Stabilizing Minority Government: A Review

Jonathan Lang
Université de Montréal
Abstract:

The 2008 Canadian Coalition Crisis was a political episode that captured the attention of the country’s citizens, media, and parliamentary scholars alike. Although the standoff between the government and opposition served as a suspenseful political battle for power between parties, perhaps the more meaningful contestation resided with underlying contrasting views on the role of Parliament within the larger Canadian political system. More specifically, the Crisis challenged the traditional vision of parliamentary-centered governance with a more popular conception of governance where voters directly elect the Executive. Through a review of Peter Russell’s academic work, this article explores the mechanisms that ensure stable minority governance and the preservation of the parliamentary system, and the reasons behind their failure in 2008. It argues that the Prime Minister’s far-reaching influence over both parliamentary institutions and public discourse overpowered key mechanisms. This, coupled with the inability of the Canadian electorate to act as a reliable check on the government’s compliance with complex and ambiguous parliamentary conventions, created a vacuum for government officials to reinterpret certain parliamentary conventions. Although the Canadian Constitution and conventions were not officially altered, a transformed public understanding of how the political system works may have constituted a de facto institutional change.
On March 26th 2011, Canadian Prime Minister Stephen Harper met with Governor General David Johnston at Rideau Hall to request the dissolution of Parliament, effectively igniting Canada’s fourth parliamentary election in the last seven years. This event marked another turbulent chapter to what had been perhaps the most unstable era in Canadian parliamentary democracy since Confederation in 1867. With three consecutive minority parliaments between 2004 and 2011, Canadians witnessed a string of minority governments equalled only during the early 1960s.¹

Bearing in mind the objective of stabilizing not only Canadian parliament, but more broadly Canadian democracy, eminent political scientist Peter Russell – in his book titled: Two Cheers for Minority Government: The Evolution of Canadian Parliamentary Democracy - embarked on an examination of how Canadians could harness the benefits of minority government while providing stability to what has often times been an unsteady arrangement.²

In order to subdue the fragility of minority governments, Russell focused on three mechanisms that could serve as stabilizers in minority government situations, namely: fixed election dates, the Governor General, and agreements between parties.³ This essay aims to evaluate the success, or lack thereof, of the aforementioned solutions highlighted by Russell in reflection of the six years since his book was written. It is important to note that a fourth proposed mechanism - electoral reform - will be omitted in this examination since it has not yet been tested in the Canadian case. Although Russell admirably predicted the fault lines of the political conflicts that would follow the publishing of his book, recent history has shown that his highlighted mechanisms have not provided adequate stability to minority governments. This essay will attempt to explain why this has been the case by arguing that the Prime Minister’s far-reaching influence over both parliamentary institutions and public discourse even in a minority setting overpowered the

¹Three consecutive minority governments were elected between 1962 – 1965.
³Russell, Ch. 6.
measures championed by Russell. This coupled with the inability of the Canadian electorate to act as a lucid and reliable check on the government’s compliance, created a vacuum for government officials to reinterpret certain parliamentary conventions in their favour.

Russell’s support for minority governments stems from their purported benefit of affirming parliamentary supremacy over the Prime Minister. The experience of the three years following the 2008 crisis have strongly suggested however, that Canada is still largely to use Donald Savoie’s phrase, “Governed from the center,” even without a majority mandate. Although the Canadian Constitution and conventions were not officially altered during this crisis period, a transformed public understanding of how the political system works may have constituted a de facto institutional change. Before examining the events that motivated this conclusion, Russell’s account of minority governments and his recommended mechanisms aimed at ensuring their stability, merit review.

**TWO CHEERS FOR MINORITY GOVERNMENT**

To Russell, minority governments have been characterized as both the logical product of an electoral trajectory that has increasingly reflected a more fragmented electorate and also as an opportunity to enable a more democratic parliamentary arrangement by ensuring the supremacy of Parliamentary democracy over Prime-Ministerial democracy. As Russell stated, “It is the central submission of this book that the best prospects for evolving our parliamentary system in the direction required to respond to the challenges of our time occur under conditions of minority government.” In this case, the “direction required” was considered to be the affirmation of

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4Russell, p. 3.
6For a compelling empirical analysis of the increasing popularity of minority governments in Canada, see Ch. 3 in Russell’s text. Simply put, Russell articulates how the advancement of a multi-party system in Canada has increased fragmentation among voters and the likelihood of minority governments.
7Russell, p. 122.
parliamentary democracy over a “prime-ministerial, CEO-style government … (that governs) without meaningful parliamentary debate and regardless of popular support in the country.” In other words, to Russell, not only were minority governments regarded as “Our best bet,” to the enforcement of parliamentary democracy, but they were also considered an inevitability that Canadians must learn to accept and make-work. However, doing so resulted in one daunting obstacle, instability.

Peter Russell devoted Chapter 6 of his book to finding solutions that would strengthen minority government from the “…Fragility … and the constant election fever that infects them…” To ensure this, Russell proposed: fixed election dates, a more active Governor General, and agreements between parties.

Perhaps the most rigid assurance of a stable framework to a minority government was the notion of fixed election dates for Canadian parliamentarians. Because of the constant state of “electionitis” plaguing parliament and the electorate, Russell by referring to Bill C-16, Canada’s fixed date election legislation enacted in 2007 argued that fixed term election dates would serve as a stabilizing force to manage minority government situations. Such legislation would mirror policies in a majority of comparable democracies and could serve as a remedy to the short-lived nature of minority governments by eliminating opportunistic election calls by political parties, thereby forcing a commitment of collaboration among members of parliament throughout an election term. As will be presented below, these fixed election dates would provide the frame that would hold together the subsequent mechanisms.

Russell, p. 3.
Russell, p. 128.
Russell, p. 4.
Russell, p. 133.
Russell, p. 134.
Although fixed election dates could be easily applied to parliaments with majority governments, uncertainty surfaced when pursuing their application to cases of minority governments, where confidence can more easily be lost in the House of Commons. Although Bill C-16 stipulated that fixed election dates would not affect “The the powers of the Governor General, including the power to dissolve Parliament at the Governor General’s discretion,” Russell predicted that the existence of the fixed election date law would also permit the Governor General to “not acquiesce so easily to prime ministers who seek an early election.” In other words, Russell assumed that Bill C-16 would influence the Governor General to try to enforce the four-year fixed election term if the formation of an alternative government seemed possible. In order to assess this argument, a closer examination of Russell’s second stabilizing mechanism is warranted, namely an active Governor General acting as a check on the Prime Minister.

Although the Governor General is not Canada’s head of state (the title belongs to the Queen of England), he or she represents the Queen and exercises discretionary powers on the formation and dissolution of government. In the context of minority governments, Russell argued that the Governor General would have to become more involved in situations where the Prime Minister formed a minority government and was defeated in the house before its four-year expiry date. In such cases, Russell suggested following the New Zealand example of allowing the Governor General to grant governance to opposition parties if they could successfully hold the confidence of the house. Given the particulars of the situation, the Governor General could ascertain where support for the house lied and could either call for a new Prime Minister and government, or for an

15 Russell, p. 140.
16 Russell, p. 148-149.
immediate election.\textsuperscript{17} As a matter of Canadian precedent, the case of the King-Byng crisis in June 1926 saw Governor General Byng refuse the dissolution of Parliament as requested by Prime Minister Mackenzie King and called on Progressive Conservative Arthur Meighen to form a government.\textsuperscript{18} This event affirmed a historical antecedent where a more involved Governor General acting as a legitimate check on the Prime Minister was supported. Based on this interpretation, it is logical to assume that coupled with fixed election dates, the Governor General could ensure that governments do not dissolve based solely on the whims or opportunistic political calculations of the Prime Minister.

The third mechanism proposed by Russell was the development of formal agreements between parties, which was meant to provide a measure of stability to a minority parliament. Differing from coalitions in that they did not constitute a sharing of cabinet posts, formal agreements were described by Russell as agreements amounting to “a smaller party agreeing to support the government on confidence votes in return for the government’s legislative program satisfying some of the party’s key policy priorities.”\textsuperscript{19} Although one may argue that such agreements take place \textit{de facto} in minority governments on matters of confidence, as seen in the inclusion of NDP priorities on enhanced employment insurance benefits in the 2010 Federal budget,\textsuperscript{20} they have not in recent years taken the form of a formalized agreement operating on more than an \textit{ad hoc} basis. As a result, such agreements under minority governments have not provided long-term stability. Although more formal agreements in the style that Russell had in mind would likely bring more stable governing environments, subsequently weakening constant election

\textsuperscript{17}Russell, p. 150.
\textsuperscript{18}Russell, p. 9.
\textsuperscript{19}Russell, p. 152.
anxieties, without legal support it ultimately remains a discretionary arrangement for political parties to enforce.

Extending beyond these three mechanisms, however, lay the final stand in holding politicians accountable, the voters. Russell warned us that no matter what mechanisms were in place, parliamentary democracy in Canada could not be easily sustained with an uneducated and indifferent electorate. 21 Furthermore, he argued that “Informal constitutional conventions rely on the political process, not the courts for their interpretation. The weight of effective public opinion is the only sanction for their enforcement.” 22 In other words, to Russell the pillar for the respect of Parliamentary conventions rested with the Canadian electorate. In this sense, if the Canadian electorate were to be sufficiently educated, they could act as a responsible check in ensuring that the Prime Minister of a government adhered to parliamentary conventions.

In this next section, the effectiveness of Russell’s three mechanisms will be evaluated. Furthermore, the argument that in the absence of effective and adequate methods of educating the Canadian public, Prime Minister Harper filled a knowledge vacuum by attempting to re-educate the Canadian people himself with partisan interpretations of parliamentary conventions will be advanced. By governing from the center in both parliament and in the public discourse, the Prime Minister was able to not only subvert Russell’s mechanisms, but also to convince Canadians that they did not really exist. Indeed, Russell’s mechanisms of stability were easily compromised.

**GOVERNING FROM THE CENTER: PRIME MINISTERIAL INFLUENCE IN THE PARLIAMENTARY ARENA**

When testing the effectiveness of Russell’s mechanisms of fixed election dates, a more involved Governor General and agreements between parties, closer examination quickly revealed

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21 Russell, p. 162
22 Russell, p. 164.
that the levers of control over the conventions governing those mechanisms were largely in the hands of the Prime Minister. Without an educated and active electorate to hold questionable interpretations of such conventions to account, these mechanisms were swiftly cast aside.

Since the inception of Bill C-16 regarding fixed election dates in 2007, Canadians have yet to witness its application. Perhaps the most striking example of continued Prime Ministerial control over election dates occurred prior to the 2008 general election, when Prime Minister Harper requested the dissolution of Parliament by the Governor General citing “fundamental differences” between his government and opposition parties leading him to doubt whether the subsequent session or Parliament could be productive. In this case, Parliament was dissolved not because of an official loss of confidence in the house on the part of the opposition parties, but because of a unilateral declaration on the part of the Prime Minister. While Harper did not officially breach the bill because of a clause maintaining the Governor General’s powers of dissolution, the fact that the request for dissolution was made by the governing party without an official loss of confidence in the House of Commons displayed a clear illustration of the dominant power enjoyed by the Prime Minister in Canadian Parliament. At the very least, this episode marked the ease in which the Prime Minister could overpower one of Russell’s key mechanisms for stabilizing minority governments.

As mentioned earlier, Russell explained that an active Governor General could also act as a stabilizing agent that could enforce the law on fixed-term election dates by granting the opportunity for opposition parties to form government if they could command the confidence of the House of Commons. However, contrary to Russell’s prediction, in the case of the 2008 election the Governor

General did not entertain opposition offers to form the government when Prime Minister Harper requested the house be dissolved. Contrary to Russell, not only was the Prime Minister’s request not challenged by the Governor General, but Canadians received no indication that the request was worthy of deliberation to assess its legitimacy. Even with the new fixed date law enacted, the Governor General deferred to the powers of the Prime Minister with no public hesitation.

Another striking example of prime ministerial supremacy over the Governor General was demonstrated during the Coalition Crisis that ensued following the election of 2008. Although the Conservatives won a minority government during the election, their role as government was quickly challenged by an incipient NDP and Liberal coalition that threatened to topple the Conservatives on a vote of non-confidence. Days before the vote was called, the Governor General granted, at Prime Minister’s Harper’s request, the prorogation of parliament until the following month, providing the Conservative government ample time to re-plan their economic policies and release a campaign vilifying the Liberal/NDP/Bloc Québécois coalition. Although some may argue that granting prorogation was a legitimate avenue to manage the parliamentary showdown, it reaffirmed a relationship of deference on the part of the Governor General, effectively favouring the Prime Minister over the opposition parties (and therefore Parliament).

25See note 16.
Both these episodes demonstrated that at best, the Governor General could not be relied on as a steady mechanism to assure the stability of minority governments. At worst, however, the Governor General may have also perpetuated an institutional shift from a democracy oriented around Parliament to one oriented around the Executive.

The years of minority government surrounding the Coalition Crisis have also demonstrated that formal agreements between parties have not been implemented to stabilize minority governments. Russell predicted in his book that the Conservatives had no obvious ally in Parliament and “Prefer to work on an ad hoc basis, finding the support they need on each issue from different sections of the opposition benches.”28 This was the case with the Liberals supporting the 2009 budget and the NDP supporting the 2010 budget. Although more formal agreements would likely demonstrate a heightened degree of stability to minority governments, there is no requirement for their use, nor have they materialized under the Conservative regime. Although such agreements may emerge in the future, the lack of any binding requirement for cooperation suggests that formal agreements between parties cannot at this time be considered a reliable mechanism in ensuring stability during federal minority governments.

When attempting to analyze why Russell’s mechanisms have not successfully acted to stabilize minority government, the overwhelming influence of the Prime Minister in Parliamentary institutions can be identified as a leading cause. It is the voters, however, who elect the Parliamentarians that determine the Prime Minister. For this reason, it is useful to turn to the relationship between voters and the government to fully understand the reasons behind the failure of Russell’s mechanisms.

As mentioned earlier, the ultimate check on the behaviour of elected members of Parliament are the voters. In a system where many Parliamentary rules are not embedded in the Constitution, it is the electorate who can ultimately determine the mandates of governments, with the weight of public opinion acting as the only enforcement of Parliamentary conventions. As a result, Russell stresses the importance of an educated electorate for citizens to fulfill their duty as the guardians of their democratic system of government. The recent experience with minority governments, however, has suggested that Canadians are both polarized and unsure when it comes to understanding Parliamentary conventions during complex events such as the crisis of 2008.

At the height of the post-2008 election Parliamentary crisis, an Angus Reid Poll released on December 2nd 2008, reflected that 36% of Canadians were in favour of supporting the opposition motion to topple the Conservative government, 40% were against it and 24% weren’t sure. Although this question did not directly relay information regarding Canadian’s views on the legitimacy of an opposition-led government, it did shed light on the high degree of polarization and uncertainty regarding the appropriate course of action in the Parliamentary crisis. It is likely that the extreme rarity of similar scenarios in Canadian history may have contributed to a lack of

29Russell, p. 164.
30Russell, p. Ch. 7.
31The question asked was: “As you know, the Conservative minority government faces a confidence motion on Dec. 8 which states: ‘This house has lost confidence in this government and is of the opinion that a viable alternative government can be formed within the present House of Commons. How would you like your Member of Parliament to vote on this measure?” Angus Reid Strategies/CTV Poll. “Canadians Divided on Toppling the Conservative Government.” December 2nd, 2008. Accessed April 5th, 2011. Internet: http://www.angus-reid.com/wp-content/uploads/archived-pdf/2008[1].12.02_Coalition_1.pdf
32No such poll has been found. The aforementioned question was the closest found to a direct question regarding views of an opposition-led government during the December Parliamentary Crisis.
certainty in the legitimacy of the opposition-led proposal by Canadians. However, this ambiguity provided fertile ground for Prime Minister Harper and the Conservative party to fill the vacuum with self-beneficial and partisan interpretations.

As Donald Savoie noted, the Canadian Prime Minister controls important levers of power and “Unlike members of Parliament and even Cabinet ministers, he does not need to search out publicity or national media attention, since attention is invariably focused on his office and his residence…”34 In other words, Savoie argued that the Prime Minister’s powers extend past the limits of Parliamentary institutions and reach into the public discourse through the media, a primary source of information and education for citizens.35 Consistent with this notion, a significant audience was listening when Prime Minister Harper spoke in a five-minute nationally televised address and stated that “Canada’s government has always been chosen by the people,” and that “The opposition is attempting to impose this deal without your (the Canadian electorate’s) say, without your consent and without your vote.”36 In the context of an ambiguous Parliamentary crisis, Harper’s speech was a clear and unequivocal attempt to re-educate the Canadian electorate regarding the functions of Canadian Parliament. Contrary to Harper’s misinterpretation, Peter Russell rightfully explained that at election time Canadians “Don’t elect a government; we elect a representative assembly. The government is formed by the leader of the party that has the confidence of the elected branch of the legislature…”37 It is reasonable to assume that large numbers of Canadians listen closely to their Prime Minister when he or she addresses the country

33The only comparable episode occurred in the King-Byng Crisis of 1926 over eighty-five years earlier. Russell, p. 9-10.
34Savoie, p. 72.
on national television in the heat of a critical Parliamentary crisis. It is in this context that Prime Minister Harper misrepresented Parliamentary conventions to further a politically partisan objective. An unsure Canadian public listened to their Prime Minister transmit a biased interpretation of its parliamentary democracy, an action that may have resulted in entrenching a flawed understanding of Canadian parliamentary democracy among many citizens. This inculcated reinterpretation was repeated throughout Harper’s term as Prime Minister, including in his later statement that, “Losers don’t get to form coalitions. Winners are the ones that get to form government,” when discussing the Westminster system with British Prime Minister David Cameron, after a British election resulted in the formation of a coalition government.38

Unfortunately, Harper omitted that the formation of the United Kingdom coalition saw the third place Liberal Democrat party hold discussions with both the winning Conservatives and the second place Labour party in the hopes of forming a coalition with either party.39

CONCLUSION

As the ultimate check on Parliamentarians, Canadians must also bear responsibility for the integrity of the Parliamentary system. However in times of uncertainty, the Prime Minister’s powers are far-reaching enough to influence Canadians towards his personal interpretation of Parliamentary conventions. When analyzing mechanisms to stabilize minority governments - whether they be fixed election dates, the powers of the Governor General, or agreements between parties – all may see their effectiveness severely limited if the Canadian public does not act as a strong check against their trivialization by a Prime Minister.

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As Russell explained when discussing fixed election dates, “…A Prime Minister who ignores the will of Parliament and forces an unnecessary election may pay dearly for it politically.”\textsuperscript{40} However, not only have the events of recent years strongly suggested that ignoring the will of Parliament has not, up to now, had severe and longstanding negative political consequences for those in power, but they have also suggested that those in power have largely succeeded in subtly redefining the institutional orientation of the parliamentary system. When recent events, it is clear that Russell’s yearning for minority government and the supremacy of Parliament over the Prime Minister has largely turned out to be aspirational.

\textsuperscript{40}Russell, p. 139.
BIBLIOGRAPHY


