

IN PURSUIT OF HONEST POLITICS

BY IAN GREENE & DAVID P. SHUGARMAN

Relatively few Canadians today would consider a career in politics to be potentially one of the noblest achievements of a lifetime. In a 1996 survey of Canadians conducted by Professor Maureen Mancuso and others, 51 per cent of respondents said that judges are more ethical than the average person, while only 17 per cent thought that MPs were. Undoubtedly, if Canadians were asked what they want their children to be when they grow up, "politician" or "statesperson" would score near the bottom of the list, if it appeared at all. Yet politicians need to earn precisely the opposite reputation—one for honesty and trustworthiness—if our democracy is to regain its health.

If politics is regarded as sleazy and dirty, then dishonest people will be drawn to it. On the other hand, if politics is considered a respectable and worthy profession, it will attract the best and the brightest that society has to offer. But politics cannot be regarded as admirable unless its practice is considered by and large ethical.

Our view is that honest politics is not only attainable in a democratic country, it is essential if the fundamental democratic value of mutual respect is to be taken seriously. In our upcoming book on the subject of honest politics we recommend a number of ways to promote higher ethical standards in the practices of our elected officials. In what follows we con-

sider one area for improvement, greater political accountability. [footnotes omitted]

POLITICAL ACCOUNTABILITY AND RESPONSIBILITY

Just prior to the 1993 federal election, the Campbell government appointed Justice Horace Krever of the Ontario Court of Appeal to "review and report" on all aspects of the blood system in Canada, including the contamination of the blood supplies with the AIDS virus and the hepatitis "c" virus in the early 1980s. In December 1995, after over 200 days of public hearings, the inquiry's legal counsel sent notices to twenty institutions (such as the Red Cross, governments, and pharmaceutical companies) and seventy-five individuals (including many former health ministers) outlining more than three hundred allegations of misconduct that might be included in the final report. Most of those who received the notices filed lawsuits against Krever, claiming that he did not have the power to assess blame.

On May 9, 1992, twenty-six miners were killed in an underground explosion in Nova Scotia's Westray Mine. The provincial government appointed a commission of inquiry, but a challenge to the inquiry's powers that went all the way to the Supreme Court of Canada prevented public hearings from starting until November 1995. Even then, some officials from the company's office refused to testify on the grounds that a Nova Scotia inquiry could not force them to appear. Most officials

who testified blamed others for the explosion, claiming that there was nothing they could have done. Former Nova Scotia premier Donald Cameron blamed the workers and the union. However, the inquiry uncovered a close relationship among certain members of the Cameron government and Westray officers: it also uncovered considerable support for the company from the Conservative federal government. Eventually, the Nova Scotia government apologized to the families of the victims for the way the Westray matter was handled.

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As in the investigation of the peace-keeping mission to Somalia, two themes are common to both these inquiries. First, a concerted effort was made by some individuals to prevent the full details from becoming public. Second, few of those involved have been willing to take responsibility for the dreadful things that

occurred. They claim they were either following orders, the wrongdoing was someone else's responsibility, or it couldn't have been helped. This type of ethical breach has been called the problem of "many hands": so many people are involved at various stages of decision making and policy implementation that those supposedly in authority claim not to have authorized or known about particular transgressions. In the Canadian system of parliamentary democracy, however, the involvement of many people should not count as an excuse, a point emphasized by former health minister Monique Bégin, who wrote to the Krever commission to say that responsibility for governmental policy and mistakes must lie with ministers, not just their subordinates.

Accountability and responsibility are closely related and generally complementary. To be accountable is to be answerable. In a democracy, elected politicians are answerable first and foremost to the public and secondly to their party organization. The question of how politicians are accountable is almost as important as to whom they are answerable. They are accountable through and at elections and by being required to disclose their records and their reasons for seeking support. Responsibility, while sometimes taken to mean the same thing as accountability, refers to fulfilling the job requirements of a politician, which may include overseeing the jobs other public servants are commissioned to fulfil.

One of the traditional methods of holding ministers accountable is question period. While we believe in the value of question period, we are dismayed by the political

gamesmanship that has devalued its potential effectiveness in the House of Commons and several provincial legislatures. It is clear that official inquiries are far superior to question period when the objective is fact finding, scrutinizing political mismanagement, and exposing cover-ups.

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While laws and courts are useful in protecting constitutional rights, nullifying jurisdictional trespass, checking criminality, and enforcing contractual obligations, there is no law to penalize and no court that will punish politicians who break their promises. The electorate is responsible for holding politicians to account. We need a vigorously attentive and participatory citizenry, but there are scant resources and opportunities for citizen participation outside of well-recognized and well-financed interest groups and lobbyists. As a result, except for those who have the means to organize or join pressure groups, most citizens are rendered voiceless between elections and

are unable to halt what they regard as betrayals and repugnant acts until well after they have been committed. We think a system that invites citizens to take the initiative in demanding referendums and recalls—in a similar sense to the way citizens are invited and expected to take part in elections—will encourage citizens to participate more in the decisions that affect them.

The case for referendums as supplements to official elections is based on two general points. First, referendums are a means of exerting popular democratic control over a government that has chosen either to reverse the position it took when seeking election, or to introduce a major program or constitutional change that cannot be properly addressed in an election campaign. Second, referendums are democratically educative and effective in promoting the values of legitimate governance, mutual respect, and self-worth, as a result of participation in collective decision making and deliberation. Much to the dismay of Canada's political elites, the referendum on the Charlottetown Accord proved to be an enormous success with respect to both these points. Canadians in all walks of life got involved in the democratic process. The pros and cons of the Accord were debated around dinner tables, in offices, classrooms, and factories. And the result was that an initiative to change the nature of the country was halted when a majority of voters across the nation indicated their disapproval.


A recall procedure would enable voters to recall MPs, including cabinet ministers, who have failed to live up to the expectations of their con-

stituents. Most recall procedures involve three steps to remove a sitting member of a legislature. First, a certain proportion of the electorate is required to sign a petition calling for a recall vote. Second, once a valid petition is collected, constituents then vote on whether their representative is to be recalled (that is, required to resign his or her seat). Third, if a majority of voters support the recall, a by-election is called. Careful thought must be given to the proportion of voters needed to trigger a recall vote. In 1994, legislation was passed in British Columbia that gave voters the right to trigger a recall election if 40 percent of eligible voters sign a recall petition in a three-month period. However, the 40 percent threshold may be too high. A more reasonable figure, as Peter McCormick has recently argued, is probably 25 percent. This would mean that in an average federal riding 15,000 people would have to sign a recall petition, which as McCormick points out is neither inconsequential nor prohibitive. Recall provisions would serve as a constant reminder to elected officials that they have an ethical responsibility to take their election promises seriously.

Another method of promoting ethical accountability is the appointment of commissions of inquiry in cases of serious allegations of ethical breaches, if such allegations are outside the mandate of an official ethics commissioner. The commissions of inquiry into the RCMP dirty tricks campaign, Sinclair Stevens's conflict-of-interest problems, the activities of the Canadian peace-keeping force in Somalia, the tainted blood scandal, and the Westray Mine

explosion all illustrate how such inquiries can expose violations of integrity and promote ethical accountability.

Toronto Star columnist Richard Gwyn has suggested that reliance on commissions of inquiry is leading to protracted, expensive, and highly legalistic ventures in fact finding concerning political responsibility. Gwyn warns that such inquiries contribute to the erosion of an older, traditional sense of *civitas*, or civic duty.

Our position is that the more obstacles in the way of corrupt practices and the more incentives to ethical politics there are, the better. Our examination of the way politics is conducted across the country does not indicate that our elected office-holders are overburdened with rules and regulations, but rather that they require better and more useful checks and guidelines to help them carry out the jobs they were elected to do. 

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