Is Parliamentary Reform Democratic Reform?

Winner of the Institute On Governance’s
2004 Alf Hales Research Award

by Cloë Rowbotham
Parliamentary Intern
2003-2004
The Institute On Governance (IOG) is a Canadian, non-profit think tank founded in 1990 to promote responsive and responsible governance both in Canada and abroad. We define governance as the process whereby power is exercised, decisions are made, citizens or stakeholders are given voice, and account is rendered on important issues.

We explore what good governance means in different contexts. We undertake policy-relevant research, and publish the results in policy briefs and research papers.

We help public organizations of all kinds, including governments, public agencies and corporations, the voluntary sector, and communities to improve their governance.

We bring people together in a variety of settings, events and professional development activities to promote learning and dialogue on governance issues.

The IOG’s current interests include work related to Aboriginal governance; technology and governance; board governance; values, ethics and risk; building policy capacity; democratic reform and citizen engagement; voluntary sector governance; health and governance; accountability and performance measurement; and environmental governance.

© Copyright 2005, Institute On Governance

All rights reserved

Is Parliamentary Reform Democratic Reform?

Published and distributed by:
The Institute On Governance
122 Clarence Street
Ottawa, Ontario
Canada K1N 5P6
Phone: (1-613) 562-0090
Fax: (1-613) 562-0097
Web Site: www.iog.ca
Table of Contents

Alf Hales Research Award.............................................................................................................. 1
Background on the Paper ................................................................................................................ 1
Introduction..................................................................................................................................... 2
The Democratic Deficit and the 5 W’s ........................................................................................... 2
Parliamentary Reform ..................................................................................................................... 3
Ethics and Integrity ......................................................................................................................... 4
Three Line Voting System .............................................................................................................. 5
Parliamentary Reform: Who Cares? ............................................................................................... 7
Parliamentary Reform Meets the “Democratic Deficit” ................................................................. 9
Democratic Reform: A Panacea? .................................................................................................. 11
So, Is It Really Worth It? .............................................................................................................. 12
Conclusion .................................................................................................................................... 14
Epilogue ........................................................................................................................................ 14
Notes ............................................................................................................................................. 15
Alf Hales Research Award

In recognition of the valuable educational experience that the Parliamentary Internship Programme provides, the Institute On Governance created The Alf Hales Research Award in 1999. The award, which seeks to promote research excellence and young people's understanding of governance issues, is handed out annually to the best Intern essay on a particular aspect of the Parliamentary system. The 2004 winning paper, *Is Parliamentary Reform Democratic Reform?* by Cloë Rowbotham, reflects the originality and spirit that Alf Hales demonstrated when he created the Programme 30 years ago.

Cloë Rowbotham was one of ten interns chosen to participate in the Parliamentary Internship Programme during the 2003-2004 academic year. She was also an intern at the British Columbia Legislature in 2003. Cloë grew up in Surrey, B.C. and attended the University of British Columbia, where she received her Bachelor's Degree in Honours Political Science with a Minor in French Literature in 2002. Cloë is currently working in Victoria, B.C. as a Negotiations Analyst with the provincial Ministry of Aboriginal Relations and Reconciliation.

Background on the Paper

The 2003/04 internship class arrived in Ottawa in the midst of the transition between three-term Prime Minister Jean Chrétien and his successor, Paul Martin. One issue at the forefront of discussion, which indeed became a catch word in the media, was the “democratic deficit”. Paul Martin was promising to fix the way things were done in Ottawa, and even some of the most hardened cynics were listening. Given this climate, the 2003/04 Parliamentary Internship class decided to try something rather ambitious: instead of writing 10 individual essays, they would collaborate on a book about the democratic deficit. Due to the circumstances, it was also decided that the Alf Hales prize would be awarded to the most outstanding chapter in the book.

The first two chapters of the book introduce the concept of parliamentary reform within the evolution of the Westminster model. They also trace the steps taken by Paul Martin in establishing his concept of both the democratic deficit and the reforms needed to fix it. The third chapter, *Is Parliamentary Reform Democratic Reform?* which won the Alf Hales prize, aims to serve as a transitional chapter between the previous theoretical discussions and the more practical solutions which follow. This chapter questions whether reforming the institution of Parliament is enough to fix the democratic deficit. It aims to distinguish between parliamentary reform, which changes the rules, and democratic reform, which changes the game itself. The chapters which follow examine a wide variety of democratic reform measures including electoral reform, judicial reform, the relationship between civil servants and Parliament, the elitist nature of who gets elected to Parliament and grassroots movements for change.

Despite their best efforts, the interns of 2003/04 were not able to get their work published. The individual chapters can be obtained by contacting JoAnne Cartwright, Parliamentary Internship Programme Administrator, at cartwj@parl.gc.ca or (613) 995-0764.
Introduction

The last two chapters have outlined the evolution of the concept of parliamentary reform, from its inception to its most recent reincarnation by current Prime Minister Paul Martin. We have seen how Canada’s parliament and the Westminster system evolved, and we have traced the steps taken by Paul Martin in establishing his concept of both the democratic deficit and the reforms needed to fix it. The difficulty lies in defining the true nature of the democratic deficit—what it is, who it affects and why it is happening. Some have said that if Paul Martin succeeds in taming the democratic deficit, it could leave a legacy as notable as Trudeau’s “Just Society.” Both Paul Martin and Government House Leader Jacques Saada have tied the reforms they are enacting in parliament to broader issues of voter disenchantment and citizen apathy. In Saada’s inaugural address to the House of Commons as House Leader, he mentioned the decline in voter turnout, especially among young people, as a cause for distress. It is things like that, he reasoned, that make Paul Martin’s “Action Plan for Democratic Reform” so necessary. Is this true? Will changes to parliament end up re-engageing Canadian citizens? The question this chapter seeks to answer is this: is parliamentary reform the same as democratic reform?

The Democratic Deficit and the 5 W’s

Before looking at the differences between parliamentary reform and democratic reform, we must tackle the “democratic deficit.” It appears as though originally Paul Martin felt that the problem lay in the discrepancies between what MPs wanted and what they were actually able to achieve due to restrictions imposed by the Prime Minister’s Office, the Whip and the House Leader. To his credit, he has since expanded that description to include the gap between citizens and their elected officials. What may have started with the gripes of a few unhappy backbenchers has evolved into an attempt to re-engage citizens in the political system and make them feel as though their interests are being represented in Ottawa. So, for the sake of brevity, let’s define the democratic deficit as the emerging disengagement and disenchantment of citizens with government, as evidenced by lower voter turnout, less participation in political parties and more cynicism towards elected officials. We should also allow room in the definition for the frustration experienced by elected officials with the very system they inhabit—the bureaucratic red tape, the partisan bickering, the party discipline. It begins to emerge that the democratic deficit seemingly affects everyone involved in the system, from the voter to the political volunteer to the party leadership candidate. Indeed, it has been used in recent months to describe everything from the lack of input registered charities have on the political process to the alleged discrepancies during the Hamilton East-Stoney Creek nomination battle.

Where has this democratic deficit come from, and why? These questions are much more difficult to answer. Academics like Donald Savoie have written on the increase of power found in the Prime Minister’s Office; Jeffrey Simpson’s aptly titled book, The Friendly Dictatorship, highlighted how our Westminster system, with its concentration of power in the executive, has taken the people out of politics. Canada might also simply be experiencing the downfalls of being a prosperous democracy—a citizenry that has become markedly apathetic. Voter turnout is down all over the developed world, and disinterest and disengagement aren’t only found north of the 49th parallel. Since the Second World War, most industrialized countries have seen their
governments increase exponentially in size, and take on the responsibility of delivering significantly more services. Has government become so big as to be irrelevant? Perhaps citizens feel as though it doesn’t truly matter who lives at 24 Sussex, because they know they will continue to get their GST rebate checks and student loans. Alternatively, some people think all politicians are the same, and that it matters little who they vote for, or even if they vote at all. Lastly, some people believe that voter turnout is higher in elections that have one dominant issue—for example, the 1988 election and the issue of free trade. They also point to the high voter turnout in the Quebec referendum of 1995 as proof that when it matters, Canadians will show up at the ballot box.

Obviously, if we knew where the democratic deficit came from, Paul Martin would have a much easier task at hand. But it is a question that continues to puzzle academics and political pundits alike. The democratic deficit seems to be a combination of two factors: disengagement of citizens from the MPs who represent them and the institution they inhabit; and disenchantment of MPs at not being able to get things done in Ottawa that will succeed in fully representing the views and concerns of their constituents. In order to address both sides, Paul Martin is going to have to consider both Parliamentary Reform and Democratic Reform.

Parliamentary Reform

Parliamentary reform concerns complex procedural issues and the rules and traditions of the House of Commons. Its target group is mainly Members of the House of Commons and, to a lesser extent, Senators. Unlike democratic reform, parliamentary reform affects what happens once people achieve elected office. As such, it seeks to update and reform an institution that has shown a preference for the status quo during the 137 years of its existence. As the Action Plan explains, “democratic institutions must constantly adapt and change in order to insure that the process continues to work the way it was intended.” Parliamentary reform is an attempt to effect change by altering the interactions between elected officials, as well as the rules that govern and guide these interactions. Because parliamentary reform serves only those who have achieved elected office, the question to consider is whether a "trickle down" effect exists--by changing the lives of (soon-to-be) 308 MPs, will Paul Martin be changing the lives of 30 million Canadians? Will having happier MPs lead to better democracy and better representation?

Before going too far with our analysis, it should be noted that the concept of Parliamentary reform is not new. Since Parliament’s inception, there have been calls for reform from all sides. Although there have been many changes, they have paled in comparison to the amount of suggested reforms. Like many things in life, political institutions are prone to the status quo. Over the years, numerous committees have made recommendations on changing the atmosphere and culture of Parliament; most notably the McGrath Committee struck under Brian Mulroney in 1985. Although the McGrath report contained many proposals for reform, few of them were actually adopted, aside from electing the Speaker by secret ballot. The main impediment to reform seems not to have been the inability to generate ideas but rather the inability of the government of the day to actually act to implement any of those ideas. Inertia is alive and well in Canada’s national political system. As Conservative MP John Reynolds puts it, “the democratic deficit has been studied to death.” But many of the issues remain unaddressed.
Despite the historical failures of similar attempts, Paul Martin is moving forward with an ambitious plan to change the way MPs do their jobs. The action plan tabled in the House of Commons on February 4th, 2004, is roughly structured around three pillars: ethics and integrity, restoration of the representative and deliberative role of MPs, and accountability. The plan also outlines a procedure for an on-going consultative process and a dialogue between Canadians and their government. Backbenchers, now more commonly known as “private members,” may finally be able to refute Pierre Trudeau’s infamous words that they are “nobodies” once 50 yards off of Parliament Hill. What will all of these changes mean? Let’s examine some of them.

**Ethics and Integrity**

According to the Action Plan, “ethics and integrity are at the core of building public confidence in government and in the political process.” The Martin government re-introduced legislation to establish an Independent Ethics Commissioner and a Senate Ethics Officer who will report to the House of Commons and the Senate respectively. This may well alleviate some of the public discontent with apparent conflicts of interest. One of the biggest criticisms of former ethics councillor Howard Wilson was that he was weak and ineffectual because of his lack of independence, as he reported to the Prime Minister instead of Parliament as a whole. The Action Plan, however, is silent on how the new Ethics Commissioner will be selected. A further examination of Bill C-34, the legislation enacting the Ethics Commissioner, shows us that Cabinet will continue to be responsible for the appointment process. Once Cabinet has selected a candidate, there will be consultation with party leaders followed by a vote in the House. Several commentators, including Peter Dobell, founder of the Parliamentary Centre and former civil servant, have suggested that the Martin government consider allowing opposition parties to have a say in the actual choosing of the Ethics Commissioner. Certain jurisdictions even require unanimous consent on similar issues, thereby ensuring that all parties have been consulted. There seems to be something to this argument. If the Ethics Commissioner is available for and responsible to all members, they should have a say in his or her selection. This seems to be the most transparent method, and indeed the method that would involve the largest number of MPs.

However, as recently as late April of 2004, the Martin government announced that they have selected a candidate to replace Howard Wilson. Bernard Shapiro, a former University Professor at McGill, will take over the position at an undisclosed date. Mr. Shapiro will report directly to Parliament and will issue an annual report. His nomination will also be scrutinized by the House of Commons Standing Committee on Government Operations and will be put to a vote in the House. Before making the announcement public, Mr. Shapiro’s name was given in advance to all of the Opposition parties; although it remains uncertain what, if anything, would have happened had they objected to the nomination. Regardless, Opposition parties continue to express their dismay that the fate of Cabinet Members, even those found to have transgressed the ethics of Parliament, lies entirely in the hands of the Prime Minister. Conservative MP Ken Epp, his party’s Ethics critic, criticised the new legislation, claiming that the Ethics Commissioner “is still not independent or strong enough to have caught many of the Cabinet conflicts of recent years.”
Three Line Voting System

The three-line voting system is another cornerstone of the Martin government’s Action Plan, although as mentioned earlier, it is important to note that it only applies to the Liberal Party at this time. Individual parties are responsible for the rules and regulations surrounding how their members vote, therefore all four parties currently represented in the House of Commons would have to adopt the three-line system for it to be truly representative. Three-line voting is a way of categorizing votes on particular pieces of legislation according to their importance. A one-line vote is a truly free vote, where MPs can vote in whichever way they see fit. A two-line vote carries with it a recommendation from the government on how to vote, as well as an expectation that the Cabinet and affected Parliamentary Secretaries will support the legislation. A three-line vote will signify either a confidence vote or a matter of fundamental importance to the government. All government MPs will be required to support the legislation and to show up to vote.

In theory, the three-line voting system, with its increased number of “free” votes, sounds like democracy epitomized—it allows MPs to truly reflect the desires of their constituency. MPs can finally stand up for those who elected them without having to toe the party line. In practice however, free votes can be problematic. How do MPs know what their constituents want? Will the special interest groups with the loudest voices overpower the desires of the less engaged citizens? What about MPs who were elected due to vote splitting, and do not enjoy the support of the majority of their constituents? Most importantly, how do citizens ensure that their MP actually puts their interests first?

Furthermore, no one is sure what barometers will be used to classify the importance of votes in the new Martin regime. One of the biggest criticisms of Jean Chrétien was that he made too many of the votes in the House of Commons into “confidence votes,” meaning that the government could fall depending on the outcome. A commonly cited example is the Hepatitis C compensation vote in 1998, where Liberal members were forced to vote for legislation that limited the number of Canadians who were eligible for monetary compensation due to receiving Hepatitis C from tainted blood. Despite the new three-line system, the decision on which votes will be obligatory remains with the Prime Minister and his entourage. And the first few test cases have not been reassuring. In late April of 2004, a vote was held on Bloc Québécois MP Madeleine Dalphond-Guiral’s Private Member’s Motion to recognize the mass killings of Armenians during the Second World War as genocide. Although Liberal private members were free to vote their conscience, Cabinet had to abide by official government policy—that the deaths of Armenians, while tragic, constituted a “tragedy” and not genocide. Ministers Irwin Cotler and Jim Peterson missed the vote, while Minister Stan Keyes was “heard by some of his colleagues cursing in the private lobby...’I didn’t want to vote for that,’ sources heard him saying.”ix There is also widespread frustration that the votes on the gun registry, an unpopular policy in Western and rural Canada, have been three-line whips. Although House Leader Jacques Saada explained that this is due to their financial and budgetary nature, many people still feel as though this goes against the concept of allowing MPs to voice their opinions.x

The natural human desire to acquire power and prestige will not be erased by the Action Plan on Democratic Reform. Certain MPs will undoubtedly continue to put Cabinet aspirations or party loyalty above the concerns of their constituents. Before the election call of May 23rd, 2004, the
House of Commons had 38 Ministers (including the Prime Minister) and 28 Parliamentary Secretaries, for a total of 76 members of the Executive. There were 169 members of the Liberal caucus, and 298 MPs total (three vacancies). Why didn’t the 222 others revolt? Preston Manning once joked of putting up posters in both the government and opposition lobbies with the slogan: “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.” So how come nobody ever has? Because, for many politicians, the hope remains that by playing the game, they’ll eventually get ahead and achieve power for themselves. By this rationale, the best way to help your constituents is by having a seat at the table during important Cabinet or caucus discussions. This continuing attitude may serve to defeat the intent of increased voting freedoms. Manning also said that the reason substantive parliamentary reforms had yet to be achieved despite all parties supporting them was the lack of agreement on the definition of the role of the MP. The free vote dilemma illustrates this perfectly. It appears as though there are two kinds of MPs in the House of Commons: constituency (like Edmund Burke’s delegate) and policy (Burke’s trustee).

Constituency MPs, like their name suggests, focus mainly on their riding and the people contained within. Quite often they are from small towns or regions that do not traditionally vote for their particular party (like an Alberta Liberal). They are strongly influenced by polls and feedback from constituents and do their best to represent their “people” at the federal level. They are Grande Prairie’s representative in Ottawa, not Grande Prairie’s contribution to the larger national debate. For these people, free votes are heaven sent. Constituency MPs sense that they know their constituents and know what they would want. They are also more likely to have to defend their decisions in small town hall meetings or at their daughter’s soccer game. Because they feel like they are merely delegates for the opinions of those in their constituency, they revel at being able to stand up in the House and vote accordingly. On a nationally divisive issue like same-sex marriage, the Constituency MP’s only question is “what do the majority of the people in my riding want?”

Policy MPs, on the other hand, focus on the larger picture of Parliament and Canadian democracy. They are strong believers in Canada the federation, rather than simply focusing on their particular area of the country. They might be from large urban centres or very diverse, heterogeneous ridings. They are less influenced by polls and consider their role to make decisions on behalf of their constituents by using their knowledge, judgement and access to the federal process. A Policy MP might believe that their constituents are too busy with their every day lives to be consulted on every single issue, and that they entrust those they vote for to make the best choice. Because Policy MPs often represent less homogeneous parts of Canadian society, it is difficult for them to tell what the majority of their constituents want. Furthermore, they don’t necessarily see their role as blindly following popular will. During the same-sex marriage debate, a Policy MP might have explained that the question he or she was debating wasn’t “what do the people in my riding want,” but rather “is this a fundamental question of equality and justice? Should I do what I personally believe to be right, despite a potential backlash?” Policy MPs may not be as enthusiastic as Constituency MPs to embrace free votes, and will be much more likely to use them as an opportunity to vote with their conscience, regardless of whether or not it is in tune with the wants and needs of their constituents.
Some people have argued that there is a third type of MP—one who makes their decisions based upon their electoral campaign, or a “mandate” MP. Mandate MPs believe that they were elected by their constituents based on a particular platform, and that they are obligated to uphold those promises. Free votes for a mandate MP might be a little trickier. One assumes that in all matters discussed and debated in the previous election the mandate MP would vote as promised. But, in the event of unforeseen incidents, which are not uncommon on Parliament Hill, a mandate MP would have to make a decision. Either they poll their constituents and vote to represent the majority view (like a constituency/delegate) or they vote according to what they believe is right for Canadians as a whole (like a policy/trustee). Some might argue that free votes are dangerous precisely because they would allow mandate MPs to vote against legislation that they had promised to support while on the campaign trail.

The problem, as pointed out by Preston Manning, is precisely that there is no consensus on what they role of an MP should be. MPs come in all forms, with different backgrounds, experiences and approaches to politics. While the concept of free votes is a refreshing change to the days of strict party discipline, it is quite obviously not a panacea. And because it is not only political scientists, but indeed MPs themselves who see their roles differently, parliamentary reform may prove to be an elusive goal. Canada is a geographically vast country with a relatively small population base. Although the majority of us live in five main cities, we are still a country of the North, a country with agricultural pockets and with many rural towns. Someone from Fort St. John, BC, is going to want something different from their MP than someone living on Yonge Street in Toronto. And that is an obstacle that even the Prime Minister cannot fix (indeed, it is probably something he is even more acutely aware of.) As such a large country, with very little population density, it is important for many Canadians to have a constituency MP representing them and their views in Ottawa. Likewise, many urban Canadians probably aren’t aware where federal riding boundaries begin and end, and they are usually much less concerned about their local MP. Still, while this urban-rural gap continues to exist, it will be difficult to achieve certain parliamentary reforms, because it is difficult to substantively change the role of the MP without first agreeing on a definition.

Parliamentary Reform: Who Cares?

Why does Parliamentary reform matter at all? Simply put, because the rules do matter. After the ‘93 election, which saw the incumbent Progressive Conservative Party reduced to a mere two seats, over 200 new members were elected. The newest parties, the Bloc Quebecois and the Reform Party, had minimal political experience. An entire generation of institutional memory had been lost. The role of opposition parties in a Westminster system is to hold the government to account, and, in the case of the Official Opposition, to provide a “government-in-waiting.” Bringing in 200 new MPs demonstrated that part of being effective in Opposition is knowing the rules—or, more importantly, knowing how to break them. During the first few years of the Reform Party’s time as the Official Opposition, they experienced a severe learning curve. It was apparent that they were not used to the rules and procedures and had yet to figure out how to use them to their advantage. As a result, Canadians as a whole suffered, because it is arguably in all of our best interests to have an effective and informed opposition. Gradually, the
Reform Party learned the ropes, and began to pull stunts like the amendments to the Nisga’a Treaty and MP Bob Mills’ filibuster on Kyoto.

The Nisga’a treaty of 1999 was a historical land claims agreement between the Nisga’a people and the British Columbian and Canadian governments. As such, it required tri-partite ratification. The Reform Party introduced several hundred amendments and significantly slowed down debate. In their minds, they were representing the views of their constituents—people who were hesitant about the treaty and wanted it to be put to a referendum. By having full knowledge of the rules of the House, the Reform Party was able to get its message across, delay the Government and attract national media attention. Similarly, the Bloc Quebecois adopted this tactic during the debates on the Clarity Act, introducing hundreds of amendments of their own. Because of these tactics, in February 2001, the Government introduced changes to Standing Order 76 that allow the Speaker the discretion to deem motions frivolous, repetitive or unnecessary. Furthermore, the Speaker can reject any motions or amendments that serve only to prolong the debate. When making these decisions, he or she is to be guided by the practice of the Speaker in the British Parliament, who enjoys much more latitude over dictating the proceedings of the House.xvi

Likewise, Conservative MP Bob Mills, his party’s Environment Critic, pulled his own publicity stunt during the debates on the Kyoto Protocol in 2002. Taking advantage of a little known rule, Mills managed to debate for some nine hours on the controversial legislation, attracting national media attention. Although individual MPs face time limits when debating a bill, the Minister who presents the bill and the first speaker from the Opposition (usually the Leader of the Official Opposition) have unlimited time. Mills worked out a deal with party leader Stephen Harper, who ceded his place in line to allow the environment critic to speak on the important piece of legislation. Although Mills eventually did stop talking, he covered quite a bit of ground and used the opportunity to present an opposing opinion to the government’s official position. Because he knew the rules, Mills was able to bend them, thereby obtaining a critical opportunity to represent those Canadians whose opinions on Kyoto were not being heard. Essentially, rules matter. And that is why parliamentary reform matters, because MPs can and do use procedure to their advantage. Aside from the examples above, there are other ways in which MPs use procedural tactics to voice their constituents’ concerns—making a point of order, presenting petitions during routine proceedings and using supply day motions to force the government to debate controversial or sensitive issues. xvii Changing the rules can make a difference, as evidenced by the relatively new importance being placed on Private Member’s Bills since changes were made in 2003. All Private Members Bills are now votable by default, and, since 2003, several have passed and been declared Canadian law.

Appointing a new independent ethics commissioner and introducing free votes are only two of the many reforms proposed by Paul Martin. The Action Plan also includes a new appointment review procedure, a commitment to strengthen the Estimates process and expanded power for committees. All things considered, Paul Martin’s Action Plan does cover quite a bit of ground, and will definitely have an impact on the day-to-day proceedings in the House of Commons. What remains to be seen though is how effective the reforms will be at addressing the concerns of MPs, as well as those of Canadians in general. Paul Martin has spoken of wanting to return Parliament to a place where Canadians can debate ideas, and feel strongly represented as
individuals through their elected officials. This is no small task, as the House of Commons operates the way it does due to centuries of tradition. The predominant culture is one of protecting the status quo while continuing to promote good governance for Canadians. Furthermore, the government of the day will continue to enjoy significant procedural advantages, such as the ability to use time allocation and/or closure.

As with many things in life, parliamentary reform will be what MPs make of it. Already they are short-staffed and find it difficult to even read a piece of legislation before attending a vote, or to flip through an Executive Summary before a committee meeting. Patrick Boyer, a representative from Etobicoke-Lakeshore during the Mulroney era, tells this revealing story: at one point during his career, the House was voting to lower the pay of the Cabinet by 15%. After the Minister in front of him stood up, Boyer tapped him on the shoulder and asked him if he knew what he had just voted for. Imagine the Minister’s surprise when upon replying “no,” he discovered that he had just supported decreasing his take home pay. This happens frequently, more often than one would hope. MPs are constantly asking their staff or the staff at the Whip’s Office how they should vote on a particular Bill. In all honesty, it would be impossible for an MP to stay on top of the heavy legislative load. That’s why they have staffers, volunteers and interns. The point though, is that by giving MPs more freedom and choice, Paul Martin is also effectively giving them more work. Certain MPs will relish this opportunity, but certain MPs will be overwhelmed and will continue to do their job exactly as before.

Parliamentary Reform Meets the “Democratic Deficit”

The essential question all Canadians should be asking themselves is whether parliamentary reform can lead to fixing the "democratic deficit." The quick answer is no. At least initially, Parliamentary reform really only helps those who are elected to Parliament. It has a much less direct impact on improving democracy, voter disenchantment or the general lack of knowledge about or interest in politics. The impediments and barriers that exist to achieve elected office will not disappear because of elected committee chairs. The increasing public disillusionment with politics in general cannot be saved by three line whips, because most ordinary citizens have no idea what a whip is, let alone how a three line system would be more democratic. An initial hesitancy to believe that parliamentary reform will lead to substantive change in the levels of citizen disengagement can be based on at least four broad points: the geographic and symbolic distance of Ottawa to most Canadians, the application of many of the reforms to the Liberal party only, the lack of interest of the media in covering the issue and the general lack of knowledge by most ordinary Canadian citizens about the procedures of the House of Commons.

Ottawa can seem (and often is) miles away to many Canadians. Driving from Ottawa to Vancouver will put 4611 kilometres on your odometer; Ottawa to Whitehorse, 5660 km. Even St. John’s, Newfoundland and Labrador, is almost 3000 km from the seat of power. Ottawa is closer to Washington, DC than it is to eight out of the ten provincial capitals. Conservative MP Bob Mills, himself from Red Deer, Alberta, has been known to refer to this phenomenon as “Planet Ottawa.” Indeed, many politicians and journalists have commented that Ottawa is an isolated, inward-looking place that often does not accurately reflect the mood and feeling of the rest of the country. As an example, during the Charlottetown Referendum of 1992, most people in Ottawa thought that the Accord was sure to receive support from a majority of Canadians. It
was only when MPs began to return to their constituencies that they realized how angry and frustrated most Canadians were with the entire process. In the end, only 45% of Canadians supported what many in Ottawa had seen as a sure thing. Journalist Chantal Hebert reported a similar phenomenon concerning questions that arose in the winter of 2003 regarding Paul Martin’s on-going connection to Canada Steamship Lines, the shipping company he headed up before entering politics. Many people in Ottawa, inured and immune to dealing with the corporate climate, did not see the accusations being made by opposition parties as election issues. Hebert, however, argued that her travels outside of Ottawa had served to highlight the importance regular Canadians were placing on the revelations. She argued that the potential “sleeper” issue in the next election would manifest itself in the uneasiness many Canadians felt at learning about Paul Martin’s decision to register his ships in the Bahamas. Once again, what seemed like the norm in Ottawa was actually being discussed and dissected in quite different terms by the majority of other Canadians. Both of these examples beg the question: might the “democratic deficit” meet a similar fate?

Let us assume though that Paul Martin has correctly read the mood of the country and that Canadians are genuinely excited about the reforms he is proposing. The next obstacle, as described in an earlier chapter, is that most of the reforms affect only the Liberal party. Three-line whips and a promise to relax party discipline can only be enacted by individual parties at their desire. There is no way of legislating the issue. Giving government members a say in choosing their committees, as well as electing the committee chair by secret ballot, again affect Liberal members disproportionately. Because Liberals hold the majority of seats in all committees, they will undoubtedly continue to hold the committee chairs. (Conservative John Williams chairs the Public Accounts Committee, but this is due to tradition). Likewise, changing the role of Cabinet and Parliamentary Secretaries is only applicable to the Liberals. Therefore, a Canadian living in Prince George, BC or Halifax, NS, will not find that their MP has really received any more power. After Paul Martin’s reforms, what can MPs like Ken Epp or Judy Wasylycia-Leis do for the people of Elk Island and Winnipeg that they could not do before? This is not parliamentary reform. It is reforming Government. This is not inherently bad, as Canadians are equally disenchanted with government. However, for the reforms to achieve their full and desired effect, they need to help more than just those in the Liberal backbench. If all Canadians, regardless of the ideological bent of their MP, cannot see a difference in how Parliament as a whole acts, Martin’s Action Plan may well fail to resonate.

Despite the pro-Liberal party bias, the mood of the House of Commons could change dramatically after Paul Martin’s reforms. But will Canadians get to hear about it? Paul Martin and his staff have been busy trying to convince journalists and political pundits alike that they will have to get used to the fact that the government might lose votes. Indeed, if Martin’s plans succeed, the government might very well lose a couple of non-confidence votes in each session. What is less certain is how the media will choose to report it. If they believe the government line that it will be “business as usual,” perhaps they will not deign it exciting enough to cover on the front page. Former Prime Minister Jean Chrétien was portrayed by the media as ruling with an iron fist, especially in his last days in office. When several of his MPs voted with the then Canadian Alliance to preserve the traditional definition of marriage, the media had a field day. Paul Martin’s first test was a Bloc Québécois supply day motion against Canadian participation in the ballistic missile defence system. Roughly 30 Liberals voted against the government. This
made headlines in one newspaper. The real test will be the gun registry and the marijuana bill, which many MPs voted for against their wishes under the Chrétien regime. How Paul Martin handles the fall out, and how the media chooses to cover it, will give a much clearer indication of the impact of parliamentary reforms.

Let’s try and imagine, for a moment, the quintessential disenchanted voter, if such a thing exists. They might be thinking things like: “It doesn’t matter who I vote for; politicians are all the same anyways,” or “Why isn’t anyone representing my concerns?” It is doubtful that this person is thinking, “If only committee chairs were elected, then my MP might have more of a voice, and I might be better represented.” None of this is meant to imply that Parliamentary reform isn’t important, or even necessary. It simply serves to illustrate the disconnect between the privileged, who have access to the institution and understand its rules, and the disenfranchised, who must make the most of what filters through to the outside. How many people take the time to go online, or write a letter, or make a phone call to see how their MP voted on a particular piece of legislation? Probably not that many. So, how will free votes change how voters feel?

Ostensibly, Canadians will need to actually be made aware of the fact that their MP voted to “represent” them. Surely there will be press conferences and householder articles and media clippings, but the fact remains: most Canadians will continue to have very little idea of what their MP is doing. It might be useful here to differentiate between apathetic voters and disenfranchised voters. Giving MPs more freedom might win over disenfranchised voters—i.e. those who actually pay attention to the political scene and have checked out because they don’t like what they see. These people argue forcefully for electoral reform, or an improved Senate, or increasing the health care budget. They don’t like what government is doing, but they know enough to be mad or disappointed. There is less certainty that parliamentary reform will re-engage apathetic voters. Apathetic voters probably don’t even know who their MP is, because, to them, the entire political system is either irrelevant or unnecessary. It will be difficult to get people who don’t care about politics to care about three-line votes. In an age where almost 40% of Canadians choose not to exercise their right to vote, one cannot expect that many of them are procedural experts. Like the proverbial tree falling in the forest, will parliamentary reform make a noise if no one is aware of it?

Democratic Reform: A Panacea?

If that's parliamentary reform, how does it differ from democratic reform? Democratic reform can be defined as attempts to rectify seeming inequalities between what the people want and what they get. Whereas parliamentary reform fixes the rules, democratic reform fixes the game itself. It changes what people get and how the structures affect outcome. If parliamentary reform affects people once they get to the Hill, democratic reform affects who gets there, who gets chosen and how. This exercise can include things like examining the electoral system, reforming the Senate, empowering individual citizens through referenda or direct democracy, attempting to better represent Canadian diversity, changing the relationship between parliament and the courts or improving the accountability of civil servants. Although Parliamentary reform writ large is a part of democratic reform, the latter is much more likely to address the concerns of disenfranchised citizens— that their votes don't count, that politicians are greedy and dishonest, that the Supreme Court takes important social policy decisions away from Parliament, that the Senate
is an utter failure at representing regions. As a general rule, democratic reforms are more bottom-up, whereas parliamentary reforms can be top-down, and seen as impositions from those already in power. Paul Martin’s Action Plan is an excellent example. Martin listened to the opinions and concerns of backbench MPs in the Liberal caucus, and acted accordingly. It is only after the fact, after the Action Plan has already been tabled in the House, that he is taking it out to consult with the Canadian people. Instead of asking Canadians what they want, Paul Martin is asking them what they think of his suggestions.

On the whole, politicians are usually very wary of democratic reforms, mostly because they threaten the very power structures that they inhabit. From a less cynical standpoint, politicians also usually know much more about the actual institutions than the general public, and they may have a better grasp of why they function the way that they do. Sometimes traditions exist for a reason. Preston Manning and the Reform Party found this out the hard way. Party leaders traditionally sit in the front row because they ask the first questions in Question Period. Whips are necessary to make sure the party maintains at least some semblance of solidarity. The Leader of Her Majesty's Official Opposition has access to Stornoway, an official residence, so that he or she can entertain visitors and host receptions. Much like how parliamentary reforms cannot be the only answer, many "democratic" reforms turn out to be nothing more than lip service or an elaborate show. Promises made by Jacques Saada and Paul Martin to start an on-going consultation process on the “democratic deficit” will have to be tempered with a sense of realism of what needs to be fixed, and what feasibly can be fixed. It is worth noting that countries who have adopted PR, or who have an elected Senate, or who promote higher levels of civic literacy still have voter malaise and disenchantment. It will not be possible to please everyone. But nonetheless, the opportunity exists to engage Canadians in defining what our national institutions should look like in the 21st century.

So, Is It Really Worth It?

Despite all of this, should parliamentary reform still be pursued? The answer is yes, because parliamentary reform is an integral part of reforming the democratic process. It cannot however be the entire process, as it relies too heavily on a trickle-down effect, whereby changes in the House of Commons affect how MPs do their jobs, which in turn (hopefully) affects the lives of ordinary citizens. The most effective way for Paul Martin to fix the democratic deficit would be to balance an emphasis on parliamentary reform with an effort to address issues that affect citizens directly, without relying solely on the MP as a go-between.

Parliamentary reform is important, necessary and timely. As stated in “The Parliament We Want,” a recently released multi-partisan agenda for change, “the agenda for parliamentary reform should be considered as one pillar of a broader debate on the future of our democratic system – other pillars being electoral reform, direct democracy and Senate reform.”xxxi Yet Paul Martin has not put forth substantive policies for either Senate or electoral reform, arguably two of the most pressing concerns of Canadians who worry about our eroding democracy. Groups like Fair Vote Canada, who want to implement a system of proportional representation, and the citizens of Alberta, who have already “elected” their first Senators, have spoken. It may well be the case that their proposals for reform are incompatible with our history and traditions. But this is a conversation that needs to be had. If these groups are wrong, let them have their day on the national stage, to make their points forcefully, and then let Canadians decide. We should ask
why Paul Martin seems willing to consider only those reforms he is comfortable with and can control.

As an example, numerous provinces are currently considering changing their electoral systems. In British Columbia, the sitting Liberal government has delivered on an election promise to strike a “Citizen's Assembly” composed of regular British Columbians. They will be studying electoral models and making a recommendation which will be put to a referendum. Similar things are happening in Quebec and Prince Edward Island, demonstrating that the political impasse can be overcome—it can be possible for sitting governments to introduce ambitious attempts at reform, despite the potential consequences. More recently, Jacques Saada has stated that he will be speaking with his provincial counterparts and listening to what they have to offer in terms of the debate on electoral reform. Time will tell whether or not the Action Plan will be broadened to include larger democratic reforms. In truth, Saada’s hand may be forced if enough provinces begin to adapt their political systems to better suit the needs of citizens. Although the original action plan does not take the way in which MPs are elected into account, it may be an issue that Paul Martin cannot politically afford to ignore.

Paul Martin also might want to consider the continuing importance of civic literacy. If, as described previously, there is a tangible difference between the apathetic voter and the disenfranchised voter, there must be a way to re-engage the apathetic contingent. They will not tune back into Canadian politics because of procedural reforms, or even necessarily due to democratic reforms. Most people vote because it is something they are used to doing—it has become ingrained in their very notion of what it means to be a citizen. Quite honestly, most people probably do not vote simply because they saw a compelling Elections Canada ad, or even because they think about the efforts those who came before us made to obtain the franchise (e.g. the suffragette movement). Young voters are particularly susceptible to the trend of voter disengagement. In the 2000 general election, only 25% of Canadians between 18-25 bothered to vote. The myth that young people re-engage in the system as they get older (due to families, jobs and mortgages) is also being called into question by a recent study commissioned by Elections Canada. Jon Pammett and Lawrence LeDuc found that, contrary to popular belief, voter turnout remains relatively constant over time. For example, those who voted for the first time in the 1988 election had a 55% turnout rate. Twelve years later, in the 2000 election, there were still only 55% of them who chose to cast a ballot. The only reason Canada’s overall voter turnout is still around 60% is because older Canadians (65+) have a turnout rate of over 80%. Many of this is beyond Paul Martin’s control. However, by highlighting the democratic deficit, he has provided an excellent forum for discussing the role civic literacy should play in Canadian society. Increasing civic literacy can be done through numerous means, including increased education in our school system and more pan-Canadian programs that allow citizens the opportunity to participate in the democratic process. Thomas Axworthy had floated the idea of a national youth service, similar to AmeriCorps in the United States, and this was taken into consideration in the last budget. Finance Minister Ralph Goodale announced the creation of “Canada Corps,” a program that will provide opportunities to students and recent graduates to travel to developing countries to promote the Canadian values of “democracy, pluralism, human rights and the rule of law.” The goal is to encourage young Canadians to be active in their own institutions as well as to teach them about Canada’s place in the world. The program has received funding for two years, after which time the government of the day can assess its impact.
and effectiveness. Obviously, there are no easy answers, but the apathetic voter is the one who is of most importance to get back, and Paul Martin will be more successful if he keeps this in mind.

**Conclusion**

Paul Martin is doing the right thing by introducing parliamentary reform into the House. But he must be careful not to link his structural reforms to larger democratic reforms. Addressing the complex problems associated with democratic representation requires much more. At best, parliamentary reform will solve the dissatisfaction of MPs, and may allow them some latitude in their representative abilities. The democratic deficit, however, encompasses the complete disillusionment of regular citizens with government, and this might not be addressed by simply reforming the rules of the institution—it may be the actual institution itself that requires reform. Arguably, fixing the democratic deficit requires examining everything about Parliament, from who gets elected, to how citizens express electoral preferences, to accountability and direct democracy.

House Leader Jacques Saada knows this too, and he has committed to taking the Action Plan on the road and listening to ordinary Canadians as he drafts more proposals for democratic reform. He has also stated that nothing is “off the table,” and that he applies two simple criteria to all proposals he considers: is this reform from the bottom-up; and does this reform address the democratic deficit in a substantial way. To what will he be applying those criteria? The following five chapters attempt to encapsulate some of the ideas around democratic reform, everything from “redefining the bargain” between parliament and the civil service to looking at fixing our first-past-the-post electoral system. They represent some of the many viewpoints and opinions that Saada will no doubt find himself facing as he takes on the difficult task of re-engaging Canadians in our democratic process.

**Epilogue**

This chapter was written during the first 5 months of 2004, ones filled with political instability, change and uncertainty. Many references became outdated within weeks of writing them, and many examples had to be re-written as the Martin administration adapted and changed some of the principles behind the reforms. The largest preoccupations have been the sponsorship scandal and the frustratingly impending election. They have largely overshadowed the grand ideas and optimism held within the initial Action Plan. Paul Martin has also been accused of being “undemocratic” by using his Prime Ministerial powers to appoint several prominent Liberals over the protests of local riding associations. As Hugh Winsor wrote recently, “Mr. Martin has run smack into the dichotomy between power and principle. In the case of the democratic deficit, principle lost.” Will the democratic deficit stay at the forefront of the Prime Minister’s mind as he prepares for an election? Has the idea run its course? Only time will tell...
Notes


vi Action Plan for Democratic Reform 2.


x “The Gun Registry is a Test of Martin’s Democracy,” Globe and Mail 10 Feb. 2004: A20


xii Manning 4.


xiv Manning 5.

xv Although the Bloc was faced with many of the same problems, the majority of their caucus had some parliamentary experience, especially with Lucien Bouchard having served in Prime Minister Brian Mulroney’s Cabinet

xvi See more explanations at www.parl.gc.ca

xvii For example, the Canadian Alliance forced the Liberal Government’s hand by introducing a supply day motion on the definition of marriage in the fall of 2003


xxii Jon H. Pammett and Lawrence LeDuc, Explaining the Turnout Decline in Canadian Federal Elections: A New Survey of Non-voters March 2003, found online at www.elections.ca

xxiii Canada, Ministry of Finance, Budget 2004 Chapter 4, Canada in the World
