
Some Implications of Commons Reform for "Outer" Canada

by Howard Cody

The prospects for Senate reform do not appear favourable in the post-Meech Lake constitutional climate. However, this paper suggests that House of Commons reforms in the spirit of the McGrath Committee could achieve some objectives of Senate reformers. Specifically, continuation of the Commons reform process could enhance the participation of Atlantic and Western Canadians in national policy making. "Outer" Canadian MPs could mitigate the Commons' Ontario and Quebec-oriented majoritarianism. Commons reforms could also be effected so that some of the less desirable features of United States "congressionalism" are avoided.

This essay begins with a brief overview of the parliamentary reform process to date. The McGrath Committee's major recommendations for changes in the position of "private members" are summarized. The discussion moves to "outer" Canadian MPs' own assessments of changes which reforms have (or have not) brought to the Commons. Finally, the paper speculates about changes which further reform might produce, and about how much "congressionalism" would result from less centralized parties. Twenty-six MPs were interviewed for this paper, fourteen Atlantic MPs in 1987 and twelve British Columbians in 1989.

The McGrath Committee Five Years On

The Commons reforms generated by the Special Committee on Reform of the House of Commons have passed their fifth anniversary. This committee, chaired by Newfoundlander James McGrath, was given a mandate to examine the "powers, procedures, practices, organization and facilities" of the Commons, and to offer recommendations relating thereto. The committee's third report, issued June 1985, asserted that "private members must once again become instruments through which citizens can contribute to shaping the laws under

which they live. The formulation of legislation used to be a central task for Members of Parliament, and it must become so once again."¹ The committee proposed that MPs be afforded "reasonable latitude" to apply their own "deliberative judgement" to their committee and voting behaviour.² This would require a substantial reduction in party leaders' control over backbenchers. Specifically, the report proposed a relaxation of the party whip on all but a few votes (such as explicit confidence votes and major budgetary matters), and more freedom for MPs to operate collegially and without partisanship in their committee activities. Commons standing committees, freed from consideration of bills, would conduct investigations into matters of their own choosing, and produce nonpartisan reports proposing future government policy initiatives. Legislation would be referred to ad hoc legislation committees which would be activated separately for each bill that passed second reading. Also, increased time would be allocated to Private members' business.

These and other reforms have since been implemented. However, the McGrath Committee recognized that implementation of its proposals would require a change of attitudes and expectations on the part of governments, opposition parties, and the media. All would have to accept that MPs' exercise of "reasonable latitude consistent with loyalty to the party" would not discredit parties or their leaders, much less bring down a government. In particular, governments would have to accept that some of their bills would be amended over their objections or defeated outright.³

The *Globe and Mail*, in an October 1985 editorial, reflected the common expectation that attitude changes would accompany or follow from institutional reform. The editorial asserted that henceforth governments would cede some of their powers to committees of the House. Party leaders would have to accept party discipline's erosion once matters of confidence were restricted to a few votes. MPs would now freely speak their minds, liberated from the obligation to score petty political points. As a result, the quality of debate in the

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House should rise significantly. The editorial posed these questions: Will the media appreciate the difference between a party mutiny and a free-wheeling intraparty debate? Will backbenchers make constructive use of their new independence?⁴

Interviews with Atlantic and British Columbia MPs make clear that 1985's expectations remain largely unrealized. All agreed that the general atmosphere remains partisan, polarized by an adversarial government-versus-opposition mentality. Long-serving Tory backbenchers observed that governments are now no more tolerant of differences of opinion in caucus than they were a decade ago. Backbenchers still must not embarrass the prime minister or cabinet by criticizing policy; members deemed "unreliable" are still stigmatized. Opposition party leaders tolerate only slightly greater latitude.

Reform of Commons standing committees was a key component of the McGrath proposals. Interviewees of all parties agreed that some of the new committees, freed from the need to consider legislation, work conscientiously in a nonpartisan spirit and produce excellent reports. However, a veteran British Columbia Tory observed that cabinet policy making still disregards some ninety percent of committee recommendations. Government party backbenchers must support their party when the cabinet rejects their committees' proposals, including legislation committee amendments. Backbenchers endanger their chances for career advancement if they defend the results of their own work on the House floor. A New Democrat claimed that Conservative committee members devote little time to committee work and often only materialize to vote as their whips direct. One can understand such behaviour, although many Conservatives do work diligently on committees. In general MPs cannot be expected to make constructive use of their new independence until they perceive that their efforts generate rewards, not punishments.

Interviewees frequently observed that standing committee chairs occupy a pivotal position. However, the chairmanships are still widely perceived as stepping stones to cabinet posts rather than ends in themselves. Only the few chairs who have abandoned hope of promotion to the cabinet fully exploit recent reforms and fearlessly pursue independent investigations. In the absence of major attitude changes, interviewees betrayed limited optimism about Commons committees and their chairs in the future.

MPs evaluated other reforms similarly. Few found legislative committees worthwhile as long as members feel obligated to vote as their parties direct. The reforms to facilitate private member bills were welcomed.

However, some MPs observed that the media devote little attention to private members. MPs whose private member bills pass receive minimal recognition from their parties, the media, and, consequently, their constituents. Whatever the *Globe* may have expected, Canada's media in effect still demand party solidarity. The media continue to portray intraparty dissent as evidence of a disintegrating caucus, a weak leader, or both. A Nova Scotia Conservative insisted that the media, not MPs themselves (as in Britain), must take the lead if there is to be reduced party solidarity. Party leaders will not sanction more independent backbenchers when the media portray "free-wheeling debate" as a grave internal crisis.

The Atlantic and British Columbia respondents identified matters of special difficulty for "outer" Canada in Parliament. These problems stem from two immutable facts: most MPs are Ontarians and Quebecers, and Ottawa is located near the centre of the Quebec-Windsor corridor. A British Columbia Tory complained that Commons standing committees remain dominated by Ontario and Quebec MPs. For their part cabinet ministers naturally look after their own "back yards", as a Prince Edward Islander put it. This places the Maritimes, with few ministers at the best of times and still fewer (or no) powerful senior ministers, at a distinct disadvantage. The Ottawa-based bureaucracy received criticism from British Columbians, some of whom considered civil servants too powerful and unaccountable. They also deemed them to be excessively insulated from, rather ignorant of, and indifferent towards "outer" Canadians—especially westerners.

Implications of Future Reforms

Suppose governments and backbenchers put McGrath reforms fully to the test. If nearly all floor votes and committee deliberations were left to MPs' "deliberative judgement," what would happen? For better or worse (or both), logrolling (the trading of votes or other favours) would spread from the cabinet to MPs as a whole in their committee work and floor voting. Logrolling is already a familiar practice in Ottawa. Cabinet ministers routinely logroll among themselves behind the scenes to protect their "back yards." A Maritime minister called it a "chit system." This practice may benefit provinces with several powerful and aggressive ministers. However, in "outer" Canada only Alberta remotely approaches this description, and then only in Tory governments. At present backbench MPs logroll inside their party caucuses, but this arrangement has severe shortcomings. Logrolling in opposition caucuses, however "successful", cannot influence policy making.

Peripheries' alienation is intensified when MPs from provinces which vote "wrong" in General Elections lose access to the Ottawa pork barrel and the policy process generally. Government caucuses are little better. MPs appreciate that any government's re-election interests require keeping Ontario and Quebec voters satisfied. "Outer" Canada is a different story. If there was any question whether a party needs popularity in Atlantic Canada to secure electoral victory, the 1988 federal election settled the issue conclusively. Atlantic MPs find themselves in a poor position to logroll or otherwise exercise leverage in these circumstances, even inside the government party's caucus.

Canada's existing policy making practices worsen rather than relieve alienation in the peripheries. Can reduction of party discipline in the Commons enhance "outer" Canada's perception of real participation in national policy making? Can it bring opposition members and provinces which vote "wrong" into the policy process? These are major objectives of Senate reformers. If these goals can be achieved satisfactorily in the Commons, Senate reforms' many complications can be averted. The most serious problem in the Commons for "outer" Canada, especially the Atlantic provinces, is sheer numbers. Ontario and Quebec may always enjoy an absolute numerical majority. Yet this condition presently carries more unfavourable implications for the remaining eight provinces than it would under more decentralized parties. On the post-decentralization occasions when the outcome of committee and floor votes would be in doubt, every vote—hence each MP—would matter. Thus, all MPs of whatever province or party would gain access to logrolling, the pork barrel, and oversight of the civil service. As an all-important result, constituents could observe their elected representatives working conspicuously, and sometimes successfully, on their behalf.

Canada's peripheries would obtain additional benefits from this change. Viewed from some perspectives, they enjoy sizable Commons representation. British Columbia, with a larger share of the House of Commons than California holds in the House of Representatives, could acquire some of California's acknowledged legislative power and self-assurance. Alberta is not far behind British Columbia. The Atlantic region maintains compatible interests on many issues. Partially liberated from commitments to Ontario and Quebec-oriented national parties, Atlantic MPs could match British Columbia's numbers and offer formidable support for policies to benefit their region. The Atlantic provinces' tendency to elect pragmatic and nonideological MPs would assist in this effort.

Diminution of party discipline would force MPs to make major adjustments. A "new breed" of MP would emerge. The model of the serious legislator, the flexible and undogmatic negotiator, would coexist with the ideologue and the party loyalist; nonpartisan collegiality would coexist with adversarial partisanship. Many MPs, especially the more ideological and partisan Conservatives and New Democrats, would find such a change traumatic. Most MPs would miss tightly disciplined parties' close collegiality, and their convenient and relatively uncomplicated security. Ambitious Canadians hitherto not attracted to life on the back benches would be enticed by a parliamentary career. This would cause keener competition for party nominations, which now often go uncontested. MPs would find it both possible and advisable to develop reputations in their ridings as capable legislators as well as diligent case workers. Successful MPs would become effective constituency champions on the few issues important to their ridings. On most issues they would apply their own judgment, their party's position, or a logrolling agreement. MPs who could balance concern for constituency reputation with their need to maintain support in their riding associations and national parties could build productive legislative and cabinet careers without succumbing to national or regional vote swings. Such swings now (as in 1984 and 1988) often cut short promising parliamentary and cabinet careers when voters consider only national issues and party leaders' media images.⁵

Some Canadians fear that a substantial reduction in parliamentary partisanship would lead Canada to adopt undesirable features of the United States political system. Interest group particularism and nearly automatic re-election of incumbents are especially dreaded. This concern is only partly justified. Seven features of "congressionalism" which facilitate particularism and easy re-election would not prevail in a reformed Commons: the power of interests over election financing, two year Congressional terms, party primaries, the seniority system, the Senate's extraordinary majority rules, a politicized executive branch, and Washington's issue networks.

The first of these features, by far the most important, fuels some of the others and is widely recognized to exercise a pernicious influence. Congressional elections, with their unlimited spending, are heavily financed by interests. The better-financed incumbent nearly always wins, and subsequently serves his or her benefactors while soliciting their future support. The two-year term for the House of Representatives was designed to keep House members closely accountable to their constituents. Instead it helps to ensure interest group

leverage and lengthy Congressional careers by inducing Congressmen to campaign and solicit funds continuously. The party primary system also favours well-financed incumbents. The seniority criterion for committee chair positions empowers the very members who have become most indebted to interests through a succession of well-financed campaigns. The Senate's extraordinary majority to invoke closure helps regional minorities and anti-reform interests to prevent votes on measures which they oppose. Furthermore, one-fifth of executive branch personnel in the United States are political appointees. This includes the entire Executive Office of the President. Political appointees tend to pursue partisan and ideological agendas. They work closely with compatible interest groups and "think tanks." Finally, the interpenetration of Congressional committee and subcommittee staffs with interests and their political action committees further integrates established interests into the policy process.

Even a brief discussion should make clear that parliamentary reform need not subject Canadians to full-scale "congressionalism." Probably most significantly, the *Election Expenses Act* would be retained. When interests cannot "buy" legislators, legislative committees need not form a collusive policy making "iron triangle" with interests and the executive. Besides, the power of Canadian parties and party leaders would remain much closer to the British model than the American. Parties and their leaders would continue to influence nominations for parliamentary seats, office and committee assignments, and chairmanships of committees—not to mention still coveted cabinet positions. Canadian voters would still apply their evaluations of party leaders in their voting decisions, although their assessment of their own MPs would assume some importance. Majoritarian voting procedures would endure. Canada's civil service,

including the Privy Council Office, would retain its nonpartisan professionalism. Parliamentary committees could acquire credibility without powerful subcommittees or a seniority system.

Conclusion

Canadians often condemn "congressionalism's" decentralized parties and logrolling for entrenching regional particularism in national policy making. Fair enough. Yet particularism offers compelling challenges to post-Meech Canada. Is it in Canada's interests when provincial governments enjoy a near monopoly of the articulation and advancement of regional interests? Western premiers are now suggesting openly that they may demand a form of "sovereignty-association" for their provinces. If "outer" Canadians—exasperated with elitist and secretive policy making unaccompanied by consultation—continue to believe that the federal government serves only Ontario and Quebec, there soon may be much less policy made in Ottawa by anyone. The question is this: What is the least destabilizing adjustment which can reduce alienation in "outer" Canada? The McGrath Report provides one blueprint for those seeking an answer.*

Notes

1. Special Committee on Reform of the House of Commons, *Report* (Third Report) (Ottawa: Queens' Printer, June 1985), p. 2.
2. *Ibid.*, pp. 9-10.
3. *Ibid.*, p. 9.
4. "The Independent MP," *Globe and Mail*, October 12, 1985.
5. C.E.S. Franks also has noted the lack of interest in party nominations and Canada's unusually short parliamentary careers. C.E.S. Franks, *The Parliament of Canada* (Toronto: University of Toronto Press, 1987), especially pp. 258-259.