamp Act in 1855. As Vieira records, provincial papers more than doubled from 1820 to 1847 to 230 and, by 1877, there were almost 1,000. This created a broad base of awareness of parliamentary activities and added to the pressure on the House of Commons to meet expectations to debate less and work more. The situation was not without irony since members felt pressured to appear more industrious by talking more; this, in turn, provoked more complaints about the inefficiency of the House. This press coverage also provided the platform for presenting the imagery of accelerating time, powerful machinery, and heroic masculinity that Vieira identifies in his exploration of the culture of modernity.

The difficulties associated with efforts to improve the rules and practices of the House of Commons during the Victorian era are explored in detail in



the different contributions that make up the *Essays*. Its principal purpose is to highlight Erskine May’s career at Westminster, both his achievements and shortcomings, within the larger history of procedure. The advantage of this approach is to contextualize Erskine May’s contribution as the author of the *Treatise* and a cautious champion of reform. For example, his early experience in the Library gave him knowledge of the newly indexed Journals, providing him with the catalogue of precedents that informed the *Treatise*. This had not been possible before through previous guides and manuals as is explained separately by Martyn Atkins, David Natzler, the former Clerk, and Paul Seaward. William McKay, another former Clerk, writes chapters on May’s efforts to promote procedural reform generally while Colin Lee describes his efforts to improve the consideration of the business of Supply. In the language of Vieira, these accounts are compelling and they advance an understanding of some of the personalities and strategies at play in the inner world of the Victorian House of Commons.

Both *Time and Politics* and *Essays on the History of Parliamentary Procedure* go beyond the Victorian Parliament at Westminster. For Vieira, this is done to include accounts of reform efforts in New South Wales and Canada in late 19th century and early 20th. Though these legislatures were proud of their British parliamentary heritage and consciously imitated the practices of Westminster, they too were eventually obliged to adapt their practices to keep up with the pressures on government to deal with greater responsibilities due to a growing population and expanding economy. Again, Vieira presents this brief and useful history in the framework of modernity, the culture of time, and masculine heroism. This is preceded by his analysis of the reforms implemented during the premiership of Arthur Balfour which finally achieved the elimination of much unnecessary debate and provided greater effective control to the Government over the business of the House. For the *Essays*, it means including information that brings the history of procedure through the 20th century and assesses the legacy of Erskine May and his *Treatise*. There is a chapter on the manuals, “the international cousins of the *Treatise*”, written in New Zealand, Canada and Australia. Another contribution provides a history of the Standing Orders by Simon Patrick that explains the stages of their development during the career of Erskine May to the present. This discussion is followed by Mark Egan’s essay on the role of committees in procedural reform since 1900 as well as contributions written by Jacqy Sharpe and Mark Hutton, among others, on legislative procedure and the work of select committees.

Parliament at Westminster has been the focal point of English and British politics for more than 500 years. During those centuries, Parliament developed rules and practices in keeping with the scale and scope of its responsibilities. The process has often been challenging, involving efforts to overcome established traditions in order to respond effectively to the obligations of power. During the Victorian era, Parliament was obliged to undertake significant transformational change; it did not happen easily or quickly. The process led the Government to assert ever greater control over the business of the House. The need to claim this control became evident as obstruction through lengthy debate and other means was applied to resist the Government. *Time and Politics* and *Essays on the History of Parliamentary Procedure* explain the breadth of these changes and the difficulties of bringing about these reforms to practice. Who knows what, if anything, will happen now in the era of Brexit?

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Dave Meslin, *Teardown: Rebuilding Democracy From The Ground Up*, Toronto: Penguin Canada, 2019, 384 pages

There are many books today about the problems of how politics works, or about how we are straining the limits of representative democracy. *Too Dumb for Democracy* (David Moscrop) *Democracy May Not Exist But We’ll Miss it When It’s Gone* (Astra Taylor), and *Ill Winds: Saving Democracy from Russian Rage, Chinese Ambition and American Complacency* (Larry Diamond), are but a smattering of 2019 titles alone. But few are as tactical and deep in the solutions they propose (or as hopeful) as Dave Meslin’s new book *Teardown: Rebuilding Democracy from the Ground Up*.

While the book’s title *Teardown* may prompt you to assume that the author is asking for anarchy and a total rejection of the current systems and institutions of governance, the approach he prescribes actually asks us to take apart each facet of representative democracy, clean it up and then put it back together. And, unlike many books on democracy that tend to focus on the usual suspects – be it elections, or political parties – Meslin takes a much broader view. You’ll read about ballots and civics classes, but you’ll also reflect on the charity law, workplace decision-making and even block parties.

The author describes himself as a “political biologist,” studying our democratic “swamp” over the last 20 years. His tone throughout is refreshingly playful. At heart, he’s a democracy activist; but he’s also held jobs inside political parties and legislatures as a fundraiser, staffer and campaign strategist for many levels of government and he has worked with many different partisans. He knows every problematic and beautiful aspect of Canadian democracy. This book is certainly not an academic project—though it does occasionally cite academic research. It reads more like an enthusiastic guided tour with a seasoned storyteller. In the process, you are asked to look at our democratic institutions, rules and culture with fresh eyes.

Meslin begins the book by exploring the systemic ways that everyday people are kept out of political decision making—whether through signage that is misleading, poor timing for community engagement events or the lack of inclusion of new voices in political parties. He also explores how the complexity of our political system reinforces the ability of those with the know-how, or the money to pay for lobbyists, to obtain greater influence and access. For example, he illustrates how difficult it is for average people to

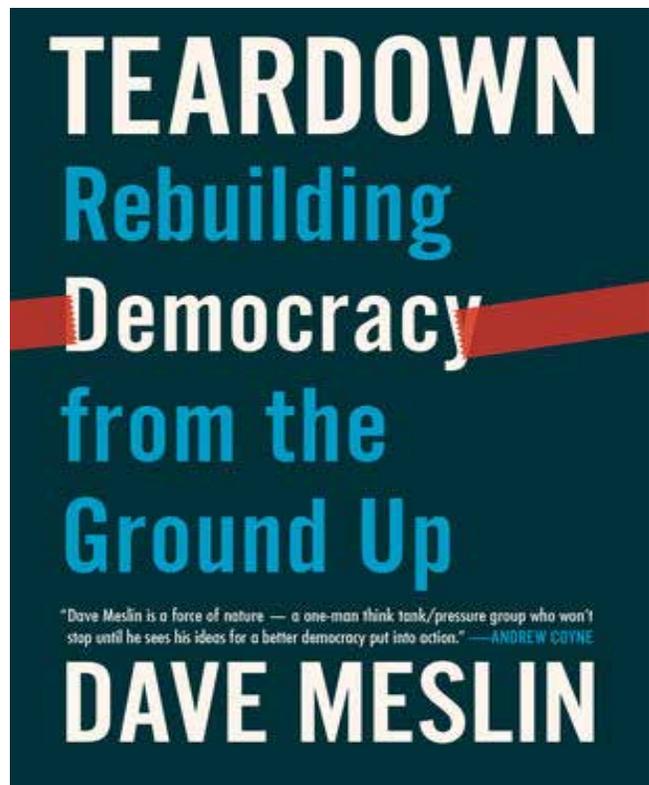
offer input or objections to building developments in their community. Contrasting the engagement notices of a new building with the advertisements offered by corporations, he amusingly offers that cities, building developers and politicians do not actually want the “business” of civic engagement. Given the concerns about describing citizens as “consumers,” many readers may find it surprising how frequently lessons from the private sector are applied to democratic engagement. Meslin suggests adopting the Wal-Mart greeter model at City Hall or borrowing the user-design focus of software companies for government.

He builds up to his real beef over the course of the book: our over-reliance on what he terms “pointy leadership”—a single leader at the top of the pyramid that is present in almost all parts of life, including schools and workplaces. This pointy leadership inhibits collaborative decision-making and, in turn, turns citizens off.

Of course, rather than simply bemoaning the facts, Meslin presents a sweeping array of solutions to the problems he has illuminated by profiling organizations, places and people around North America. Readers may be familiar with participatory budgeting or citizen assemblies, but Meslin also departs the well-worn path by visiting democratic schools to find an education model that inspires young people to engage. He suggests we fund “public lobbyists” to level the playing field of corporate lobbyists. He profiles New York City’s political finance reforms that incentivize new and small donors. He points to bite-sized democratic opportunities, in sub-city level community governments, where people can exercise their democratic muscle.

Meslin is known in the democracy sector as an expert on electoral processes that could replace First Past the Post. In *Teardown*, Meslin gives an extremely detailed but readable—with hockey references!—explanation for different versions of electoral processes. We could all borrow from his explanation for Mixed Member Proportional Representation the next time we are asked to explain it.

Meslin saves his toughest criticisms for elected leaders and the parties to which they belong. He seems to offer more hope and actionable ideas when it comes to smaller groups, which offer opportunities for people to look each other in the eyes. But, when he turns to the federal or even provincial levels of our system, he finds some of the most intractable problems. How can political parties be big tent, and hear from lots of people, but also maintain control over their narrative? How can parties define themselves, without defining themselves



as opposite of another party? Through interviews with elected officials, Meslin explores the challenges of this issue and how it plays out for elected representatives by producing a toxic culture of soundbites where listening to one another is anathema.

His answer to the problems of parties that oppose each other is “a cultural shift from fighting to talking and listening.” The idea of trying to get along, rather than trying to oppose, runs contrary to the way our political systems are set up. His solutions to these fundamental problems require a fundamental shift in approach. While he posits some key steps—including many familiar ones like rotational seating, better training and stronger local constituency associations – this section of the book feels less hopeful.

Part biography, part how-to manual, part ideas-generating machine, *Teardown* offers possible solutions to the biggest questions that representative democracy is not ready to answer: How do we live together? How do we make decisions together? How can we make sure everyone is empowered? In the face of prolific political cynicism today, *Teardown* could not have arrived at a better moment.

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