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Have Canadian political scientists devoted too much attention to issues of responsible government to the detriment of analysis of other important questions about Parliament?

Many of the key characteristics of Canadian parliamentary democracy derive directly from the tradition of responsible government inherited from the Westminster system of the United Kingdom. As such, it remains a deserving area for the attention of Canadian political scientists, particularly insofar as it shapes the relationship among political parties, the conduct of governments, and the relationship between elected officials and civil servants. Key principles of responsible government include the requirement that the government of the day retain the confidence of the House of Commons, institutional mechanisms of control over money bills, and the principle of ministerial responsibility. The timing of Canadian federal elections is also determined by the principles of responsible government, given the requirement that the government of the day retain the confidence of the House of Commons at all times lest it fall.¹ Responsible government is a long-standing component of Canada's democratic system, with identifiable origins in the Upper and Lower Canada rebellions of 1837 and 1838 and the recommendations in the Lord Durham report to the British government written in response. At the same time, there has been special cause to examine the matter recently, in response to situations including minority governments, shifting configurations of parties, and conflicts between the government of the day and the House of Commons (notably, the finding that the government was

¹ Gary Levy, "A Crisis Not Made in a Day" in Peter Russell et al eds. *Parliamentary Democracy in Crisis*, (Toronto: University of Toronto Press, 2009), 22.

in contempt of the house over the issue of Afghan detainees in 2009).² The traditions of responsible government are tenacious, not least because of how they empower the prime minister. While opposition parties have sometimes criticized these traditions and promised reform, upon the realization of power prime ministers have generally realized that their interests were best served by the perpetuation of the status quo. Understanding that status quo, therefore, is an important task for scholars of Canadian politics.

Responsible government is also important in terms of how it acts as a curb against attempts to reform parliament, as highlighted in Jennifer Smith's comment that the "principles and mechanisms" of responsible government "overwhelm reforms made at the margin."³ Other scholars – notably, Graham White – disagree about the degree of constraint imposed by responsible government. Arguably, considerable reforms could be undertaken within Canada's system of government without abandoning the key features of government legitimacy founded in parliamentary support, ministers being individually and collectively responsible, and taxing and spending matters remaining the exclusive purview of the government.⁴ These two viewpoints are not necessarily contradictory – it may be that responsible government can *theoretically* be preserved in spite of reform, while serving in actuality as an impediment to change – and the tension between them illustrates the centrality of the questions of responsible government to overall questions of democratic institutions and conduct in Canada.

The spending aspects of responsible government do much to shape the behaviour of governments, political parties, and individual parliamentary members. For instance, the requirement to obtain a Royal Recommendation for spending bills (based on the principle that "the

² Gary Levy, "A Crisis Not Made in a Day" in Peter Russell et al eds. *Parliamentary Democracy in Crisis*, (Toronto: University of Toronto Press, 2009), 27.

³ Jennifer Smith, "Debating the Reform of Canada's Parliament," in F. Leslie Seidle and David C. Docherty, eds., *Reforming Parliamentary Democracy* (Montreal and Kingston: MQUP, 2003), 154.

⁴ Graham White, "The Coalition That Wasn't" in Peter Russell et al eds. *Parliamentary Democracy in Crisis*, (Toronto: University of Toronto Press, 2009), 155.

Crown alone initiates any public expenditure and Parliament may only authorize spending that has been recommended by the Governor General")⁵ constrains what can be accomplished through private members business and encourages legislatively-minded parliamentarians to seek ministerial rank as the sole route to such influence. Responsible government was also at issue recently when opposition parties sought to oppose omnibus budget implementation bills introduced by the majority Harper government. These unsuccessful attempts at resistance, and the speaker's rulings that resulted, further clarified and demonstrated the extensive power of the government of the day as regards money bills and the limitations which constrain the means through which the House of Commons can choose to hold the government accountable.

Individual ministerial responsibility is closely linked to responsible government, and governs both the relationship among ministers, the prime minister, and cabinet and the relationship between ministers and their advisors in the civil service.⁶ While the expectation that ministers will take responsibility for all the actions of their department may seem unfair to the individual involved in cases of wrongdoing or incompetence in which they played no direct role, the expectation serves as an additional mechanism through which governments are held accountable by the house. Arguably, this tradition has been somewhat weakened in recent Canadian history (for instance, the failure of the responsible minister to resign after the long-form census debacle and resignation of Chief Statistician Munir Sheik in July 2010).⁷ Still, it continues to constitute a notable component of the chain of institutionalized responsibility running between the House of Commons and the prime minister. Another element of ministerial responsibility is cabinet confidence and cabinet

⁵ Compendium: House of Commons Procedure Online. http://www.parl.gc.ca/About/House/compendium/web-content/c_d_royalrecommendationbill-e.htm (Accessed 21 January 2013)

⁶ See: Sharon Sutherland, "Responsible Government and Ministerial Responsibility: Every Reform is its own Problem," CJPS 24:1 (March, 1991), 91-120.

⁷ Steven Chase and Tavia Grant, "Statistics Canada chief falls on sword over census", 21 July 2010, <http://www.theglobeandmail.com/news/politics/statistics-canada-chief-falls-on-sword-over-census/article1320915/> (Accessed 23 January 2013).

See also: David E. Smith, *The People's House of Commons: Theories of Democracy in Contention* (Toronto: UTP, 2007), 122.

collective responsibility: the requirement that members of cabinet publicly support the decisions of the group, regardless of what their personal inclinations on the matter may be. As quoted by David Smith, Walter Bagehot described cabinet as "a buckle which fastens the legislative part of the state to the executive part of the state."⁸ The tradition of cabinet solidarity bolsters the power of Canada's prime minister – as the overseer of cabinet – and further diminishes the influence of individual members, even those who have been given ministerial posts.

The obligation of an elected government to retain the confidence of the House of Commons is arguably the central feature of Canadian democracy. Peter Russell calls this "the golden rule of parliamentary democracy" and the basis of a prime minister's "license to govern".⁹ It is the key spur for Canada's strong party discipline and the basis of many of the more notable episodes in Canadian parliamentary history. In particular, during periods of minority government, the possibility that an alliance between opposition members could defeat a confidence matter or succeed in passing a motion of non-confidence shapes the parliamentary strategies of governments and the maneuverings of opposition party caucuses and leaders.¹⁰ Even during majority parliaments, Canada's parliamentary traditions favour and enable strong party discipline¹¹, leading to justifiable criticisms along the lines that "the practice [of disciplined party voting] transforms members into trained seals who invariably support the party leadership rather than give expression to the views of their constituents, which might well vary from the party's views".¹² James Bryce called partisanship

⁸ David E. Smith, *The People's House of Commons: Theories of Democracy in Contention*, 5.

⁹ Peter Russell, "Learning to Live With Minority Parliaments" in Peter Russell et al eds. *Parliamentary Democracy in Crisis*, (Toronto: University of Toronto Press, 2009), 137.

¹⁰ See: Peter Russell, "Learning to Live With Minority Parliaments" in Peter Russell et al eds. *Parliamentary Democracy in Crisis*, (Toronto: University of Toronto Press, 2009).

¹¹ It is, however, interesting to note the examples of Nunavut and the Northwest Territories, where the principles of responsible government are applied in legislatures that do not include political parties at all. See: Graham White, "The Coalition That Wasn't" in Peter Russell et al eds. *Parliamentary Democracy in Crisis*, (Toronto: University of Toronto Press, 2009), 156.

¹² Jennifer Smith, "Debating the Reform of Canada's Parliament," 156.

"the modus operandi and lingua franca of Canadian politics".¹³ One dramatic example of a conflict between the government of the day and the House of Commons as a whole took place with the 2008-09 parliamentary consideration of the treatment of detainees in Afghanistan and the government's obligations to provide parliament with documents on the subject. This ultimately resulted in Peter Milliken's speaker's ruling that found the government to be in contempt of parliament for the first time in Canadian history, and which soon after resulted in the prorogation of parliament. Scholars including Gary Levy have highlighted this incident as an example of the abuse of the confidence convention, with the government of the day using procedural tactics to evade the scrutiny of the House of Commons.¹⁴ While such instances may call into question the degree of respect that persists for the confidence convention, they simultaneously demonstrate how it is a live issue in Canadian politics and an appropriate target for scholarly attention.

In the end, the question of how much attention political scientists ought to accord to one topic or another is not one that can likely be resolved definitively. Many aspects of the functioning of parliament not directly related to responsible government are worthy of examination, including the character of elections in Canada and the relevance of the Charter and the courts. That being said, it remains true that many of the most important functions of Canada's government remain connected to the traditions of responsible government and that these traditions remain central to understanding parliament. As such, while there are surely many other worthy topics of examination and study, consideration of the ramifications of responsible government must remain a background consideration in any study of Canadian federal politics.

¹³ David E. Smith, *The People's House of Commons: Theories of Democracy in Contention* (Toronto: UTP, 2007), 8.

¹⁴ Gary Levy, "A Crisis Not Made in a Day" in Peter Russell et al eds. *Parliamentary Democracy in Crisis*, (Toronto: University of Toronto Press, 2009), 19.