**David Smith, *The People’s House of Commons*, 2007**

**Approach**

Classical institutionalism?

**Thesis**

The concept of parliamentary democracy that serves as the basis for the House of Commons is widely misunderstood and needs better understanding instead of reform.

**Key arguments**

* *Nature of Parliamentary democracy*
  + The Commons incorporates the people into the Canadian constitution. It is the “buckle” that connects the popular sovereignty of the people to the legal sovereignty of Parliament.
  + It represents the people’s voice (not that of parties, premiers or provinces)
  + “By incorporating the people, the House creates the nation”
  + However, SCC ruled that parliamentary privilege is necessary for MPs work “including holding the government to account”
  + House can only incorporate people as a nation through political parties. In past these parties had a regional structure, incorporating each of the provinces.
  + Parliament is sovereign – decided which people would have franchise to elect its members (e.g. women, first nations). Citizens have rights only if Parliament gives them.
  + In the system, “The presumption that the executive, or the legislature, or the judiciary should be dominant is false, as is the mechanistic conception of the three working in harmony through an array of checks and balances… No part is subordinate to another.”
  + Smith doesn’t think Parliament can be compared to Congress since Westminster systems are characterized by the “symbiosis of the three parts of Parliament and the judiciary”
    - The terminology “Checks and balances” used by some proponents of reform makes no sense since the branches of government are not separate in Parliament.
* *Two big challenges to the Commons*
  + The adoption of the Constitution Act 1982 and **the charter has led to the emergence of constitutional democracy** as an alternative to parliamentary democracy. The charter limited the jurisdiction of Parliament and the provinces, but did not alter their constitutive powers.
  + CA 1982 also increased provincial jurisdiction over natural resources, legitimating concerns from the Reform Party, which promoted electoral democracy characterized by extensive consultation with citizens through plebiscites, referenda or recalls.
  + Unclear how either can replace the symbolic or integrative role of the Commons
* *Other challenges*
  + Academics have not studied parliament much over the past few years, with attention instead going to electoral reformers and accountability advocates like Democracy Watch.
  + General belief is that MPs can’t properly represent their constituents do to interference from parties, PM, PMO, and/or courts.
  + Critics of excessive prime ministerial power are actually targeting the monarchy, which is the “heart of the constitution” (PM uses the Crown’s prerogative powers”)
  + These criticisms have been around since the early 1900s and usually attract solutions concerning less party discipline, Senate Reform and more recently the enhancement of committees and electoral reform
  + Federalism has dispersed and “limited the self-image of” the Commons. Asymmetrical federalism may undermine the sense of a national community that gives the House its authority
  + Efforts to consult more before introducing legislation makes it harder for MPs to amend.
  + House also limited by officers of parliament who do jobs MPs once did.
* *Opposition to Parliamentary reforms*
  + Parliamentary democracy “is widely misunderstood by the public, the media, academics and politicians themselves… Enlightenment about the political system is needed rather than rules changes in the House. Only from this vantage can the latent logic of the constitution encompass the competing claims of parliamentary democracy, constitutional democracy and electoral democracy.”
  + Smith questions if relaxing party discipline would lead to suggested benefits given the lack of confidence also seen in the British and American systems
  + Thinks “bipartisanship” could undermine opposition
  + Lays out questions to be answered before reform is undertaken, including those about: the prerogative powers of the crown, the scope of parliamentary privilege, bicameralism, the role of opposition (including its relationship with federalism), the potential impacts of electoral reform on the House, party discipline, the relationship with the media, the articulation of the public interest (e.g. in the House versus Congress), the values of the House, and what can be learned from comparison.

**Contribution**

Clarifies the difficulties that could be involved in undertaking reforms of the Parliamentary system. However, it is also a perfect example of the “responsible government approach” described by Malloy and falls into the trap of making reform seem nearly impossible.