

Globe Focus

FEW COUNTRIES CAN CLAIM SUCH A PATHETIC PARLIAMENT

Proroguing's only the half of it. In a generation, Canada's legislature has decayed more than even the U.S. Congress. And while British and Australian MPs can slap down party leaders, here it's the reverse

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The U.S. Congress returned to work Wednesday. So did the British MPs at Westminster. Parliamentarians will

reassemble in Canberra on Feb. 2. New Zealand's House of Representatives will be on the job a week later.

But Canada's House of Commons and Senate will remain dark until early March because of Prime Minister Stephen Harper's decision last week to have Parliament prorogued.

It is a small symptom of a grave condition. Our Parliament has become the most dysfunctional in the English-speaking world, weaker and more irrelevant than the U.S. Congress or the parliaments of Britain, Australia or New Zealand.

If Britain is the mother of Parliaments, her Canadian daughter is a fallen woman. Government MPs are cowed; parliamentary committees are too often irrelevant. Three consecutive minority governments haven't strengthened the powers of the House to hold the government to account; instead, they've encouraged new methods by which the Prime Minister's Office seeks to centralize authority.

Prime ministers have been growing more powerful since the days of Pierre Trudeau.

Maybe the rising power of the provinces forced Ottawa to centralize authority in response; maybe modern government became so complex that parliamentary deliberation became an anachronism. Maybe Parliament declined as politics became more partisan, and politics became more partisan as Parliament declined.

*"If the idea is to produce responsive parliamentary government, then you've got to give the MPs something to do."—
Campbell Sharman, University of British Columbia*



Figure 1 A security guard patrols Parliament Hill on Jan. 6, 2010, a week after Prime Minister shut down the House of Commons till after the Olympics. Fred Lum/The Globe and Mail

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Few Countries Can Claim Such a Pathetic Parliament

“This prorogation can be seen as a reflection of the decay of Parliament’s relevance that has been taking place over the last generation,” maintains Peter Dobell, founding director of the Parliamentary Centre, an Ottawa-based institute that promotes parliamentary government around the world.

But whatever came before, Stephen Harper’s decision to have Parliament prorogued for the second time in a year establishes a potential precedent, in which prorogation can be “used strategically to bring an end to a session when the going gets tough for the government,” observes Lori Thorlakson, a political scientist who specializes in comparative government at University of Alberta.

No other legislature among what Winston Churchill called the English-speaking peoples would tolerate such treatment. And since Westminster-style parliaments tend to have weaker legislatures than those in other developed countries, our House of Commons could be described as the weakest of the weak.

Watching the health-care debate south of the border, you might think that, however messed up Parliament Hill might be, it can’t compare with Capitol Hill. The House of Representatives is full of gerrymandered districts; it can take tens of millions of dollars to run a Senate campaign; legislation is stuffed with pork aimed at securing crucial votes; bills are routinely eviscerated or defeated because of powerful special interests. Congress has spent almost a year crafting health-care reform legislation, which still hasn’t reached a final vote.

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Nonetheless, Congress does pretty much what the framers of the American Constitution set it up to do: act as a check on the administration. Representatives don’t hesitate to vote against the party line if they feel a piece of legislation doesn’t serve their constituents’ interests. Senators are powerful voices who can rival presidents in their ability to drive or derail an agenda.

As well, “the powers of the Senate and the House are superbly advanced by the fact that they have investigative powers” to summon elected and appointed officials to explain themselves, observes William McKercher, a specialist in American politics at the University of Western Ontario.

In comparison, Canadian MPs cower at the hands of the party whips, and parliamentary investigations are so ineffectual that the only hope of getting to the bottom of anything is to pressure a prime minister into calling a public inquiry.

British MPs are considerably more autonomous than their Canadian counterparts – ironically, because there are so many of them. The British House of Commons (barely) holds 646 MPs, compared with the 308 in the Canadian House. There are typically around 23

"Dysfunctional short-termism ... sees momentary political advantage trump the common good." — Jon Johansson, Victoria University, New Zealand

ministers in a British cabinet, compared with the 38 in the current Canadian cabinet.

Many British MPs know that they will never make it into the cabinet, and so feel much freer to take on their own party leader. When Tony Blair brought a motion to authorize British intervention in Iraq, 59 of his own Labour MPs voted against him. Last year, one or more Labour MPs voted against their government on 30% of bills.

“The Labour government has had to worry more about its own back benches than it has about the Conservatives,” Prof. Thorlakson observes.

Were a prime minister to attempt to wield prorogation as a political weapon, “it would be huge,” she says.

Prof. Thorlakson and Mr. Dobell both point to the greater seriousness and respect with which British parliamentarians view their Parliament.

“Their sense of an ongoing tradition is stronger than others,” Mr. Dobell says, “simply because it goes back hundreds of years.”

Australian MPs and senators enjoy an ultimate weapon not practically available to their Canadian counterparts: They can replace the party leader any time they like. Last month, they did just that.

Opposition leader Malcolm Turnbull committed his Liberal Party to supporting Labour Prime Minister Kevin Rudd’s climate-change legislation. But the Liberal Party in Australia is actually conservative, and there was strong opposition to the bill from within the caucus.

So Mr. Turnbull suffered a “leadership spill,” as the Aussies call it – a vote of no confidence by the members of his own caucus, who installed Tony Abbott, a social conservative and global-warming skeptic, as leader of the opposition.

“It looks undemocratic that caucus should choose the leader,” acknowledges Campbell Sharman, who teaches politics at both the University of British Columbia and the University of Western Australia. “But if the idea is to produce responsive parliamentary government, then you’ve got to give the MPs something to do.”

The Australian Senate, unlike its Canadian counterpart or the House of Lords, is elected and acts as a check on the House of Representatives, further strengthening the powers of the Parliament. And caucuses – or, at the least, the leaders of the factions within a caucus – have a direct say on who gets appointed to the cabinet.

As for prorogation being used to limit opposition opportunities for debate, Prof. Sharman maintains a website that contains a glossary of Australian political terms. “To my embarrassment, it doesn’t contain an entry for prorogation,” he says. “And the only justification is it’s so unusual.”

As for New Zealand, its Parliament has only one house, the House of Representatives. But since 1996, the House has been elected through a form of proportional representation, and neither the National nor Labour parties has won a majority of seats. The result has been a series of more-or-less stable coalition governments.

Jon Johansson, who teaches comparative politics at Victoria University in Wellington, New Zealand, observes that since the move to proportional representation, “lawmaking receives greater scrutiny in our select committees, and legislation can be slowed on occasions.”

MPs on legislative committees in Canada, in contrast, pretty much hew to the talking points issued by the leader’s office.

Parliamentary governments typically have weaker legislatures than those in other consensus-style democracies. Some European governments have had unhappy experiences with leaders who turn into dictators. Others are marked by sharply polarized politics.

To prevent the repeat of past abuses, Prof. Thorlakson says, modern European constitutions tend to have strong legislatures and relatively weak executives. “Governments cannot just prorogue or dissolve Parliament easily.”

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The case against Canada’s Parliament isn’t entirely black and white. Our MPs do spend more time at their desks than some of their equivalents elsewhere. While Congress and the British House of Commons spend more time in session than our Parliament does (159 and 154 legislative days in 2009, respectively, compared with our House’s 130 days), the Australian and New Zealand legislatures both sit for less than 100 days a year.

And Prof. Johansson observes that governments everywhere “suffer from the same malaise: Our elected leaders and representatives cannot overcome their entrenched partisanship to tackle our respective nations’ long-term policy dilemmas” because of the “dysfunctional short-termism that sees momentary political advantage trump the common good.”

If you scan newspapers in Washington or London or Canberra or Berlin, you’ll see the same thing: Governments are every bit as determined to control the agenda; the hysterics of the opposition is every bit as shrill; and critics offer the same laments about the decline of Parliament, or whatever it’s called.

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But at least other prime ministers haven't got it into their heads that they can shut down their legislatures on a whim. Though that could be because it hasn't yet crossed their minds.

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