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THE ROLES OF THE MEMBER OF PARLIAMENT IN CANADA: ARE THEY CHANGING?

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31 May 2002

PARLIAMENTARY RESEARCH BRANCH
DIRECTION DE LA RECHERCHE PARLEMENTAIRE

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THE ROLES OF THE MEMBER OF PARLIAMENT
IN CANADA: ARE THEY CHANGING?

Many Canadians, including Members of Parliament, believe that central roles of Members of Parliament have been eroded over the years, and that their rehabilitation is the appropriate objective of parliamentary reform.

This paper examines the central roles performed by Members of the House of Commons in Canada, assesses long-standing controversies about how MPs should carry them out, and discusses recent trends in the thinking of both parliamentary scholars and MPs themselves concerning key roles.

Part I provides historical background on the emergence of modern roles. It includes a discussion of major factors that have propelled the evolution of traditional roles that continue to provide the basis for expectations about what Members of Parliament should do, and how they should do it.

Part II reviews the major current roles, as portrayed in recent research on Parliament. It also examines the assumption that Members of Parliament share basic roles, in the light of differences that have emerged between the government and opposition Members.

Part III explores some issues and controversies – both recent and long-standing – about what the roles of Members of Parliament should be. It also examines the way in which assumptions about the key roles of Members of Parliament have provided guidance for parliamentary reform initiatives, and discusses possible future directions.

HISTORICAL BACKGROUND

A. The Classical Roles of Members of Parliament

The central principles of parliamentary government, shared by systems based on the Westminster model, are reflected in formulations of the role of Parliament and its members

developed by John Stuart Mill and Walter Bagehot in the nineteenth century.[1] They portray a sovereign representative assembly performing three central tasks:

(1) to consider, refine and pass legislation;

(2) to hold government accountable for its administration of the laws and authorize the expenditure of the required funds; and

(3) to determine the life of the Government through exercising the ability to provide or withhold support.

The representative role of the individual MPs within the legislative process was based on the entitlement to put bills serving the interests of constituents, collectively or individually, before the House. It was also based on the ability to subject bills emanating from other parliamentarians, or the Government (whose bills had no special status in the House), to independent judgement. The absence of rigid party affiliations was reflected in the relative frequency of rejection, by Parliament, of government bills during the mid-nineteenth century.[2]

As well, the independence of the individual Member of Parliament made the withholding of authorizations to spend a realistic possibility. This provided Parliament with a means of extracting accountability from the Government and of terminating the life of an unsatisfactory government.

In all of its functions, the legitimacy of Parliament and its members rested upon a central claim: that Parliament institutionalized political representation in society. This claim was plausible, during the mid-nineteenth century, because of a number of features both of Parliament and of the environment in which it functioned. The limited franchise, combined with the relatively small population of the individual constituency, produced relatively homogeneous bodies of electors broadly sharing the interests of property-holders, and thus possessing relatively intelligible common interests that could be represented.   This gave elected parliamentarians a plausible basis for claims of representative status (particularly in an era when public opinion polls, non-governmental organizations and specialized interest groups that might raise questions about such claims were still, for the most part, in the future). Furthermore, the

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(1) See discussion in Dennis Smith, "President and Parliament: The Transformation of Parliamentary Government in Canada," in *The Canadian Political Process,* ed. Richard Schultz, Orest M. Kruhlak and John C. Terry, 3rd ed., Holt, Rinehart and Winston of Canada, Ltd., Toronto, 1979, p. 304ff.

(2) See Eugene Forsey, *Freedom and Order,* McClelland and Stewart Ltd., Toronto, 1974, p. 127.

immediate ties that were possible between MPs and electors in nineteenth-century ridings gave individual representatives a basis of support that was relatively immune to influence from outside the riding, enabling them to act with a degree of independence within the national legislature.

B. Trends and Developments

While the expectations concerning Parliament and its Members implied by the classical liberal model have proven durable, the assumptions underlying the model were beginning to be eroded by events, even as the model received its definitive expression in the mid-1800s.

1. The Broadening of the Franchise and the Emergence of Modern Political Parties

The combined impact of population growth and the broadening of the franchise resulted in a steady increase in the size of electoral ridings beginning in the mid-nineteenth century. Thus, while the average Canadian Member of Parliament represented only several thousand electors in 1867, average constituency populations had risen to over 50,000 voters a hundred years later.[3] This development, in turn, gave a major impetus to the rise of the modern, disciplined, "mass" political party. Votes had become too numerous to buy, and voters too numerous to be enlisted by means of interpersonal ties, patronage networks or common membership in small groups of local notables.[4] These conditions necessitated the modern election campaign, which requires levels of financial commitment and professional organization beyond the capacities of all but a few individuals, and thus fosters the dependence of candidates on organized political parties.

The consequences of the emergence of modern political party organizations, and disciplined intra-parliamentary parties, have been widely documented. Aside from resulting in the virtual disappearance of MPs who are not affiliated with any party, the rise of modern political parties has substantially constrained the independence of decision-making and voting

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(3)   See Norman Ward, *The Canadian House of Commons: Representation,* University of Toronto Press, Toronto, 1950, p. 212; and Robert J. Jackson and Michael M. Atkinson, *The Canadian Legislative System: Politicians and Policymaking,* 2nd ed., rev., Macmillan of Canada, Toronto, 1980, p. 155.

(4)   R. H. S. Crossman, introduction to *The English Constitution,* by Walter Bagehot, Cornell University Press, Ithaca, New York, 1966, p. 30.

within the legislature that was presupposed in the classical model. It has also constrained the traditional purpose of parliamentary debate.[5] Debates now consist of the articulation of party positions, followed by votes that, under conditions of majority government at least, predictably support the government. Independent representative activity can still be carried out by individuals acting outside the House (in, for example, party caucuses); but – with exceptions – it is reflected in debate only to the extent that it is compatible with the position of the political party represented by a Member.

The changed nature of debate has implications not only for the role of parliamentarians as legislators, but also for their traditional role in making and unmaking governments. Majority governments are virtually assured of persistence for the life of a Parliament. While remaining accountable to Parliament on a day-to-day basis, they thus do not depend for their continuing life on their ability to maintain the support of uncommitted Members on an issue-by-issue basis.[6]

2. Social Pluralism and the New Challenges of Representation

The broadening of the franchise, population growth in the constituencies, and the emergence of modern highly pluralized societies have redefined the task of representation, as well as fostering the development of modern political parties. While representing the interests of relatively homogeneous groups of property-holders is at least an intelligible task, representing the interests of the heterogeneous modern electoral constituency is, if not unintelligible, certainly more complex. While there may be a weight of opinion, or decisive local interests, that can be represented in debate on some issues, the more typical situation is that most of the voters that a Member must represent will not have voted for that Member at the last election, and will be relatively oblivious to the issues being debated in the House, or highly diverse in their opinions and interests concerning them.[7]

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(5) See, for example, C. E. S. Franks, *The Parliament of Canada,* University of Toronto Press, Toronto, 1987, p. 143ff.

(6) See, for example, Thomas A. Hockin, "Adversary Politics and Some Functions of the Canadian House of Commons," in Schultz, Kruhlak and Terry, p. 315ff.

(7) A study of the attitudes of candidates, first-term MPs, and long-term MPs in the mid-nineties found that this problem was widely acknowledged by experienced parliamentarians. See David C. Docherty, *Mr. Smith Goes to Ottawa: Life in the House of Commons,* UBC Press, Vancouver, 1997, pp. 149-151.

3. The Modern Interventionist State: Scale, Scope and Complexity

The volume and complexity of legislation and policy workloads generated by the contemporary interventionist state is often cited as an additional change in the environment in which legislative assemblies must now function, and portrayed as creating problems in the performance of some traditional roles.[8] The volume of government legislation has required both that it be accorded priority as a matter of legislative business, and that procedures governing the consideration of all business be streamlined. The drastic reduction in the amount of House time available for consideration of Private Members' legislation; the institution of time limits on speeches; the allotment of House time, in advance, to bills; and the institution of time limits on Oral Question Period are all examples of procedural trends limiting the capacity of the individual Member to make independent representative inputs, even where party discipline does not preclude this in the first place.[9]

Furthermore, the highly technical nature of much modern policy and legislation creates a challenge, in itself, to the achievement of substantive influence by Parliament, in addition to contributing directly to the problem of legislative workloads. One authority has concluded, indeed, that even if time and the relaxation of party discipline permitted substantive inputs by parliamentarians, they would still, as policy generalists, be "functionally disqualified from having a substantive impact on government policy decisions."[10]

The policy and legislative output of modern governments has not only become more voluminous and complex, it is also largely directed to the interests of national clienteles rather than matters of a relatively local nature (private bills), or the traditional core areas of government activity such as defence and foreign affairs, which can be related to an underlying national interest. This has fostered the emergence of alternative, and typically extra-

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(8) See, for example, Robert L. Stanfield, "The Present State of the Legislative Process in Canada: Myths and Realities," and John P. Mackintosh, "The Future of Representative Democracy," in *The Legislative Process in Canada: The Need for Reform*, ed. William A. W. Neilson and James C. McPherson, Institute for Research on Public Policy, Butterworth and Co. (Canada) Ltd., Toronto, 1978, respectively p. 39ff and p. 303ff.

(9) For a detailed treatment of these developments, see John B. Stewart, *The Canadian House of Commons: Procedure and Reform,* McGill-Queen's University Press, Montreal, 1977, esp. p. 51ff.

(10) Michael S. Whittington and Richard J. Van Loon, *The Canadian Political System: Environment, Structure, and Process,* 3rd ed., rev., McGraw-Hill Ryerson Ltd., Toronto, 1981, pp. 635-637. More recent renditions echo this verdict: see Michael S. Whittington and Richard J. Van Loon, *Canadian Government and Politics: Institutions and Processes,* McGraw-Hill Ryerson Ltd., Toronto, 1996, p. 490ff.

parliamentary, forms of representation and the development of theories of democratic governance that emphasize their prominence.[11] According to these theories, governments are now significantly influenced by representational inputs coming directly from organized national and regional interest groups. This has occurred partly because the representatives of organized groups may possess greater representative credibility on technical matters relating to their groups than elected Members undertaking to broadly represent geographically defined ridings. A second factor is that nationally organized groups may possess significant economic influence and political leverage. Insofar as governments seek national "blocs" of support by responding to the expressed interests of nationally organized stakeholder groups, individual parliamentarians and the general representative inputs they convey may be marginalized in the competition for influence on government.

The combined effects of the trends outlined above have resulted in widespread concerns about the effectiveness of parliamentary institutions under modern conditions. They have also provoked a series of reform initiatives within the Canadian House of Commons, and the emergence of altered conceptions of the roles that parliamentarians need to play within the modern democratic process.

CONTEMPORARY ROLES

Contemporary descriptions of the roles of the Member of Parliament continue to emphasize two basic types of activity, reflecting long-standing traditional roles: **legislative activity** (affecting laws and the policies that they reflect), and **surveillance activity** (focussing on the scrutiny of the government's administrative performance, including the spending of money).[12] More recent roles include **constituency service activity** (assistance for individual constituents) and **party responsibilities** (including both activities within the political parties and partisan obligations that affect the performance of other roles).

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(11)   See, for example, Robert Presthus, *Elite Accommodation in Canadian Politics,* Cambridge University Press, Cambridge, England, 1973.

(12)   See, for example, Whittington and Van Loon (1996), p. 495ff; Thomas d'Aquino, G. Bruce Doern and Cassandra Blair, *Parliamentary Government in Canada: A Critical Assessment and Suggestions for Change,* Intercounsel Limited, Ottawa, 1979, pp. 80-81; and Linda Geller, "The Role of the Member of Parliament," *Quarterly of Canadian Studies,* Winter 1972, p. 123ff.

These central roles of Members of Parliament each involve a range of activities, and to some extent compete with one another for an MP's time and attention. They therefore warrant separate discussion.

A. Law-Making Activity

While literal law-making by individual Members of Parliament is now generally seen as less central to their responsibilities, traditional processes in which this was once accomplished persist, and various kinds of legislative and policy influence may be exerted within these processes.[13]

The presentation of Private Members' bills, which was once a major item of House business and a prominent form of legislative activity on the part of Members, has been severely constrained as a result of the streamlining of House procedures. While procedural reforms of recent years have increased the likelihood that a limited number of Private Members' bills can receive the three readings required for passage, it remains true that limits on the amount of House time available for such bills preclude the survival of all but a few exceptional cases. Private Members' bills have thus come to be used, centrally, as a means of drawing attention to ideas in the hope that they may subsequently be incorporated within government bills.[14]

With the possible exception of free votes (which are rare), the rise of modern parties has long since made participation in debates ineffective as a method of influencing opinion in the House concerning a bill or an amendment. Until more recently, however, debates provided at least a means by which bills could be subjected to substantial delay if desired amendments were not made. This is no longer the case: time limits on the speeches of individual Members, and procedures permitting the limitation of time for debate on regular bills, have effectively curtailed even the purely negative capacities of the House to affect the substance of legislation.[15] However, determined opposition to a bill may indirectly influence its content by mobilizing public opinion and bringing indirect pressures to bear, which may induce its

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(13) According to Michael Atkinson and Paul Thomas, recent academic work has placed more emphasis on "Parliament's non-decisional roles within the legislative process," moving away from a more negative earlier emphasis on the limits to Parliament's direct contribution to legislation. See Michael M. Atkinson and Paul G. Thomas, "Studying the Canadian Parliament," *Legislative Studies Quarterly,* XVIII, 3, August 1993, p. 425.

(14) Whittington and Van Loon (1996), pp. 537-538.

(15) See discussion in Stewart, esp. p. 108ff.

government sponsors to modify it. Similarly, behind-the-scenes lobbying for amendments can be effective, particularly if it is co-ordinated with the activity of interest groups and other stakeholders.

Since 1968, virtually all legislation is considered in detail by standing committees, giving committee activity prospective significance as a means of legislative influence. That influence is limited, however, by the fact that committees do not normally address legislation in principle, but are restricted to its detailed refinement. (Since 1994, procedures have existed that enable committees to receive mandates to develop bills, or to consider bills before second reading, but these have been used infrequently.) Even where committees are involved in legislation before second reading, party discipline applies within committees, and limits the independence with which Members can contribute once the Government has committed itself to legislation or a legislative objective. Dominance by the government majority, combined with tension between adversarial stances in the House and the more collaborative style of work required in committees, also constrain the potential legislative effectiveness of opposition members of committees.[16] For government backbenchers, on the other hand, the committees may provide an opportunity for constructive, if modest, influence on the substance of legislation.[17] Typically, this influence relies upon the willingness of the responsible minister to accept changes, and government members in conflict with the minister on significant matters may expect to be replaced by substitutes when the time comes for a committee to vote on proposed legislation.[18]

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(16) Hockin emphasizes the use of committees by members of the Opposition for surveillance purposes, most prominently in their raising of questions during the examination of the estimates. With respect to the refining of legislation, concerns of some opposition Members about the lack of partisan advantage to be gained by "tidying up a Minister's bill" are noted. See Thomas A. Hockin in Schultz, Kruhlak and Terry, pp. 320-321.

(17) Allan Kornberg and William Mishler conclude, on the basis of comparisons of ratios of House participation to committee participation, that "…Liberal MPs (government backbenchers) appear to have been the principal beneficiaries of the revamped committee system" (*ibid.*, p. 154). The modesty of the role can create motivational problems, however, particularly during the examination of the estimates, when government backbenchers may be encouraged neither to critically scrutinize, nor to imply that a minister needs their assistance by defending, a department's estimates (see Hockin, *ibid.*, p. 321).

(18) See Franks, pp. 166-167; and comments by MPs in "A Larger Role for Committees?" *Occasional Papers on Parliamentary Government,* No. 11, March 2001, p. 5.

B. Surveillance Activity

As the foregoing discussion of legislative and policy-related activity in Parliament may suggest, the contribution of parliamentarians in these areas may now be seen primarily as a form of surveillance, involving opportunities for limited influence, rather than the independent law-making envisioned by nineteenth-century writers about Parliament. Parliamentarians are also involved in a series of additional activities directly focussed on scrutinizing the activity of governments, and publicizing issues and concerns.

One of the most widely known, and consequently most effective, means by which Members scrutinize government activity is the House of Commons Oral Question Period. The current Standing Orders provide, as an adjunct to Question Period, that Members unsatisfied by ministerial responses to their questions may raise the subject of a question for brief debate on the adjournment of the House.[19] While the spontaneous and frequently adversarial exchanges characteristic of Oral Question Period and debates on adjournment are effective in publicizing concerns, information of a more detailed and less urgent nature can be obtained by tabling written questions, to which replies are published in Hansard.

The entitlement of committee members to question ministers and public service officials in the course of committee deliberations is another important means of exercising surveillance and achieving government accountability. While this form of information gathering may occur during policy studies undertaken by committees, the detailed annual review of departmental spending estimates (conducted within the standing committees since 1968) provides a particular occasion for holding governments accountable for administrative practices. Reforms to the parliamentary reporting process dating from the mid-nineties have sought to enlarge this opportunity by creating a meaningful role for committees in the development of future year estimates, before they have been finalized and presented to Parliament as the Government's financial and administrative agenda. However, thus far, most Members of Parliament have been reluctant to engage in the technical and administrative complexities of financial management, and meetings on the estimates are largely devoted to general discussion of policy issues, government priorities and high-profile individual decisions.[20]

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(19) Standing Order 37(3), in Canada, *Standing Orders of the House of Commons,* January 2001, Minister of Public Works and Government Services Canada.

(20) This reality has most recently been documented, and explored as a challenge for further reform, in Peter Dobell and Martin Ulrich, "Parliament's Performance in the Budget Process: A Case Study," *Policy Matters,* Vol. 3, No. 5, May 2002, Institute for Research on Public Policy, website: http://www.irpp.org/indexe.htm.

While the surveillance function is served to a degree by all debates, the registering of concern with selected aspects of the Government's overall performance under conditions of heightened public visibility is a particular feature of special debates that occur periodically during each session of Parliament. Among these are the debate on the Speech from the Throne, which occurs at the commencement of each parliamentary session; and the debates on the Budget and supply, during which the Government must defend its overall priorities and administrative record.[21]

C. Constituency Service Activity

Members of Parliament have come to devote major portions of their time to providing assistance to individual constituents. This "social worker" or "ombudsman" function may require the direct involvement of the Member – for example, in contacting Ministers or public service officials, or using time in the House, to make known grievances of an individual constituent and seek remedies.[22]   More typically, however, constituency service primarily involves the provision of information and advice concerning the vast array of government programs now available, and is carried out by staff in a Member's local office.

The constituency service role may be seen as the modern form of a more long-standing function of sitting government members as the local representatives of the party patronage network, playing a direct role in obtaining contracts and other benefits for residents in the riding.   The contemporary constituency service role involves an expansion and depersonalization of earlier relationships, and is performed by both government and opposition Members. The establishment of publicly subsidized constituency offices in 1974, the hiring of secretaries to aid Members, and the more recent shift to block funding of Members' offices that allows individuals substantial flexibility in staffing, have considerably enhanced MPs' capacity to provide information and assistance. These measures have also increased MPs' potential effectiveness in acting on behalf of constituents who have grievances over policies or their application.[23]

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(21)   Whittington and Van Loon (1996), p. 498ff.

(22)   *Ibid.*, p. 499.

(23)   Alastair Fraser, "Legislators and their Staffs," in *Parliament, Policy and Representation,* ed. Harold D. Clarke *et al.*, Methuen, Toronto, 1980, p. 127ff.

Research on Members of Parliaments' perceptions of their roles suggests that MPs have come to see constituency service as a primary role.[24] Indeed, some two-thirds of MPs in the 34th and 35th Parliaments viewed local riding work as being of the utmost importance in getting re-elected. They assigned substantially lower importance to alternatives such as their work in Parliament or the work of the leader or party.[25] It is noteworthy, however, that constituents appear to have a different view of the significance of constituency service work. While it is valued by those who receive it, it has only limited influence in getting a Member re-elected. Polling of electors suggests that they place a higher priority on other activities, notably "keeping in touch," or communicating government policy ("helping individuals" was ranked fifth among five possible activities by participants in one poll).[26]

The emergence of constituency service activity as a major occupation of Members of Parliament presents a paradox. On the one hand, such activity, unlike the intra-parliamentary activities discussed elsewhere in this paper, is carried out by virtually all Members and reflects a set of expectations consistently applicable to all. In this sense it is a generic role, deriving from the status of having been elected to membership in the House. On the other hand, constituency service activity has no necessary and specific connection with Parliament, and could in principle be performed by public servants appointed to perform "ombudsman" or citizen-liaison functions. Members need not rely on assistance from Parliament in carrying out these services, although at times they may find it useful to do so. Equally, while ombudsman activity may at times furnish a Member with information better enabling him or her to engage in policy work, the refinement of legislation or the surveillance of the Government, it need not do so. While constituency service activity may make a coincidental contribution to the Member's ability to participate within Parliament, it more typically competes with parliamentary participation for a Member's time. Members' awareness of this situation was apparent to the authors of one study on Parliamentary reform, who stated: "The 'ombudsman' role tends to occupy a great part of the Members' time, often at the expense of other roles….The Members consulted still find it difficult to allocate their time among their roles in a manner they consider satisfactory."[27]

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(24) See, for example, Docherty, p. 177ff.

(25) *Ibid*., p. 187.

(26) *Ibid*., p. 190.

(27) D'Aquino, Doern and Blair, pp. 80-81.

D. Party Responsibilities

Assessments of the impact of modern, disciplined political parties generally agree that they have transformed virtually all aspects of life in Parliament. Parliament, it is argued, must now be understood as a party House, in which individual parliamentarians respond primarily to party imperatives. Within the traditional processes of legislative and surveillance activity, Members of Parliament now represent party positions to the electorate rather than riding positions to the Government (although the latter forms of representation occur away from the public eye).[28]

In addition to its broad impact on traditional roles, the rise of political parties has introduced a further distinction between the roles of MPs in the Government and in the Opposition. The parliamentary role of opposition Members is now essentially oppositional; it consists centrally of legislative activities that are directed to publicizing the weaknesses of government bills, along with the critical surveillance of all government activities.[29] Conversely, the parliamentary role of government Members is essentially to support the Government; it consists centrally in the refining of legislation and its public defence in debate, with relatively less significant participation in surveillance activity.

Any discussion of the role of parliamentarians must now recognize that there are significant differences between the responsibilities of government and opposition Members. Nonetheless, parliamentarians still share certain basic roles. The contribution of opposition Members to the legislative and policy process is primarily critical, but it sometimes results in substantive improvements. Equally, the relatively muted participation of government Members in surveillance activities may highlight areas in which government performance genuinely is satisfactory. In these circumstances, it generates information that is needed by the public, along with that provided by opposition Members. Together, positive and critical assessments of government provide a basis for full accountability, which involves accountability for success as well as for failure.

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(28) For a stark description of the impact of party discipline on traditional processes such as legislative debate, see the foreword to "Strengthening the Role of MPs," *Occasional Papers on Parliamentary Government,* No. 7, November 1998, Parliamentary Centre, p. 3.

(29) For a detailed discussion of the responsibilities of the Opposition, see Gerald F. Schmitz, *The Opposition in a Parliamentary System,* BP-47, Parliamentary Research Branch, Library of Parliament, Ottawa, December 1988.

In addition to affecting the performance of other roles, the rise of modern political parties has created a series of new responsibilities for Members of Parliament. As well as participating in electoral processes outside the riding (by-elections, provincial elections), leadership selection processes and national campaigns, many Members of Parliament are involved in the intra-parliamentary party, in shadow cabinets, *ad hoc* working groups or other functions. All party members also participate in the party caucus itself, and in the regional and issue-based caucuses (or caucus committees) that have become increasingly important since the early nineties. While party caucuses have received limited attention from academics, one study based on extensive interviews concluded that they have become steadily more important since the 1960s, both as vehicles of informal influence by MPs and as supports for party discipline once caucus positions have been adopted.[30]

ISSUES, CONTROVERSIES AND EMERGING DIRECTIONS

Assumptions about the key roles of parliamentarians have had two central functions in discussions about Parliament in recent years. They have guided reform efforts and, second, they have framed and helped to perpetuate a long-standing debate about whether parliamentarians should perform their roles primarily as delegates of their ridings, reflecting local opinion, or as "trustees," exercising independent judgment about issues.

This concluding Part comments on the discussions that have been fostered by assumptions about the roles of Members, and looks at possible future developments.

A. A Point of Departure for Reform

Since the 1960s, there has been virtually universal consensus among scholars, parliamentarians and members of the general public that reform of Parliament is urgently needed in order to remedy deficiencies of responsiveness. The main continuing disagreements have to do primarily with the nature and extent of reform that is needed.

According to one observer, proponents of reform can be grouped into two camps: the "cautious reformers," who seek to reinvigorate the role of ordinary Members of Parliament

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(30) Paul Thomas, *Caucus and Representation in Canada,* keynote address to the Canadian Study of Parliament Group, Fall Conference on Party Caucuses: Behind Closed Doors, 21 November 1997 (http://www.studyparliament.ca/english/publications_1997_fall_conference_Paul_Thomas.htm.

within the context of responsible government; and the "radical reformers," who seek to liberate MPs from party discipline, and thus to replace responsible government with something else.[31]

It is important to recognize, however, that both groups of reform advocates share assumptions about the appropriate purposes of reform. In both cases, they assume that the traditional roles of independent legislative activity and scrutiny of the executive, as outlined in an earlier section of this paper, remain the central roles of parliamentarians. The focus of reform thus becomes the creation of the conditions required to enable Members of Parliament to perform these functions more effectively, either under conditions of responsible government or otherwise.

1. Cautious Reformers

The tradition of cautious reform is exemplified in a series of procedural changes since the late 1960s.[32] Major changes resulting from these efforts include:

- the general architecture of the committee system (1968);

- a strengthened policy role of the standing committees (1982);

- enhanced committee powers and resources, election of the Speaker by secret ballot, and increased importance of Private Members' Business (1985-1986);

- an option for committee involvement in drafting legislation, or reviewing its basic principles before second reading (1994); and

- restructuring of the financial reporting process, so that committee recommendations based on end-of-year Performance Reports can be considered by the Government in preparing the Main Estimates (in phases, beginning 1995).

The objective underlying all of these efforts was explicitly set out by the Special Committee on the Reform of the House of Commons (McGrath Committee), which in its Third Report declared:

> The purpose of reform of the House of Commons in 1985 is to restore
> to private members an effective legislative function, to give them a
> meaningful role in the formation of public policy and, in so doing, to

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(31) Jennifer Smith, "Democracy and the Canadian House of Commons at the millennium," *Canadian Public Administration,* 42, Winter 1999, p. 399ff.

(32) For a detailed overview of these cycles of reform, see James R. Robertson, *House of Commons Procedure: Its Reform,* CIR 82-15, Parliamentary Research Branch, Library of Parliament, Ottawa, February 2002.

restore the House of Commons to its rightful place in the Canadian political process.[33]

This affirmation is noteworthy, both because it clearly uses the traditional roles of the Member of Parliament as the source of guidance for parliamentary reform, and because of its frankly nostalgic tone. The roles of both parliamentarians and of Parliament itself are seen as something lost, which must now be recovered or restored. Reform is conceived as an exercise in turning the clock back to the era that predated the existence of disciplined political parties, in which representatives carried out their legislative activities independently, and governments maintained the confidence of the House through the merit of their legislative and administrative performance rather than by means of the predictable support of disciplined parliamentary majorities.

2. Radical Reformers

Advocates of radical reform typically imply a degree of ambivalence about Parliament and the traditional roles of its Members, rather than directly focussing reform on the need for the restoration and enhancement of these roles. This reflects populists' suspicion of all institutions and processes that mediate between public opinion and government, and thus have the potential to insulate government from the public, and (in theory, at least) impede government responsiveness.[34]

The populist suspicion of parliamentary institutions is reflected in proposed measures, such as referenda on selected issues, that supplement the representative role of Members of Parliament with more direct forms of representation. The implication of these measures is that, on issues of special importance, even a reformed Parliament cannot be trusted to reflect public opinion faithfully.

However, even the most fervent populists do not argue that Parliament should be entirely replaced.[35] Proposals for recall mechanisms indicate that the objective is to make Parliament work differently, and supplement it with other mechanisms, rather than to dispense entirely with a legislative assembly. Recall mechanisms are envisioned as a means by which the

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(33)   Special Committee on the Reform of the House of Commons, *Third Report,* June 1985, p. 1.

(34)   See, for example, Rainer Knopff, "Populism and the Politics of Rights: the Dual Attack on Representative Democracy," *Canadian Journal of Political Science,* XXXI, December 1998, p. 683ff.

(35)   With exceptions. See *Direct Democracy: We Have the Technology*, Conference Proceedings, Canadian Study of Parliament Group, Ottawa, 1996.

public can replace representatives who do not accurately reflect public opinion on significant issues; such mechanisms are promoted on the grounds that they would help to ensure that individual Members of Parliament reflect public preferences rather than party positions, where the two differ. The implication of recall proposals, along with proposals for intra-parliamentary reforms such as the restriction of the confidence convention and more extensive free votes, is that under the right conditions Members of Parliament can contribute positively to representation and government responsiveness. Essentially, the desired conditions are those that would free members from party discipline and other pressures external to the riding while, at the same time, ensuring that public opinion in the riding would be accurately reflected.[36]

The populist reform agenda thus shares important assumptions about the role of the individual MP with agendas for more modest reform. Both approaches to reform accept the view that law-making and the scrutiny of government by individual Members of Parliament remain central roles by means of which the process of representative democracy can be realized. Although the two approaches differ on questions of degree, they both view independence from party discipline as a critical requirement for the effective performance of representational roles.

B. Delegate, Trustee or Neither?

The emergence of the two contrasting approaches to parliamentary reform has revived a long-standing debate about the appropriate relationship between Members of Parliament and electors, which remains to be resolved after several hundred years of discussion. On the one hand is the "trustee" view, expressed by Edmund Burke in his famous Address to the Electors of Bristol over two hundred years ago, that "…Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion…."[37] On the other is the populist argument, outlined above, that responsiveness is compromised if representatives permit their parliamentary behaviour to be influenced by factors other than the expressed wishes of voters.

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(36)   This approach is broadly reflected in Lisa Young, "Value Clash: Parliament and Citizens after 150 Years of Responsible Government," in *Taking Stock of 150 Years of Responsible Government in Canada,* ed. F. Leslie Seidle and Louis Massicotte, Canadian Study of Parliament Group, Ottawa, 1999. A useful discussion of issues raised by populist reforms is also provided.

(37)   Cited in Franks, p. 57.

According to a number of observers, there has been a definite shift towards a populist view of representation among Canadian voters in recent years.[38] There is evidence, as well, that this shift has been reflected in the attitudes of incoming Members of Parliament. In 1993, substantial majorities of candidates of all the major political parties except the NDP (note: the Bloc Québécois was not included in this survey) declared that they would vote according to the wishes of their riding irrespective of personal or party positions, and similar intentions were reflected among both newly elected Liberals and elected Reform Members (who unanimously affirmed this position). The 1997 election saw a softening of these preferences, but levels of sympathy for the "delegate" conception of representation remained higher than they had been at the beginning of the decade.[39]

While the "trustee" and "delegate" approaches each have distinctive and generally recognized strengths, proponents of either view continue to face challenging criticisms. Advocates of the "trustee" approach continue to rely on the Burkean argument that the purpose of Parliament is not merely to reflect local opinion and interests, but to define the national interest, and that this process relies centrally upon deliberative discussion, compromise and independent judgment. The "trustee" approach to representation also possesses an inherent appeal to MPs, because it credits them with capacities for independent thought rather than demanding merely the transmission and re-expression of riding opinion. On the other hand, proponents of the "trustee" understanding of representation face the challenge of persuading people that a Parliament composed of MPs voting on the basis of personal convictions and judgments would be seen by voters as representative of their concerns and, in particular, would result in government that is demonstrably responsive to the public. This challenge is of heightened importance, given the apparent growth of populist sympathies noted above.

Advocates of the "delegate" approach directly address concerns about responsiveness, by limiting the function of representatives to the direct reflection of opinion in ridings. However, they face the challenge of providing a convincing account of how individual representatives can serve as credible proxies for highly pluralistic publics, in which there may be no clear consensus on individual issues, and they also need to explain how a system of riding

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(38)   On the growing salience of populism, see Young, in Seidle and Massicotte, eds.

(39)   Docherty, pp. 146-148.

delegates can be responsive to the needs of groups that are not territorially based, including national religious, ethnic, linguistic and social minorities.

Recent academic writing provides support for both approaches to representation, but is more effective at defining the corresponding challenges than addressing them.[40] Also, there is no clear consensus among scholars concerning precisely how much (or what kind of) independence on the part of individual Members of Parliament is compatible with the practices of responsible government. This issue – independence versus party discipline – has attracted a good deal of attention, typically focussing on the potential threat posed by "delegate" conceptions of representation to responsible government. For some, responsible government decisively precludes such an approach, because in practice responsible government relies upon (and tends to foster the emergence of) disciplined political parties that ensure the majority support in the House required for the persistence of governments.[41] For others, the practice of responsible government is compatible with an increased degree of "delegate" behaviour, which could include reporting back to constituents on caucus compromises and their rationale as well as occasional cross-party voting.[42]

It remains noteworthy, however, that criticisms of delegate theory on the grounds that the required independence of individual Members of Parliament is incompatible with the demands of responsible government are equally applicable to the "trustee" conception of representation. Trusteeship also requires independence from party discipline. Both approaches would thus appear to be in some degree of tension with the existence of responsible government, or at least with central practices (including party discipline) which it has fostered.

C. Political Parties and the Roles of the Member

In recent years, work by a number of scholars has raised the possibility that the existence of political parties may require a rethinking of the roles of Members of Parliament, rather than (or possibly in addition to) continuing attempts to restore traditional roles. So far,

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(40) For a defence of the populist approach, see Young, in Seidle and Massicotte, eds. For a defence of the "trustee" approach, on the grounds that it permits parliamentarians to focus on national rather than local interests within the context of disciplined parties, see Smith, esp. p. 403ff.

(41) See, for example, Smith, esp. p. 406.

(42) Bill Cross, *Members of Parliament, Voters and Democracy in the Canadian House of Commons,* Parliamentary Perspectives Series, No. 3, Canadian Study of Parliament Group, Ottawa, October 2000, esp. p. 16.

however, this has resulted not so much in convincing answers as in what might be described as insightful equivocation, in which arguments that focus on rehabilitating traditional functions of Members of Parliament are combined with arguments that appear to point in other directions. Thus, for example, one scholar argues simultaneously that modern pluralistic constituencies have become impossible to represent, that internal reforms including a relaxation of the confidence convention are needed in order to enable Members of Parliament to better represent their ridings, and that electoral reform is needed in order to enable voters to choose political parties rather than individual representatives, because parties are now the vehicles for meaningful representation. Beneath these seeming inconsistencies, however, is an attempt to come to terms with a provocative, and troubling, insight:

> ...much of the popular discontent with Parliament stems from a disjuncture that is built into the Canadian practice of responsible government. Parties are the crucial unit within the political system, yet the electoral system and the formal workings of Parliament are all predicated upon the fiction that individual Members of Parliament enjoy sufficient autonomy to represent the interests and opinions of their constituents in a meaningful way.[43]

A second non-traditional response to the existence of political parties is to argue that their existence needs to be embraced, and that reform efforts should be focussed on enabling Members of Parliament to perform representational functions within, and through, their roles as members of disciplined parties. This approach has led one author to explore options that appear to have implications for the roles of MPs, such as:

(a) the usefulness of rethinking party discipline, as "…members disciplin[ing] themselves in order to pursue common ideals and interests," rather than an externally imposed constraint;

(b) the need to foster "brokerage" parties, on the grounds that what they lose in ideological purity is gained in responsiveness, reflecting their capacity to accommodate diverse beliefs and interests; and

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(43)   Young, in Seidle and Massicotte, eds., p. 106.

(c) the need for political parties to develop greater internal policy capacity, in order to enhance their credibility among citizens inclined to disparage partisan activity.[44]

It remains far from clear whether credible alternatives to traditional conceptions of the roles of Members of Parliament will emerge from efforts to recognize the importance of parties. Thus far at least, discussions of the new importance of political parties have not generated new conceptions of the roles of the Member of Parliament. Rather, they have deflected attention from what MPs do in Parliament, implying that their central functions in a political process dominated by parties will be performed within the parties, rather than within Parliament. This raises the possibility that the roles of the Member of Parliament may eventually be seen as centring on activities outside Parliament, rather than the traditional legislative and surveillance activities within the Chamber.

D. Continuing the Tradition

The verdict of both scholars and practitioners on the results achieved thus far by cautious reforms is decidedly mixed. On the one hand, the cumulative impact of incremental reforms is seen to have been significant, and one author claims that "the Parliament of the 1990's bears little resemblance to that of the 1970's." The impact of this conclusion is somewhat diluted, however, by the caveat that Canadian scholars have paid relatively little attention to the most recent cycles of reform, perhaps because they have come to believe that parliamentary reforms are unlikely to accomplish much, and therefore have not produced the substantive research that could confirm or deny the importance of reform to date.[45]

A 1990 survey of a random sample of backbenchers revealed that only some 12% felt that the reforms in effect had given them "a lot more power," 54% felt that they had gained "some power," and 20% felt that nothing had changed.[46] More recently, the report of a 1997 committee that assessed the results of at least three decades of committee reform declared that their initial promise had not been realized (although it was noted that the most recent reforms, creating potentially expanded impacts on the development of legislation and future year

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(44) Peter Aucoin, "Responsible Government and Citizen Engagement at the Millennium: Are Political Parties Irrelevant?" in *Taking Stock of 150 Years of Responsible Government in Canada,* ed. F. Leslie Seidle and Louis Massicotte, Canadian Study of Parliament Group, Ottawa, 1999, p. 79ff.

(45) Atkinson and Thomas, pp. 431 and 446.

(46) *Ibid.*, p. 431.

estimates, were too new to be assessed).[47] Most recently, the 2001 *Report of the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons* affirmed a continuing perception among Members of Parliament of the need to reassert the pre-eminence of the House, empower individual MPs, increase parliamentary influence within the legislative process and enhance the substance and relevance of debate.[48]

Perhaps most tellingly, public opinion polls suggest that upwards of twenty years of reform directed to "restoring the role of the private member, and thus the role of Parliament" have had little positive impact on public perceptions. Indeed, public perceptions of the effectiveness of Members of Parliament in their fundamental task of representation appear to have continued to grow more negative, even as the successive cycles of parliamentary reform since the late 1960s have taken effect.[49]

Despite the ambiguous results achieved thus far by "cautious reform" based on traditional conceptions of the role of the Member of Parliament, this remains the dominant strain of reform activity. Recent years have seen a continued affirmation, by reformers, of the traditional legislative and accountability roles of the Member of Parliament, and incremental changes designed to bolster them. There has, however, been a noteworthy shift in emphasis within this tradition, dating from the mid-nineties. While attention continues to be given to the legislative and policy role of MPs (reflected in attention to the enhancement of deliberative debate and committee work), there has been a marked increase in attention to the scrutiny/accountability function, grounded on Parliament's "power of the purse."

The new focus on spending, accountability and Parliament's handling of departmental spending estimates was anticipated by the parliamentary reform committees of the 1960s and later, and is reflected in the reforms to the parliamentary reporting process that date from the mid-nineties. Most recently, Parliament's effectiveness, and potential, within the budgetary process are addressed in an article co-authored by Peter Dobell, whose work through the Parliamentary Centre has been very influential over the years in helping parliamentarians to

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(47) As reproduced in *Occasional Papers on Parliamentary Government,* No. 4, September 1997, Parliamentary Centre, esp. pp. 9 and 10.

(48) Special Committee on the Modernization and Improvement of the Procedures of the House of Commons, *Report,* June 2001, p. 2.

(49) Young cites a range of support for this picture, including data based on National Election Studies that show an increase in the percentage of Canadians believing that MPs soon lose touch with voters from some 60% in 1965 to over 80% by the mid-nineties. See Young, in Seidle and Massicotte, eds., pp. 119-120.

define a reform agenda.[50] The article argues that much remains to be done, and that the role of parliamentary committees in reviewing estimates is particularly weak. Key directions for reform, focussed on improving the effectiveness of Parliament, are: (a) making the financial control framework more comprehensible to Members; (b) enhancing committee performance through a more structured approach to managing all aspects of their work; and (c) improving citizen engagement in the budgetary work of committees.

The potential of reforms focussing on the traditional roles of Members of Parliament in the activities of scrutiny and financial control remains to be seen. If successful, they could complement continuing efforts to enhance the contribution of parliamentarians to the legislative and policy process, and reinforce the validity of traditional roles. Less positively, they may merely establish new processes that will ultimately be subject to the same constraints that continue to apply to policy and legislative roles, despite successive reforms directed at the enhancement of the contribution of MPs to policy and legislation.

E. Concluding Remarks

Traditional assumptions about the key roles of Members of Parliament continue to define the objectives of reform, and the expectations of both Members of Parliament and the public. If what has been described as the tradition of "cautious reform" can meet these expectations, it will have the effect of reinforcing the belief that the key roles of MPs continue to be the independent representation of their electors through legislative and surveillance activities in the House of Commons.

If expectations are not met, there are two alternative possibilities. One is that advocates of reform will progressively move away from the "cautious reform" approach reflected in reform initiatives to date, and embrace elements of the more radical approach explored in earlier sections of this paper. If critics of populism are correct, this could sustain traditional assumptions about what Members of Parliament should do, but create difficulties in retaining the practices of responsible government.

A second option would be to replace traditional expectations about what Members of Parliament should be doing with a new, or at least substantially modified, set of expectations. This could involve a shift of emphasis from what MPs do inside the House and its committees to activities they perform outside the House, in the political parties to which they belong and in

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(50)   See Dobell and Ulrich, "Parliament's Performance in the Budget Process: A Case Study."

their ridings. The result might be a new conception of the roles of the Member of Parliament, centring on the provision of constituency services and/or serving as a link between the riding and the party, for example through participation in caucus discussions.

In the present parliamentary environment, all of the options – both traditional and more recent – are being tested. Thus, Members of Parliament have broadly supported the work of successive committees on parliamentary reform along with more recent changes to the estimates process while, at the same time, many of them devote an increasing proportion of their time to work within the riding, and to participation on caucus committees and other forms of representation within the political parties. In the absence of a theory that suggests the appropriate balance between traditional and other activities, Members of Parliament have little choice but to try and perform them all, prioritizing them on a case-by-case basis with careful attention to their prospective impact at election time.