

CANADIAN STUDY
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PARLIAMENT GROUP



THE "RESPONSIBLE GOVERNMENT
APPROACH" AND ITS EFFECT ON
CANADIAN LEGISLATIVE STUDIES

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**Canadian
Study of Parliament
Group**

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Membership is open to all those interested in Canadian legislative institutions.

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INTRODUCTION

This is the fifth paper in the Canadian Study of Parliament Groups *Parliamentary Perspectives*. First launched in 1998, the perspective series is intended as a vehicle for distributing both studies launched by academics and the reflections of others who have a particular interest in these themes. These papers are offered as a benefit to members of the CSPG.

On the eve of the twenty-fifth anniversary of the Canadian Study of Parliament Group, Professor Malloy's paper is a timely reflection on how students of parliament frame their analysis. As Professor Malloy indicates there have been growing public discussions of the need for parliamentary reform. This has been increasingly the case since the 2000 General Election. The House of Commons has been very active on this front, and has entered into serious discussion and action on everything from the selection of committee chairs to how to properly modernize the chamber and its working environment.

According to Professor Malloy, an increasing interest in parliamentary reform among politicians and the public has not been matched by academics, who seem less concerned with studying our representative institutions. Compared to countries like the United States, where congressional studies is a thriving industry, and Great Britain, where there has been a resurgence of concern over reform at Westminster, Canadian academics who focus on legislative studies are a compact and shrinking cohort.

In his paper, Professor Malloy puts forth a challenging and controversial claim. We have few academics interested in studying parliament because those in the field have been unwelcoming of new approaches. Instead there has been a defense posturing among legislative scholars in Canada, too willing to protect traditional understandings of responsible government and unwilling to embrace positive, empirical studies of parliaments.

In order to encourage more academic examinations of Parliament and other Canadian legislatures, academics should embrace "alternative conceptions of representation and democratic accountability." The result will be a more fulsome discussion of parliament and parliamentary reform, that recognizes the strength of traditional approaches but welcomes the insights by new positivist understandings of representation.

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THE "RESPONSIBLE GOVERNMENT APPROACH" AND ITS EFFECT ON CANADIAN LEGISLATIVE STUDIES

Parliament is a surprisingly understudied field in Canadian political science. No political institution has a higher profile in the nation, but for some years it has attracted few scholars' attention. Writing in 1993, Atkinson and Thomas worried that "[i]n recent years the study of the Canadian Parliament has lost some of its original momentum" and that "Parliament may no longer pose the kind of intellectual challenge that attracted researchers in previous generations."¹ Nearly a decade later, Atkinson and Thomas's concerns remain more valid than ever, as the study of Parliament, and Canadian legislatures generally, lost further momentum in the 1990s.

While there were gains in the study of women's representation,² territorial assemblies³ and legislative careers,⁴ there is little sense of an engaged community of legislative scholars in Canadian universities. The number of active researchers appears to have shrunk, and in particular we have very few recent academic studies of Parliament's overall place in our political system, nor significant new scholarly studies of provincial and territorial assemblies..

The lack of momentum in Canadian legislative studies is all the more surprising when contrasted against the always lively public discussions of "parliamentary reform." While parliamentary reform is a perennial topic for public debate, discussion has increased sharply since the 2000 federal election. But there is little sense of a parallel in the scholarly world, in which issues might either be debated with much greater depth or given entirely new framings and dimensions. In particular, there is little sense of an ongoing and robust agenda of positive, empirical research on Canadian legislatures.

In this paper I suggest a major reason for this lack of momentum - the dominance of a defensive approach to Canadian legislative studies which I call "responsible government." This approach has influenced and shaped the study of legislatures away from positive research in favour of normative defenses of existing practices and past traditions. In the following pages, I argue that this approach is flawed in places, and further that its defensive, categorical approach has unintentionally created a lack of momentum in Canadian legislative studies. In particular, its vehement faith in the flexibility of the Westminster model has, paradoxically, nearly paralyzed the study of Canadian legislatures and their reform.

¹Michael Atkinson and Paul Thomas, "Studying the Canadian Parliament" *Legislative Studies Quarterly*18:3 (June 1993), 423.

²See among other work Jane Arscott and Linda Trimble, eds. *In the Presence of Women: Representation in Canadian Governments* (Harcourt Brace: Toronto, 1997) and Manon Tremblay and Caroline Andrew, eds., *Women and Political Representation in Canadian Governments* (University of Ottawa Press: Ottawa, 1998).

³ Graham White, "Westminster in the Arctic: The Adaptation of British Parliamentarism in the Northwest Territories" *Canadian Journal of Political Science* XXIV:3 (September 1991).

⁴ David C. Docherty, *Mr. Smith Goes to Ottawa: Life in the House of Commons* (UBC Press: Vancouver, 1997).

The Responsible Government Approach

In their 1993 review, Atkinson and Thomas noted most Canadian legislative studies lacked sophisticated theoretical bases or comparative contexts. Unlike scholars of the U.S. Congress and Western European parliaments, Canadian researchers have been noticeably unwilling, or unable, to apply complex models and theories to the study of legislatures. This is presumably for several related reasons including a general skepticism in Canadian political science toward abstract modeling and formal theory, an assumption that the nuanced and hidden dynamics of Canadian legislatures can only be revealed and analyzed through qualitative, interpretive research, and finally considerable feeling that models constructed for other systems simply do not translate well to the Canadian context.

Instead, the study of Canadian legislatures has largely rested on a normative base that emphasizes the strengths of our system of responsible government. This “responsible government approach” emphasizes the historic and organic development of the Westminster parliamentary model. It stresses the intermingling of Parliament’s components and traditions, and strongly argues that change in one area has repercussions for the effectiveness of all. Parliamentary institutions have evolved with such nuance and balance that any significant reform, change or other tinkering will likely undermine and destroy the whole. In the tradition of Dawson, Forsey and other classic scholars, this approach emphasizes “richly textured description” and, in the words of Atkinson and Thomas, has “accepted the wisdom of executive-centred parliamentarism” that characterizes Canadian legislatures.⁵

The central theme of this approach is its emphasis on the principle of *accountability* through sharp divisions between government and opposition. Governments with legislative majorities possess the right to pass laws and administer departments as they see fit, but then are then to be held fully responsible for the exercise of this power. (A corollary of this is the principle of complete ministerial responsibility, in which ministers must be the only public figures to answer and account for government actions; public servants answer only to ministers and only in private.) Those in opposition have no right to govern, and their function is to hold governments responsible through legislative questioning and debate, while preparing themselves to take power if the electorate wishes.

As noted, the “responsible government” approach is strongly normative, in that it tends to defend and even celebrate the *status quo* principles of strong party discipline and centralized authority in Canadian legislatures. Its emphasis on clarity and accountability clashes with proposals that relax the sharp distinctions between government and opposition; between decision-makers and others; and between the public responsibility of ministers and the anonymity of public servants. Hence most of the momentum of this approach is found in targeting what it sees as ill-thought developments and trends - whether actual or merely proposed - and drawing attention to the strengths of current or historic practices.

Admittedly, the parameters of this approach are porous and difficult to establish. For example, Atkinson and Thomas identify C.E.S. Franks’s work as part of this uncritical pro-Westminster approach⁶; yet Franks has his own criticisms, and can be seen as one of the milder and less vehement proponents of “responsible government.” Whether Atkinson and Thomas themselves fit within it is difficult to establish. However, my point is not to classify

⁵ Atkinson and Thomas, 424.

⁶ C.E.S. Franks, *The Parliament of Canada* (University of Toronto Press: Toronto, 1987).

scholars, nor to merely repeat Atkinson and Thomas's observations. It is to stress how most of the current *momentum* in Canadian legislative studies is found in this approach, and the resulting effects. Through its dominance of the field, "responsible government" shapes the research agenda, emphasizing sharp categories and transforming the field into a struggle between the *status quo* and those that would "tinker" with it.

I am hardly the first to suggest this dominance. Mark Sproule-Jones argued in 1984 that Canadian legislative studies uncritically accepted and supported the Westminster system of government, even though the system's key principles of "popular representation and administrative efficiency" were increasingly absent in reality.⁷ While many of Sproule-Jones's arguments about an uncritical acceptance can and have been refuted, Atkinson and Thomas for one partly support his basic contention that there has been much "academic infatuation" with the Westminster model at the expense of more critical analysis.⁸

A particular feature of the approach is its categorical nature - that is, an inclination toward sharp distinctions, classifications and assertions. A recent example of such categorization is by Jennifer Smith, who distinguishes between "moderate" and "radical" reformers and argues that "responsible government is indeed the issue that divides the two camps."⁹ Smith confronts the latter group, and particularly elements of the Reform Party/Canadian Alliance, for their failure to recognize how radical changes - particularly free votes and direct democracy - will upset the careful balance of the current system, creating chaos and a lack of accountability.

Smith's approach is typical of the responsible government style in its determination to explain and defend the *status quo*, driven by the impression that most Canadians, and for that matter many MPs and MLAs, fail to understand the basic principles of the Westminster model and how drastically it differs from the American system of government. The responsible government approach sees itself as fighting ignorance and confusion, in the spirit of Franks' argument that "Parliament is more in need of understanding than reform."¹⁰ Thus the strengths of the system and particularly its focus on accountability must be emphasized.

To be sure, there is considerable evidence that citizens and legislators both have unrealistic expectations of Parliament's current abilities and often overlook the functions it does play well.¹¹ However, this lack of full understanding does not mean criticisms of the system are not well placed. In fact, the inability of so many to grasp properly the mysteries of the system might equally suggest that there is something wrong with the system itself.

To an amazing degree, the responsible government approach requires Canadians to discern between symbolic and actual practices. As Lisa Young argues, "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

⁷ Mark Sproule-Jones, "The Enduring Colony: Political Institutions and Political Science in Canada" *Publius* 14 (1984).

⁸ Atkinson and Thomas, "Studying the Canadian Parliament," 423.

⁹ Jennifer Smith, "Democracy and the House of Commons at the Millennium" *Canadian Public Administration* 42:4 (Winter 1999), 309.

¹⁰ C.E.S. Franks, *The Parliament of Canada*, 261.

¹¹ See J. Malloy "Bridging the Gap between Expectations and Reality in Parliamentary Committees: The Case of the 1989 GST Inquiry" *Canadian Public Administration* 36:3 (Fall 1996).

meaningful way."¹² The Westminster system and other constitutional monarchies have long relied on a certain level of "fiction"¹³ - note Bagehot's "dignified" versus "efficient" categories of institutions - but the symbolism has moved beyond unelected authorities to include elected officials, becoming, in Young's words, "a disjuncture...built into the Canadian practice of responsible government."¹⁴ The responsible government approach downplays the hard realities of party discipline, executive dominance and the near-total irrelevance of debate by arguing MPs enjoy sufficient autonomy and influence. However, as I suggest below, this may indeed be "fiction."

The Absence of other Theories

Why does the responsible government approach dominate Canadian legislative studies? The primary reason is the aforementioned failure of competing theories of legislative studies to take root in Canada. Scholars have certainly looked for more positive frameworks to structure empirical research, or simply alternative conceptions in which to ground new debates, but with little success.

An example of the limits of previous theories is the decline of institutionalization approaches. In a 1980 study, Atkinson and White applied Nelson Polsby's model of legislative institutionalization to provincial legislatures.¹⁵ (This model is also evident in White's later study of the Ontario legislature.¹⁶) Polsby's approach rests on basic organization theory concepts that measure the relationship and autonomy of an organization (the legislature) to its environment (the political system, including the executive). It places legislatures on a continuum that shows how institutionalized -- that is, independent from its environment - the legislature has become. Institutionalization is measured with various indicators of legislative development and autonomy, including percentage of full-time members; staff levels and other resources; and the development of a committee system and other aspects of member specialization and participation.

As Atkinson and White found, the institutionalization approach is a useful one for building a comparative picture of provincial assemblies and their progress in the 1960s, 70s and 80s from part-time to largely full-time bodies. The increase in pay and resources and the development of specialized committees are useful and objective measures of Canadian legislatures' growing profile in this era.

But the institutionalization approach appears to have met a dead end by the 1990s because it no longer provided a useful framework for investigating what was happening in legislatures. The approach suggests that legislatures will move along a continuum from executive-dominated "arenas" to more autonomous "transformative" legislatures. But that has not happened. While there has been a dramatic change in the pay, resources and workload of Canadian legislators since the 1960s, the change in their actual power and

¹² Lisa Young, "Value Clash: Parliament and Citizens After 150 years of Responsible Government" in Leslie Seidle and Louis Massicotte, eds., *Taking Stock of 150 Years of Responsible Government in Canada* (Canadian Study of Parliament Group: Ottawa, 1998), 106.

¹³ Young, 106.

¹⁴ Young, 106.

¹⁵ Michael Atkinson and Graham White, "The Development of Provincial Legislatures" in Harold Clarke *et al*, eds., *Parliament, Policy and Representation* (Methuen: Toronto, 1980); and see for example Nelson Polsby, "Legislatures," in Fred I. Greenstein and Nelson Polsby, eds., *Handbook of Political Science*, 5 (Addison-Wesley: Reading, MA, 1975).

¹⁶ Graham White, *The Ontario Legislature: A Political Analysis* (University of Toronto Press: Toronto, 1989).

influence, while significant, has been nowhere near as striking. The executive still remains dominant, parties are as disciplined as ever, and legislatures certainly have little ability to "transform" policies and legislation - at both the federal and provincial level.

In short, the institutionalization approach was helpful for tracking the organizational evolution of legislatures but appears to have met its limits. A model developed for American legislatures and a system of separated powers has been largely unable to contemplate a highly professional legislature which is administratively distinct from the executive but whose agenda and voting remain almost completely dominated by the government and party leaders.

Other theories and empirical approaches have similarly lost momentum or never gathered much at all for similar reasons - the difficulty of applying their concepts and tools to the Canadian context. Studies of legislators' voting behaviour are not very fruitful, since party explains virtually all voting in Canadian legislatures - even more than in other Westminster systems.¹⁷ On the other hand, much of the recent innovative work on European legislatures has focused on the dynamics of formal parliamentary coalitions, which are extremely rare in Canada.¹⁸ (However, I do suggest below some possible ideas from this general literature).

This is not to say responsible government has an exclusive lock on the field. David Docherty's work in particular has brought a much needed empirical outlook, tracking federal MPs' careers and socialization processes in the House of Commons.¹⁹ Unlike earlier waves of research that largely tried to fit American research instruments to Canadian party-dominated systems, this research is formulated for the Canadian context, and particularly seeks to explain the peculiarities of Canadian MPs' career patterns. And, rather than normative arguments about an ideal legislative model, Docherty asks "how the present institutional arrangements affect the attitudes individual politicians hold towards their job and their career decisions."²⁰ The resulting data is very useful both to proponents and skeptics of the responsible government argument, giving empirical support to both perspectives.

Another encouraging area of strength is gender and feminist perspectives.²¹ Work on women legislators and more generally on gendered understandings of legislative behaviour provide refreshing new views that greatly contrast with the responsible government approach. These scholars form an important element of the research community on legislatures. However, they may not consider themselves part of the *legislative research community*, as they generally do not start from an overall interest in legislative institutions but rather from interests in women's overall political representation in a variety of institutions, including political parties and the bureaucracy. Thus these scholars are less defined or shaped by the responsible government tradition as they try to unlock the gendered workings of legislatures, and their work can reorient our understanding of

¹⁷ The exception of free votes has attracted some study. See L. Marvin Overby, "Free Voting in a Provincial Parliament: The Case of 'Same-Sex' Legislation in Ontario, 1994" *Journal of Legislative Studies* 2:3 (1996)..

¹⁸ See for example Kenneth Shepsle and Michael Laver, *Making and Breaking Governments: Cabinets and Legislatures in Parliamentary Democracies* (Cambridge: Cambridge University Press, 1996).

¹⁹ See particularly Docherty, *Mr. Smith Goes to Ottawa*.

²⁰ Docherty, 6.

²¹ In addition to the collections cited earlier, see among others Manon Tremblay, "Do Female MPs Substantively Represent Women? A Study of Legislative Behaviour in Canada's 35th Parliament" *Canadian Journal of Political Science* XXXI:3 (September 1998).

legislative behaviour by emphasizing different understandings of accountability, discipline and representation.

On the other hand, their disconnectedness from the responsible government mainstream means there is surprisingly little interplay or dialogue between the two. Although both approaches have a strong normative bent, there is limited debate between them over key questions such as whether women legislators should make greater efforts to work across party lines.²² This lack of engagement and ongoing dialogue may explain why specific studies of women *legislators* have actually diminished in Canada after a burst in the mid-1990s. While these studies have done much to advance our understanding of political representation in Canada, they have not taken a full place in the Canadian legislative research community, and in particular they have not greatly affected mainstream thinking and understanding of legislative dynamics.

Thus, despite the above developments, “responsible government” continues to be the predominant approach to studying Canadian legislatures. It shapes understandings and outlooks, emphasizing defensive explanations rather than open empirical inquiry. In the following sections, I engage more directly with the approach and explore both some of its flaws and how it continues to shape Canadian legislative studies.

What Exactly is Wrong With Responsible Government?

There are two central problems with the arguments of the responsible government approach. Let me present them quickly. First, many of its key tenets are hidden out of sight and are difficult to test. It argues legislators are influential, but only behind the scenes in private activities such as caucus, and explains party discipline as largely self-imposed, driven by shared interests and solidarity rather than coercion. This may be the case, but it is difficult to either prove or disprove. Yet the responsible government argument generally takes the optimistic but unprovable view that Members - who seem so powerless in public - have significant influence behind the scenes, and dismisses more pessimistic interpretations.

A second and related problem is that the approach emphasizes accountability so strongly that it appears to undervalue other principles of representation and responsiveness. Executive dominance and party discipline - which aren’t as powerful as they seem anyway, according to the above point - are strongly supported because they create clear lines of public accountability. But the cost of this dominance and discipline for the representation of Canadians, or provisions for Canadians to actually hold governments to account, seem to be of less concern.

Let me turn to Smith’s discussion of party discipline to illustrate the first problem.²³ She justifies party discipline’s effect on the representation of individual interests by arguing that political parties and particularly parliamentary caucuses are inclusive bodies. In essence, she argues (1) that MPs choose to run on a general party platform, hence declaring themselves in accordance with party principles, and (2) that party caucuses provide sufficient avenues for debate and reconciling different views within the basic platform, so that (3) it is quite reasonable to expect MPs to maintain public discipline following the reconciliation process of caucus.

²² There are of course exceptions, such as the aforementioned Lisa Young, “Value Clash.”

²³ Smith, “Democracy and the House of Commons.”

This overemphasizes the solidarity of political parties in a remarkably diverse nation. While it is reasonable to say that MPs should have some respect for the party label on which they ran, it is unreasonable to expect them to be in happy agreement with all that the party stands for, particularly given the historic malleability of governing parties in Canada. Even more tightly organized parties such as the NDP embody a variety of ideological and geographic perspectives, and MPs cannot help but reflect this diversity.

As noted, the responsible government argument gets around this by arguing that party caucuses provide sufficient avenues for members to bargain and compromise in private, after which discipline is imposed. Hence Smith places significant emphasis on the "reconciliation process" of party caucuses, presenting them as relatively equitable affairs in which Members' different views are reconciled so that "decisions are made in meetings of the party caucus."²⁴

But this argument is a very optimistic appraisal of what most would consider the mixed picture of caucus democracy. The leading scholar on Canadian caucuses, Paul Thomas, says that caucuses are "very human and fluid institutions" whose dynamics are influenced by many variables, and that "generalizations about party caucuses are at best hazardous and at worst inappropriate and misleading."²⁵ While Thomas's work does lend support to Smith's argument by showing that caucuses are indeed more influential than the complaints of disgruntled MPs suggest, their exact decision-making powers remain fuzzy and limited. Thomas writes that caucuses have a "latent veto" which can "highlight concerns" and warn of particularly contentious issues, but has little ability to initiate new projects or otherwise shape the party agenda.²⁶

In short, the argument that caucuses provide sufficient room for reconciliation and compromise rests on a rather murky assumption. And yet it is a crucial tenet of the approach. Strict party discipline is justified and celebrated by the responsible government approach because it upholds compromises made in private among likeminded individuals. But the evidence for truly mutual compromises is at best mixed. While we can be misled by the public complaints of certain MPs who seem to be perpetually dissatisfied with their caucuses, it is difficult to accept that caucuses are as crucial to decision-making as suggested by Smith and others. The argument cannot be conclusively tested anyway, since in the end our information on caucuses is second hand and highly anecdotal. Survey research can uncover MPs' impressions of the decision-making power of caucus,²⁷ but it cannot provide clear and objective data on what really happens.

Now Smith and others do not argue that caucus is or should be the primary vehicle of representation and decision-making. As I noted, the responsible government approach places a premium on *accountability*, and hence the real action and power is firmly concentrated in the executive, along with the responsibility for exercising it. Hence the primary vehicle of representation and decision-making is the cabinet, presided over by the prime minister (or premier). This brings us to the second problem mentioned above - the overemphasis on *accountability*.

²⁴ Smith, "Democracy and the House of Commons," 413.

²⁵ Paul Thomas, "Caucus and Representation in Canada" *Parliamentary Perspectives* (Canadian Study of Parliament Group: Ottawa, 1997), 3.

²⁶ Paul Thomas, "Parties in Parliament: The Role of Party Caucuses" in Brian Tanguay and Alain-G. Gagnon, eds., *Canadian Parties in Transition* (Second Edition) (Nelson: Toronto, 1996), 265.

²⁷ See particularly Docherty, *Mr. Smith Goes to Ottawa*.

Responsible government advocates argue that governing parties must be given responsibility to govern and a reasonable time to create and implement their agenda, after which electors pass judgement on the package as a whole. The emphasis is on comprehensive accountability - that is, passing judgement only at election time upon a government's entire record. The approach is very wary of free votes, overly autonomous committees or allowing MPs to poll constituents to determine their vote, as these all blur accountability for outcomes. Allowing such cracks in the system clouds ultimate responsibility for policy outcomes, and leaves it vulnerable to key players who gain unwarranted influence without responsibility for outcomes, as seen in the U.S. Congress. Only a concentration of power combined with party discipline will allow governments to construct national policies for which they are then held fully accountable. Accountability is maintained in the long term through elections, and in the short term through the presence of an alternative government in waiting, which provides regular scrutiny and questioning.

But does this arrangement of concentrated power really ensure accountability in Canadian politics? Scholars have long noted the failure of federal opposition parties to provide strong and enduring alternatives to the dominant Liberal Party of Canada. Parliamentary oppositions see their role as "obstruction and delay"²⁸ rather than simple scrutiny and the presentation of substantive alternatives for the electorate's choosing. While a place exists for delay and theatrics, they have become the basic function of Canadian opposition parties, at the cost of serious research and comprehensive alternative policies. The post-1993 situation of a highly splintered opposition is merely an extreme example of how our Parliaments often feature not a strong two-party system of government and alternative, but a dominant governing party facing a disorganized and reactive opposition. Most provinces do not have such extreme imbalances, but their opposition parties rarely set any better example than their federal counterparts.

The responsible government ideal makes clear who is accountable for legislative and policy outcomes, but at the cost of true flexibility and responsiveness. Because responsible government stresses the concentration of executive power, governments and first ministers have remarkable powers. And yet in Canada they often face no serious threat at election time. (I want to stress again this is not limited to the situation since 1993, but is a longstanding problem, identified by Franks, for example, in his 1987 book). While the experiences of Stockwell Day in 2001 and Jean Chretien in 2002 show that party leaders are not secure from revolts in their own caucus, the lack of clear mechanisms for challenging leaders makes any transition extremely complicated, messy and drawn-out compared with transitions in at least some other Westminster systems. Canadian institutional arrangements are deeply entrenched in ways that reinforce the authority of party leaders and particularly first ministers.

Responsible government advocates blame political parties and voters for bringing this upon themselves - for example, in setting up complex and unwieldy leadership elections while ignoring policy development - and not the system of disciplined divisions between government and opposition. But it could equally be argued that the system is the problem, as it has failed to accommodate the evolution of federal political parties from the two-party, elite-driven system of the 19th century. Nor are their indications that the system - with its emphasis on comprehensive accountability - can accommodate growing disaffection and alienation among citizens, or sufficiently allow MPs to represent views that do not fit neatly within party lines.

²⁸ Franks, *The Parliament of Canada*, 47.

Because responsible government places such a premium on accountability, other values of representation and responsiveness suffer. In particular, groups and voices that fail to fit in the dominant governing party have no influence, and citizens have only one real mechanism to express dissatisfaction - a single ballot paper every few years. Is it not possible to give more latitude for individual MPs and create more channels for citizen disaffection, without completely destroying the principle of responsible and accountable government?

The responsible government approach is not completely opposed to free votes, influential committees and other types of reforms. But accountability through discipline is so clearly preeminent that the effect would be minimal. The McGrath-inspired reforms of the 1980s illustrate how mild reforms produce even milder results, since party discipline remains preeminent and crushing. Unless party discipline is directly challenged and undermined, the situation of powerful governments and feeble opposition will continue to be the norm. This is a *accountable* system in the sense of clarifying responsibility for outcomes, but it provides few formal opportunities for citizens to actually exercise power and pass judgement, either directly or through their individual MPs. Yet the responsible government approach continues to emphasize the necessity of party discipline to ensure crystal-clear accountability. This rigidity prevents the evolution of more responsive aspects that accommodate the realities of the party system and citizen demands, without destroying basic accountability for overall outcomes.

The above arguments are of course not flawless themselves, and I have neither described the responsible government argument nor my refutations in the detail they truly require. However, my objective is simply to raise some basic concerns about the *substance* of the approach. In the following section, I raise some concerns about the *effects* of responsible government arguments on the study of Parliament.

Effects of the Approach

As a broad scholarly theory, the responsible government approach presents unintentional difficulties either in testing its arguments or playing it off against alternative theories, and hence sustaining scholarly momentum. This is for two reasons. First, its strongly normative and largely qualitative nature make it resistant to challenge and empirical testing. This reduces its strength either as a foundation for further research or for sparking alternative approaches. Second and more broadly, its emphasis on the strengths of the Westminster model has paradoxically undermined a key strength - flexibility. As I have already suggested above, its normative and categorical approach has ironically created a false impression that the Westminster model is frozen, and cannot be adjusted without dire consequences.

First, the difficulty of testing. Earlier I argued that the responsible government approach rests considerably on hidden forces such as the decision-making powers of caucus, and I noted how difficult it is to generate conclusive and irrefutable evidence proving or disproving this point. I am not saying qualitative approaches are an inferior method of research or that they cannot stand on their own (that would negate most of my own scholarly record.) The problem is that it is difficult to engage in a substantive debate in the absence of uncontested data, and this makes it difficult either to strengthen the responsible government argument or generate alternative theories. Researchers can neither establish precisely how important the caucus decision-making process is (in one government, let alone several over time); nor generate conclusive evidence proving caucus is as impotent as dissidents suggest.

This is not the fault of the approach, but it simply illustrates how the approach shapes the agenda of parliamentary research. Because it offers few theories that can be conclusively tested beyond reasonable dispute, the responsible government approach is unable to kindle the kind of theory-testing, cumulative research favoured by social scientists. The ideas of responsible government can be given further flesh through historical description and case studies. But they do not spark the types of large-scale inquiry and systematic data collection found in, for example, Polsby's institutionalization approach above. This may be a contributor to the slowing momentum of the field, since responsible government is better at defending and explaining than at laying out a research agenda, particularly for graduate students and junior researchers.

The above is a somewhat technical problem. But the second is broader and deeper, affecting how we think and approach legislatures in Canada. As mentioned above, the responsible government approach is very holistic. The emphasis on the interdependent components of legislatures means there is a "need to assess the system in question as a whole" and we must "...understand and debate the parliamentary model, including comparing it to other models, rather than...seize on parts of it under the illusion that the parts are separable and severable rather than interlocking. They are not separate and severable."²⁹

The holistic emphasis means it is difficult to engage responsible government approaches over individual components of the parliamentary system, and particularly reforms of individual aspects. Take for example the committee system. Although not opposed to any and all change, the responsible government approach argues strongly that committee reforms must respect the organic, balanced system. Hence discussion of small-scale reforms and adjustments is difficult, since they cannot be studied or appreciated except as part of the whole.³⁰

The responsible government approach tends to categorize parliamentary studies and reform proposals into two groups - those that appreciate and maintain the delicate balance of responsible government, and those that would destroy it (either deliberately or inadvertently.) The latter group includes attempts to create formal constraints on MPs' voting³¹ (Smith), devolve decision-making to independent bodies³² (Cohn) or a more graded system of ministerial responsibility³³ (Sutherland). As Matthew Mendelsohn argues in a different but relevant context, this "contrast of two watertight models" is unnecessarily reductive and impairs us from considering creative alternatives and midway points.³⁴ Yet this categorical approach is deeply entrenched in Canadian legislative studies, leading to a slowing of the field through its largely defensive approach and discouragement of

²⁹ Smith, "Democracy and the House of Commons," 417.

³⁰ Changes in November 2002 to the selection of Commons committee chairs are not anathema to the responsible government approach. However, the growing split in the Liberal caucus, of which the committee changes are a symptom, may give greater concern.

³¹ Smith, "Democracy and the House of Commons,"

³² Daniel Cohn, "No Place to Hide: The Unfeasibility of Using an Independent Expert Commission as a Blame-Avoidance Mechanism in Westminster Politics - The Case of the Ontario Health Services Restructuring Commission" *Canadian Public Administration* 44:1 (Spring 2001)

³³ S.L. Sutherland "Responsible Government and Ministerial Responsibility: Every Reform is its Own Problem" *Canadian Journal of Political Science* XXIV:1 (March 1991)

³⁴ Matthew Mendelsohn, "Models of Public Brokerage: A Reply to Professors Ajzenstat and Lusztig" *Canadian Journal of Political Science* XXXIII:3 (September 2000). Mendelsohn's focus is on roles for citizens in constitutional negotiations, rather than issues surrounding ordinary parliamentary legislation, but his call to contemplate new structures and more flexibility is similar to mine.

experimentation. Furthermore, it has produced the curious notion that the Westminster system is entrenched and inflexible, rather than the exact opposite.

This is the great paradox of the responsible government argument - that the Westminster model is so flexible and adaptable that we dare not change it. The approach's determination to illuminate the strengths of the system leads it to confront serious experimentation and adjustments. But this may be burning down the house to save it, as the defenders strive to preserve the future adaptability of the model by opposing major changes in the present, regardless of changes in the characteristics of legislators, party systems and public attitudes. This perpetuates and expands the "fiction" and "disjuncture" between the symbolism and reality of Canadian legislatures.

The strength of the Westminster model of parliamentary government is its ability to adapt over time to changing circumstances through a combination of written and unwritten practices. The responsible government argument is less concerned with unwritten than with written changes - such as rewriting legislative standing orders or party constitutions - because it fears that once committed to paper, such rules will constrain future behaviour even if they turn out to be unworkable.

But this underestimates the adaptability of the model. There is no reason to think Canadian legislatures will constrain themselves in perpetuity if they begin to experiment with loosened discipline or highly autonomous committees. Rather, such experimentation and tinkering may allow our legislatures to realign themselves in closer congruence with the realities of party systems, voting behaviour and citizen demands - thus overcoming the "fiction" that is so much a part of the *status quo*. The most obvious examples of adjusting for local conditions are the legislative assemblies of the Northwest Territories and Nunavut, which maintain the basic model of responsible ministers but operate without parties and have tinkered heavily with other basic elements.³⁵

Yet the responsible government approach largely maintains its categorical view of legislatures - that they can only be viewed as entire systems, and that tinkering with individual components is extremely dangerous. More than anything, this shapes thinking and research on parliamentary institutions in Canada, as writers on Parliament are classified into one or the other categories depending on their appreciation of "responsible government." This categorical approach has shaped our conceptual outlook toward legislatures away from any notion of a continuum of options and possibilities. But Parliament is not the watertight compartment portrayed in the literature, and it likely sits more on a continuum than suggested by the responsible government approach. I do not dismiss the idea of a highly interdependent, balanced system. But the vehemence of the responsible government argument may well understate the capacity for tinkering and adjustment, and particularly an increased emphasis on representation and responsiveness without entirely losing accountability.

New Approaches

Thus the "responsible government approach" has significant flaws and unduly shapes the field of Canadian legislative studies; yet it remains the most prominent approach while other theories have largely failed to take root. The result is an underdeveloped, normatively-charged field lacking momentum and widespread interest, despite the contributions by Docherty and a few other empirical researchers. Can momentum be restored

³⁵ White, "Westminster in the Arctic."

to Canadian legislative studies? I have a few suggestions based on recent developments in the literature.

A few scholars, often working outside Canada, continue to push theoretical and methodological envelopes to explain the Canadian context, and their work has often bolstered elements of the responsible government argument while removing its normative vehemence. Christopher Kam provides such an innovation, using formal theory to argue for concentrated ministerial accountability as advocated by S.L. Sutherland and others.³⁶ Kam's work is quite unique in Canadian legislative studies (primarily for its formal theory but also for its truly comparative scope, looking equally at Canada, Britain, Australia and New Zealand) and allows challenge and debate much more than the traditional normative and qualitative arguments. Nevertheless it does not address what I consider the central flaw in the responsible government approach - its overwhelming emphasis on accountability at the expense of more short-term responsiveness and representation.

Another recent example is Schneider's application of new institutional economics to the Canadian parliamentary system, but without the formal theory used by Kam.³⁷ Schneider and other scholars extend the established American literature by fitting the basic precepts of individual, utility-maximizing legislators to parliamentary systems, but focusing on parties rather than individuals.³⁸ This new generation of ideas is more explicitly comparative than earlier attempts to simply fit American models to other legislative systems.

This broad new approach is quite interesting, and again it tends (at least in Schneider's work) to support the responsible government approach. Using some basic concepts of principal-agent analysis, transaction costs and similar economic and organizational ideas, it identifies centres of power in Parliament and the dynamics between them. Schneider shows how the concentration of power in the executive, with an oversight function for the opposition, allows for efficient governing that maximizes utility and collective benefits. He further argues that the system has developed such a careful balance of forces that "changes and transfers from other political systems"³⁹ must be viewed with caution.

This upholds responsible government's key arguments about the efficiency and interdependence of the system, but without its categorical and normative vehemence. But the institutional economics approach also takes party discipline for granted and does not dwell on the possibility of internal discontent. This is a reasonable assumption for studying the multiparty parliaments and coalition governments commonly found in Europe - it may be less appropriate for the catch-all brokerage parties found particularly in Canada and to a lesser extent in Britain and Australia.

Both these institutional economics and formal theory approaches are very welcome contributions to Canadian legislative studies, as they provide more elegant and

³⁶ Christopher Kam, "Not Just Parliamentary 'Cowboys and Indians': Ministerial Responsibility and Bureaucratic Drift" *Governance*, 13:3 (July 2000).

³⁷ Steffen Schneider, "Parliamentary Government in Canada: Institutional Stability and Constitutional Reform in the Legislative and Executive Branches" in Rainer-Olaf Schultze and Roland Sturm, eds., *The Politics of Constitutional Reform in North America: Coping with New Challenges* (Leske and Budrich: Opladen, 2000).

³⁸ See particularly the collection in Herbert Doring, ed., *Parliaments and Majority Rule in Western Europe* (St. Martin's Press: New York, 1995).

³⁹ Schneider, "Parliamentary Government in Canada," 108.

parsimonious arguments for the responsible government approach, based on empirical rather than normative arguments. However, like the responsible government approach, they have little to say about the possible legitimacy of dissent and factions within parties. Efficiency and concentrated accountability remain paramount, and this returns us to the basic problem - that the responsible government approach has overemphasized the need and utility of concentrated accountability, allowing little room for more short-term responsiveness and representation.

This issue demands further exploration. We need not accept responsible government's arguments about the paramouncy of accountability through concentrated power, even if its utility and value can be further illuminated through the above methods. We need more work that challenges this overwhelming emphasis, considers the need for more short-term responsiveness and representation of other voices in decision-making, and does not expend so much effort on justifying the *status quo*. And if anything, we need a fuller understanding of how the responsible government argument has become so entrenched in both academia and among legislators themselves, and the effects of this entrenchment.

What is the connection between the dominance of responsible government arguments in Canadian scholarship and the reality that party discipline is deeper in this country than its Westminster-style peers? Why do the vast majority of legislators appear to accept party discipline (although the events of 2002 suggest a weakening of this support)? David Docherty has already explored these issues in the House of Commons, revealing much about the socialization of MPs and gradual acceptance of party discipline as an institutional norm, even among Reform Party legislators in the mid 1990s.⁴⁰ But it would be valuable to dig deeper into the intellectual foundations of these trends, particularly at the less explored provincial level. Does the legislative research community contribute to this socialization process through its strong emphasis on responsible government? While few MPs read academic journals, the lack of momentum and diversity in Canadian legislative studies may indirectly contribute to the generally static nature of our legislatures and a true "fiction" in our system of representation.

The best way to restore momentum in Canadian legislative studies is to move away from the defensive and categorical modes of the responsible government approach, toward greater engagement with alternative conceptions of representation and democratic accountability. Legislative scholars must engage with other research communities (and vice versa) to develop and test new theories that do not take the desirability of party discipline and concentrated accountability for granted. Research can be either empirical or normative, developing and using new approaches that actively consider whether there is indeed a disjuncture - or "democratic deficit" - in Canadian legislatures.

It may be that such research will reveal further the strengths of the status quo, and that attempts at change will indeed "address...problems we do not have [and] fail...to address other problems we probably do have."⁴¹ Nevertheless, the responsible government approach need not be the sole way of studying Canadian legislatures, and it need not dominate and shape the field the way it does. By challenging its preeminence, we can restore momentum and excitement to the field of Canadian legislative studies.

⁴⁰ Docherty, *Mr. Smith Goes to Ottawa*.

⁴¹S.L. Sutherland "Responsible Government and Ministerial Responsibility: Every Reform is its Own Problem" *Canadian Journal of Political Science* XXIV:1 (March 1991), p 120.