



# Parliamentary Book Shelf

George Bergougous, *Presiding Officers of National Parliamentary Assemblies*, (Geneva: Inter-Parliamentary Union, 1997), pp. xiii, 120

The study of the Speakership is important for a number of reasons. If parliamentary procedure is essentially the method by which a legislature's constitutional responsibilities are discharged, examining the issues presiding officers face, particularly from an historical perspective, helps us trace constitutional and parliamentary development.

It is quite interesting for example to compare Alpheus Todd's 1840 treatise *The Practice and Privileges of the Two Houses of Parliament*, where he discusses the incident in Lower Canada in 1827 when the Governor of the province refused to approve Joseph Louis Papineau as Speaker, to W.F. Dawson's *Procedure in the Canadian House of Commons*, written in 1962 and shortly after the Pipeline Debate where he describes how the Speaker was caught in the middle between the desire of the opposition to have essential information and the clash of unrestricted debate vs. government subservience. These two books give snapshots of the office at different periods of constitutional development and re-enforce the fact that the Speakership is one that continues to evolve and change as the political system does.

If one wants to take a more behavioural approach, by studying deci-

sions of legislatures, including Speakers' decisions, we may be studying the value patterns of society. For those looking at the Speakership this way, there is a belief that legislatures generally represent the public psychologically and reflect its goals and attitudes. Certainly, the studies by Allan Kornberg are in this vein. A third reason why it is important is the need to compare. This approach is clearly a learning process, based somewhat on abstract thinking, but it is only by comparing that we can really understand what is relative about institutions like the Speakerships and what may be universal.

It is difficult to study the Speaker from a world-wide perspective. It has been successfully done with Speakers whose legislatures have the same constitutional basis (for example, Philip Laundry's *The Office of Speaker in the Parliaments of the Commonwealth*, 1984), but the challenges of trying to assess and make sense of the office taking into consideration the variety of states - industrialized, developing, "closed", "open", big and small - are formidable.

Bergougous has made an excellent contribution to the literature on the Speaker. It is fitting that the IPU brings this book out, given that its membership comprises nearly 80% of the world's state organizations.

The study is based on the responses received from a 1995 Questionnaire, sent to all of its 135 members.

It focuses on (i) the status of the Speaker, including their term of office, and where they stand within and outside the House (ii) their functions both in terms of administrative and procedural responsibilities; and (iii) the place of the Speaker in the institution.

While it provides useful comparative data on a variety of questions concerning the office, such as the various procedures for electing a Speaker and what roles different Speakers play in organizing Parliament's work, the book's strongest points are that it presents various models of presiding officers and concludes with a valuable description of what is basically common in all presiding offices throughout the world.

He reminds us there is (i) the British model whose role is essentially one of arbitrator, (ii) the American model where the Speaker plays an active role in organizing parliamentary life and work (iii) the continental European model which takes a collegiate attitude towards the office and reflects the political groups or parties belonging to the Assembly (iv) the model being followed in the new democracies, particularly in Eastern Europe, which reflects

many of the patterns of the continental model but provides for more committed politicians than simply arbitrators of parliamentary life (v) the socialist regime model where the Speaker is not to be a neutral judge but instead an active protagonist in the legislature on behalf of their party and (vi) the model being used in developing countries which are variations of the British and continental models.

Two areas where the book may have been more helpful were first, a more thorough analysis of the sociological aspects of the offices and second, the role for the Speaker in protecting the rights of legislators. The sociological aspects of the office are important since Mr. Bergougnous makes the point that the influence of the Speaker in legislative assemblies throughout the world may be growing. This is due not only to institutional change, but also to the personality of the Speaker. Yet we don't really have their true portrait here. What are their goals? Do they wish to defend the status quo in parliaments, or are they reformers wishing to improve public esteem towards government institutions? How do they compare demographically, occupationally and ethnically to their colleagues and to their constituents? How do they see their role and who are their reference groups?

The failure of the book to provide these answers is clearly a methodological one since the questionnaire focused largely on the institutional characteristics of the office as opposed to its more normative traits. Likewise, the failure to look closely at the Speakerships from a "rights" based approach is also a methodological one. The book was specifically structured in describing the functions of the Speaker. Undoubtedly, functionalism is useful in studying legislatures - it is after all

the approach both Montesquieu and Baghot used - but is only one way to conceptualize an office like the Speaker.

George Bergougnous, who is administrator of the French National Assembly and currently Head of the Legal Department of the French Constitutional Council, and the IPU are to be congratulated for the publication of this valuable book.

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**Parliamentary Practice in British Columbia (3rd Edition) by E. George MacMinn, Queen's Printer: Victoria, B.C., 1997, 376 pages.**

The Canadian census is decennial and so too, it appears, is the updating of *Parliamentary Practice in British Columbia*. Neither is going to be read cover to cover, yet both are sure to be invaluable research tools.

Like its predecessor published in 1987 this is basically an annotated discussion of the Standing Orders of the British Columbia Legislative Assembly starting with Standing Order 1 and proceeding to Standing Order 120.

The book is divided into twelve chapters. The first eleven cover such things as regulation and manage-

ment of the House, committees, petitions, questions, notice and unanimous consent, privilege and so on. Only two of these chapters, the rules of debate and proceedings on public bills begin with an introduction. The others jump right into the standing orders.

The last chapter entitled Officers of the House is organized somewhat differently. It is divided into several parts including private bills, the legislative library and the recording of debate. There is a non technical introduction to each. This approach makes the book easier to read and consideration should be given to extending introductions to all chapters in the next edition.

At the end of the book one finds ten "Practice Recommendations" relating to various standing orders. Although there is no explanation as to the status or origin of these one assumes they are guidelines intending to clarify certain aspects of the Standing Orders.

For example Practice Recommendation 7 states that "A Member wishing to raise a question of privilege should, as a matter of courtesy, give the Speaker notice in writing within a reasonable time before raising the matter in the House." This relates to Standing Order 26 which says "Whenever any matter of privilege arises it shall be taken into consideration immediately."

One wonders why such seemingly innocuous practice recommendations were not incorporated into the Standing Orders. There may be an interesting story here but the reader is left in the dark.

The book also includes eight appendices including two Summaries of Amendments to Standing Orders. One is from 1930 - 1984. The other, for the years 1986-1996, has the changes shown in bold type. It is interesting to note how Standing