

Responsibility, Accountability and the Duty to Resign in Public Service

“As virtue is the business of all men,” wrote Thomas Reid, “the first principles of it are written in their hearts, in characters so legible, that no man can pretend ignorance of them, or of his obligation to practice them.” The Auditor General’s report released on the eve of the election call suggests otherwise, observing perhaps understatedly that the time-honoured notion of ministerial responsibility lacks clarity. Auditor General Denis Desautels concludes that “a serious malaise pervading management of government stems fundamentally from a grave weakening, and in some cases, an almost total breakdown of the chain of accountability of government to Parliament, and ultimately to the Canadian people”.

The word ‘responsible’ means the expectation, unspoken or otherwise, by which someone accepts the blame or credit for something. Its original connotation meant ‘corresponding’, in the sense of ‘relating to’. But in the last 200 years it has come to mean something more significant in the sense of an earlier related congregation of words such as ‘duty’, ‘virtue’, ‘goodness’, and ‘morality’. Being responsible is equated with noble or honourable conduct. A failure to accept responsibility in politics frequently has the Opposition crying for the resignation of the impugned Minister. It is a persistent theme, which has more to do with political maneuvering on both sides than with a clear understanding of its democratic purpose, as the Auditor General hints.

The responsibility of Ministers of the Crown has deep historic and important constitutional roots, but it is not complicated. Its sources are both in the chivalric ethic of the ruling classes, for whom honour was synonymous with duty and responsibility, as well as procedural conventions that ensured that power hard-won from the Sovereign remained with Parliament. It has four basic components:

First, a Minister has responsibility for his or her departments, to provide supervision, give timely and truthful answers, and set right what goes awry. This is an important constitutional convention, for it is by this means that the House maintains the ability to hold the public service accountable in a focused way. All acts done by the department are presumed to be done in the name of the current Minister; it is a legal fiction that ensures the legislature can maintain its surveillance notwithstanding a shuffle of ministers or departed public servant.

Second, a Minister has a duty of confidentiality and solidarity to Cabinet colleagues, so that the governing party can have both full and frank debate leading to the best of all possible options, and continue to enjoy the confidence of the House.

Third, a Minister must accept responsibility for conduct that seriously diminishes public confidence in the parliamentary process. The most common example of this sort of thing is the conflict that arises when a Minister of the Crown puts personal advancement or enrichment before the public interest. Not all misconduct will call into question fitness to govern, but a Defence Minister cavorting with West German strippers during the cold war, or forging a signature on one's pregnant lover's hospital admission form for abortion purposes raise serious issues of ethical judgement.

Finally, a Minister must observe and be seen to observe the rule of law, which has been termed "the greatest single condition of our freedom". It requires not only strict compliance with laws, but also a mode of conduct deferential to law and its independent institutions. Finding a Minister in contempt in 1976, a court of appeal remarked that the scornful threat of interference had to be taken seriously, given that the only way in which a judge could be removed would be by Parliament itself.

But does it follow that every error, departmental or personal, must lead to resignation? Surely not. Errors of officials, in respect of which the Minister was not seriously negligent or willfully blind, ought to have as their focus the provision of truthful information and the correcting of the wrong. The historical record here is uneven and serves as a poor guide in any event. It seems to have had more to do with a minister's personal sense of honour, rather than formal constitutional convention. Unnecessary calls for a Minister's head in such instances are as potentially wasteful and damaging to public confidence as the brazen use of the political cloak to shield ministerial incompetence.

The degree to which ethical standards can be enforced, or resignations demanded from the reluctant but errant Minister depends upon the moral uprightness of the Prime Minister. Responsible government – which by its own terms implies a moral condition – is after all, more than the mechanical processes of representative governance; it is an organizing principle that ensures the continuing accountability of government to ordinary citizens. It cannot be solely up to the Prime Minister to police such an important convention; safeguards must lie in the deeply held sense of integrity that public service requires, reinforced by more formal compliance mechanisms that are as yet in their infancy.

Six years ago, Ted Hughes commented that "a nation is no stronger than its ethical and moral principles, and the ultimate strength of those ethical and moral principles is in the hands of those citizens democratically elected to lead our country..." The Auditor General has a message for legislators, which underscores the need to reacquaint

ourselves with those ethical and moral principles. The debates over ministerial responsibility, and the consequences one accepts as a natural result, almost always end in moral rather than political terms, for that is how they are perceived.

The obligation to resign emerged from a time when democracy itself was often at issue. Perhaps democracy is never as strong as when it is in need of reaffirming, to be fought for. The sense of duty, of solidarity, and of truth that were the counterpoints to the arbitrary rule of the Sovereign, gave life to an act which still holds powerful symbolic proof that honour exists in those chosen to govern.

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