THE EFFECTIVENESS AND LEGITIMACY OF FEDERAL MINORITY GOVERNMENTS IN CANADA SINCE 1945

by

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Abstract

Despite popular expectations and theoretical predictions, Canada’s first-past-the-post electoral system continues to produce minority governments, defined by Forsey “as government by a cabinet with less than half of the seats in the House of Commons.” Since 1945, almost half of all federal elections have produced this form of government. Drawing instruction from the most recent run of minority governments between 2004 and 2011, the dissertation scrutinizes the effectiveness and legitimacy of the nine federal minority governments that have governed Canada since 1945. Methodologically, it treats them as probationary majorities and retroactively judges their effectiveness by whether they shed this status. Effectiveness, so understood, can in turn be explained by a number of different factors best seen through the prism of the prevailing Canadian party system. Turning to the question of legitimacy, the dissertation adopts a dualistic view of legitimacy in judging the surveyed minority governments by their (i) constitutional legitimacy and (ii) input legitimacy. Concerning the former, it argues that federal minority governments have historically played fast and loose with the constitutional conventions that sustain them. Concerning the latter, it argues further that minority governments have generally failed to improve the input legitimacy of parliamentary government, contrary to the position of Russell and others scholars who claim that minority government has the capacity to improve the ‘deliberative’ nature of the Commons. The present study challenges the claim of Russell and others in finding that minority government actually increases partisanship in discouraging genuine deliberation, as defined by theorists of deliberative democracy. It finds minority government nonetheless to be legitimate, according to Canada’s constitutional conventions.
Preface

This research is based on my study of Canadian public policy and Parliament during my course at UBC, Okanagan. Encouragement for this study came from Dr. Barrie McCullough, as well as Dr. Carl Hodge. The latter also alerted me to the concept of minority governments as “probationary majorities.” Some of the findings presented here sourced a paper presented at the Canadian Political Science Association 2012 Annual Conference in Edmonton, AB.
Table of Contents

Abstract............................................................................................................................................. ii
Preface.................................................................................................................................................. iii
Table of Contents ................................................................................................................................. iv
List of Tables ......................................................................................................................................... vii
Acknowledgements .............................................................................................................................. xi
Dedication ............................................................................................................................................... xii
CHAPTER 1 INTRODUCTION .............................................................................................................. 1
  1.1 Introduction ................................................................................................................................... 1
  1.2 Why Study Minority Government? ............................................................................................... 5
  1.3 Research Path ............................................................................................................................... 20
CHAPTER 2 LITERATURE REVIEW .................................................................................................. 22
  2.1 Opening ....................................................................................................................................... 22
  2.2 Measuring Effectiveness: Methodological Traps Everywhere ...................................................... 22
  2.3 Minority Government: Legitimate, But . .................................................................................... 41
  2.5 Summary ................................................................................................................................... 62
CHAPTER 3 THE ARGUMENT .......................................................................................................... 64
  3.1 Opening ....................................................................................................................................... 64
  3.2 Canadian Minority Government: A Primer .................................................................................. 66
  3.3 Defining Effectiveness .................................................................................................................. 86
  3.4 Defining Legitimacy ..................................................................................................................... 88
  3.5 Putting It All Together ................................................................................................................ 101
  3.6 Limitations .................................................................................................................................. 103
  3.7 Summary ................................................................................................................................... 104
CHAPTER 4 LEGITIMACY ............................................................................................................ 107
  4.1 Opening ....................................................................................................................................... 107
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2 Legitimacy and Minority Government: A Clarification</td>
<td>108</td>
</tr>
<tr>
<td>4.3 Constitutional Conventions: A Confidence Game</td>
<td>115</td>
</tr>
<tr>
<td>4.3 Minority Government: Questionable Input Legitimacy</td>
<td>136</td>
</tr>
<tr>
<td>4.4 Summary</td>
<td>167</td>
</tr>
<tr>
<td>CHAPTER 5 DIFEÑBAKER AND PEARSON MINORITIES</td>
<td>169</td>
</tr>
<tr>
<td>5.1 Opening</td>
<td>169</td>
</tr>
<tr>
<td>5.2 The Diefenbaker Minorities</td>
<td>173</td>
</tr>
<tr>
<td>5.3 The Pearson Minorities</td>
<td>209</td>
</tr>
<tr>
<td>5.3 Summary</td>
<td>223</td>
</tr>
<tr>
<td>CHAPTER 6 TRUDEAU AND CLARK MINORITY</td>
<td>225</td>
</tr>
<tr>
<td>6.1 Opening</td>
<td>225</td>
</tr>
<tr>
<td>6.2 The Trudeau Minority</td>
<td>229</td>
</tr>
<tr>
<td>6.3 The Clark Minority</td>
<td>248</td>
</tr>
<tr>
<td>7.4 Summary</td>
<td>271</td>
</tr>
<tr>
<td>CHAPTER 7 THE MARTIN MINORITY</td>
<td>272</td>
</tr>
<tr>
<td>7.1 Opening</td>
<td>272</td>
</tr>
<tr>
<td>7.2 Progressive Conservative Cataclysms and Liberal Dynasties</td>
<td>278</td>
</tr>
<tr>
<td>7.3 The Liberal Civil War: A Private Little War</td>
<td>290</td>
</tr>
<tr>
<td>7.4 Martin in Power: A Frantic Exercise in Excessive Ambition</td>
<td>298</td>
</tr>
<tr>
<td>7.4 Summary</td>
<td>324</td>
</tr>
<tr>
<td>CHAPTER 8 THE FIRST HARPER MINORITY</td>
<td>326</td>
</tr>
<tr>
<td>8.1 Opening</td>
<td>326</td>
</tr>
<tr>
<td>8.2 The Electoral Emergence of the First Harper Minority</td>
<td>328</td>
</tr>
<tr>
<td>8.3 The Legislative Productivity of the First Harper Minority</td>
<td>336</td>
</tr>
<tr>
<td>8.4 Bashing the Liberals, Building the Conservative Base</td>
<td>350</td>
</tr>
<tr>
<td>8.5 Summary</td>
<td>359</td>
</tr>
<tr>
<td>CHAPTER 9 THE SECOND HARPER MINORITY</td>
<td>361</td>
</tr>
<tr>
<td>9.1 Opening</td>
<td>361</td>
</tr>
<tr>
<td>9.2 The Electoral Emergence of the Second Harper Minority</td>
<td>368</td>
</tr>
<tr>
<td>9.3 Changing Patterns of Partisan Competition: The End of Brokerage?</td>
<td>379</td>
</tr>
</tbody>
</table>
9.4 The Conservative Message: Families First ................................................................. 390
9.5 Financing The Permanent Campaign ................................................................. 397
9.6 Summary ................................................................................................................... 403

CHAPTER 10 CONCLUSION ......................................................................................... 406
10.1 Opening .................................................................................................................. 406
10.2 Major Observations ............................................................................................... 407
10.3 Implications ............................................................................................................ 412
10.4 Future Paths of Research ..................................................................................... 415

Bibliography .................................................................................................................. 420

Appendices ..................................................................................................................... 464
Appendix A: Canadian Minority Governments Since 1945 ........................................ 464
Appendix B: Canadian Minority Government General Elections Since 1945 .......... 467
Appendix C: Canadian Minority Governments Productivity .................................... 472
List of Tables

Table 3.1. Canadian Party System and Canadian Minority Governments
(Second/Third Party System) .................................................. 78

Table 3.2 Canadian Party System and Canadian Minority Governments
(Fourth/Fifth Party System) ...................................................... 79

Table A.1 Canadian Minority Government Since 1945 ...................... 464

Table A.2 Canadian Minority Government Since 1945 by Duration
in Descending Order ............................................................. 465

Table A.3 Canadian Minority Government Since 1945 by Seats
Short of Majority in Descending Order ..................................... 465

Table A.4 Canadian Minority Government Since 1945,
Cause of Dissolution and Outcome in Next Election .............. 466

Table B.1 23rd Canadian General Election, June 10, 1957 .............. 467

Table B.2 25th Canadian General Election, June 18, 1962 .............. 467

Table B.3 26th Canadian General Election, April 8, 1963 .............. 468

Table B.4 27th Canadian General Election, November 8, 1963 ....... 468

Table B.5 29th Canadian General Election, October 30, 1972 ......... 469

Table B.6 31st Canadian General Election, May 22, 1962 .............. 469
Table B.7 38th Canadian General Election, June 28, 2004.................470

Table B.8 39th Canadian General Election, January 23, 2006.................470

Table B.9 40th Canadian General Election, October 14, 2008.................471

Table C.1 Canadian Minority Governments Since 1945 By Legislative Productivity, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent in Descending Order........................................472

Table C.2 Canadian Minority Governments Since 1945
By Legislative Productivity, Second-Third Party System,
As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent in Descending Order........................................473

Table C.3 Canadian Minority Governments Since 1945
By Legislative Productivity, Fifth Party System,
As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent in Descending Order........................................473

Table C.4 Legislative Productivity, First Diefenbaker Minority,
23rd Parliament, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent........................................474
Table C.5  Legislative Productivity, Second Diefenbaker Minority, 
25th Parliament, As Measured By the Percentage of 
Government Bills Tabled In House of Commons 
That Received Royal Assent…………………………..474

Table C.6  Legislative Productivity, First Pearson Minority, 
26th Parliament, As Measured By the Percentage of 
Government Bills Tabled In House of Commons 
That Received Royal Assent…………………………..474

Table C.7  Legislative Productivity, Second Pearson Minority, 
27th Parliament, As Measured By the Percentage of 
Government Bills Tabled In House of Commons 
That Received Royal Assent…………………………..475

Table C.8  Legislative Productivity, Trudeau Minority, 29th Parliament, 
As Measured By the Percentage of Government Bills 
Tabled In House of Commons That Received 
Royal Assent………………………………………………475

Table C.9  Legislative Productivity, Clark Minority, 31st Parliament, 
As Measured By the Percentage of Government Bills Tabled 
In House of Commons That Received 
Royal Assent………………………………………………475

Table C.10  Legislative Productivity, Martin Minority, 38th Parliament, 
As Measured By the Percentage of Government Bills 
Tabled In House of Commons That 
Received Royal Assent……………………………………476
| Table C.11 | Legislative Productivity, First Harper Minority, 39th Parliament, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent........476 |
| Table C.12 | Legislative Productivity, Second Harper Minority, 40th Parliament, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent........476 |
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To my family, past, present and future
CHAPTER 1 INTRODUCTION

1.1 Introduction

Canadians generally expect one of their federal political parties to win a majority of seats when they elect a new House of Commons.¹ This expectation rests on the historical performance of Canada’s first-past-the-post electoral system (FPTP) inherited from the United Kingdom, along with other features of the Westminster parliamentary system. This electoral system with its familiar distorting effects² has traditionally rewarded one party with more than half of the available seats, as it did for six consecutive elections between 1980 and 2004. This expectation is part and parcel of a political culture that is hostile towards parliamentary cooperation, not to mention formal coalitions common in other parliamentary democracies,³ including increasingly those with historical ties to the Westminster system. But if majority governments are the perceived “norm,”⁴ the record tells a different story. In fact, almost half of all federal elections between 1945 and 2011 have produced minority governments — nine in total and thirteen overall. This study scrutinizes the effectiveness and legitimacy of the nine minority governments that have governed Canada since 1945. Forsey defines minority government “as government by a cabinet with less than half of the seats in the House of Commons.”⁵ This short but succinct definition points to the primary ‘problem’ that confronts minority governments. They govern but without the certainty of a parliamentary majority. They hold office but the power that flows from it is provisional. Canadians, of course, cannot choose between different executive forms when they head to the polls. They instead elect a representative body, whose composition determines and legitimizes the governing cabinet. Le Devoir editor Bernard Descôteaux reminded us of this fact during the Coalition Crisis of 2008 when he wrote “(rappelons) que notre régime politique est un régime parlementaire, et non un régime présidentiel. Une élection sert à élire un Parlement, duquel est issu un

gouvernement. Celui-ci tire sa légitimité de la confiance qu’il obtient des parlementaires.”

But if these facts concerning the Westminster parliamentary system are undisputed, we have also heard the argument that minority governments signal a collective sense of ambivalence about the governing party and the larger political system itself. In fact, the recent run of minority governments has prompted Herbert to speak of a global “virus minoritaire” that has spread to industrialized countries around the world “A gauche comme à droite, les chefs de gouvernement se retrouvent pieds et poings liés par des électorats avec lesquels ils ne réussissent pas à établir de connexion durable,” she writes. “Ils sont également aux prises avec des problématiques qui dépassent de plus en plus leur rayon d’action.” Minority governments themselves certainly do not appreciate the phenomenon. Despite assurances to the contrary from prominent members of the political class itself, minority governments have greeted their status with a mixture of muted contempt and discernable exasperation. LeDuc alerts us to the former, when he notes that the heads of minority governments often strike a defiant air. “Instead of considering coalitions, leaders of minority governments in Canada talk bravely about governing as if they had a majority or carrying out a mandate to govern,” he writes.

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8 Chantal Hébert, “Le virus minoritaire,” L’Actualité 35, no. 16 (2010): 31. English translation: “On the left and on the right, governments find themselves bound and gagged by electorates, with whom they have failed to establish durable connections. They also find themselves confronted with problems beyond their own range of action.”

9 One such perspective comes from Reform party founder Preston Manning. Writing in the Globe and Mail before the election of Canada’s first minority government in more than a quarter-century, Manning urged Canadians to embrace the possibility of a minority government. Canadians should not elect a majority government of dubious character or competence simply to avoid a minority, he argued. “Minority government,” he wrote “are usually more sensitive to public opinion than majority governments. They are also easier to hold accountable. Certainly a minority government is more accountable than a majority government elected with only thirty-five per cent of the popular vote in an election with 60-per-cent voter turnout. Under those circumstances, a government is given 100 per cent of the power for getting the support of only twenty-one per cent of the electorate – hardly a desirable outcome from the standpoint of democratic legitimacy.” Preston Manning, “All together now: Minority government can be a good thing,” Globe and Mail, June 8, 2004, A24.

“Such statements are nothing more than a refusal to recognize political reality.”11 The exasperation is audible in the comments of Prime Minister Lester Pearson when he called an early election in early September 1965 because only “a central government”12 could provide the necessary legislative certainty in the Commons with which his Liberals could proceed with solving the country’s problems. It should be noted that this comment came from the head of a government that had managed to pass most of its proposed legislation including significant social legislation in less than two-and-a-half years time. In other words, even productive minority governments chafe under the constraints of their circumstances and seek to escape them as quickly possible. Migneault accordingly writes that “(il) est évident que pour les chefs politiques, la configuration minoritaire n’est absolument pas le scenario rêve.”13

These perspectives allows us to see minority governments as “probationary” majorities, bold in their appearance, yet still short of the necessary support for a parliamentary majority. Minority governments must still convince parts of the public that they deserve the privilege of governing with a majority, the “brass ring” of Canadian politics, as Smith has called it.14 This universal imperative confronts all minority governments and ultimately allows us to judge their effectiveness by whether they can convert their minority mandates into majorities. Subsequent chapters show this measure clears several methodological hurdles. For example, it sidesteps difficult questions about the quantity and quality of legislation passed by minority governments during their respective terms. While legislative productivity has traditionally played a part in the political fortunes of minority governments, this link has weakened. Canadian minority governments can be effective without being productive in terms of legislation. In fact, they can be effective through the creation of parliamentary dysfunction, or at least the appearance of same. What ultimately determines the effectiveness of minority

governments is whether they can conform to the conditions of the prevailing party system. Let me briefly preview this argument. The Liberal minorities of Pearson proved effective because the “third” party system placed a premium on pan-Canadian social policies, which the Pearson minorities delivered. The Conservative minorities of Stephen Harper were effective because the “fifth” party system placed a premium on partisanship. ‘Party system’ in this context broadly refers to the structural and institutional factors that affect the parties.  

As for the legitimacy of minority governments, our assessment starts from the assumption that minority governments enjoy legal legitimacy through the unwritten constitutional conventions of responsible government. This legal legitimacy has in turn sustained the overall legitimacy of minority government in the Canadian context. But this perspective hangs by a fragile thread since the Coalition Crisis of 2008 exposed serious disagreements among scholars about the legitimacy of the proposed Liberal-NDP coalition poised to assume power without an election in December 2008, only to fall apart after Harper’s prorogation of Parliament. I will not explicitly argue for or against the legitimacy of the Liberal-NDP coalition that proposed to take power in December 2008. I will however make the argument that the whole affair has further muddled the legitimacy of minority government, which in the mind of Russell actually offers the “greatest” prospect for transforming the Commons into a place of genuine deliberation, as imagined by deliberative democratic theory. According to Russell’s transformational theory “it is better to be governed by a minority government than by its most likely alternative – a false majority,” here defined as a government that has won a majority in the Commons with less than fifty per cent of the popular vote thanks to the distorting effects of the Canadian electoral system. For the record, Russell favours electoral reform.

15 Among other questions, students of the party system probe the organizational and operational details of political parties, their forms of engaging voters, their financing methods, their communication methods and their prevailing topics of discussions. This functional definition of party system is broader than the one that often appears in the literature focusing on the number of parties capable of competing in the electoral process. Brad Walchuk, “A Whole Ballgame: The Rise of Canada’s Fifth Party System,” American Review of Canadian Studies 42, no. 3 (2012): 418.


18 Ibid., 6.
But until its time has come, Russell thinks Canadians should welcome minority government because it restores the relevance of parliamentary government by restraining the influence of the prime minister in favour of informed debate and discussion. While this deliberative ideal should inspire all democratic governments, its likelihood increases during minority government because the “arithmetic of survival requires the inclusion of more than its own views in making laws and policy,” Russell argues. Subsequent chapters show this claim is questionable. In fact, they will show that periods of minority government have actually deepened political divisions and partisanship. Instead of becoming more deliberative, the House of Commons has frequently become more divisive when the governing party does not possess a parliamentary majority.

1.2 Why Study Minority Government?

This dissertation draws inspiration from the recent run of minority governments that started in 2004 and concluded in 2011. This undeniably contentious period in Canadian political history, which featured back-to-back-to-back minority governments, raised several important questions about the performance and perception of the institution. Canadians had initially applauded the arrival of this period as an antidote to the “friendly dictatorships” under former Liberal prime minister Jean Chrétien. But this appreciation of minority government had turned to anxiety, when Canadians were heading to the polls for the fourth time in seven years in 2011. In fact, the governing Conservatives under Harper framed the campaign as a referendum on the institution of minority government in pleading for a “strong, stable, national, majority Conservative government.” Only such an outcome would grant the Canadian ship of state safe passage through the troubled waters of the global economy and preserve national unity.

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19 Ibid., 175.
22 Writing at the conclusion of three governing majorities led by then Liberal Prime Minister Jean Chrétien, Docherty, for example, wished for nothing less than for a feisty governing party caucus that would challenge the ministry drawn from its own ranks and strong opposition parties that would hold the government accountable. David Docherty, “Parliament: Making the Case for Relevance,” in Canadian Politics 4th ed., ed. James Bickerton and Alain-G. Gagnon (Peterborough: Broadview Press, 2004), 163-88.
as we will see later. Canadians, of course, cannot consciously choose between any form of government. Despite popular perceptions, Canadians do not directly elect their governing executive. They instead elect a legislative assembly, whose confidence the eventual executive as appointed by the Governor-General must command, if it wishes to govern. More often than not, the executive can count on a clear majority. Sometimes, it cannot. Conservatives, however, omitted this crucial detail during their campaign. Granted, their appeal for a majority is understandable and not just for the obvious reasons such as control of the purse and the ability to shape public policy. Opinion polls published on the eve of the election showed that Canadians had questioned the effectiveness of minority government in favouring a more traditional majority government and available evidence points towards the conclusion that this appeal eventually contributed to the Conservative majority in 2011. But is majority government inherently more effective than minority government? How do we measure the effectiveness of any government, minority or otherwise, without inviting charges of bias?

For critics of minority government, the case against the phenomenon is two-fold. Compared to single-party majorities, minority governments must make compromises to stay in office. This behaviour in turn blurs the difference between the ‘government’ and the ‘opposition,’ thereby making it more difficult for citizens to retroactively reward or punish political office holders based on their performance. So minority government ‘muddles’ direct lines of accountability between citizens and their

28 Schumpeter, of course, has argued that the perceived ability to ‘throw out the rascals’ is the essence of democracy. Jack Vowles, “Making a difference? Public perceptions of coalition, single-party, and minority governments,” Electoral Studies 29, no. 3 (2010): 370.
29 It should be said that the literature disagrees over the extent of this unaccountability. Powell, for example, argues that minority government is the least accountable form of government compared to coalition government and single-party majority government. Tsebelis, meanwhile, disagrees. Their disagreement revolves around the number of players that might ‘veto’ the actions of a minority government. Powell postulates that multiple parties may veto a minority government. Tsebelis, meanwhile, notes that for “most of the time” minority governments have only one veto player. It therefore follows that the public should be able to assign blame. Ibid., 371.
government and are therefore less ‘democratic.’”

Critics of minority government also question its ability to make a difference. Seen as unstable because they lack the “certainty that comes from having a (legislative) majority,” minority governments might not be able to accomplish much. Parliamentary viability, an insufficient but indispensable condition for effective governance, appears compromised. Minority governments might therefore be nothing more than “pre-election caretakers.”

Cabinets that control less than half of all available seats in the Commons certainly face different challenges than their majoritarian counterparts, depending on a number of factors explored later. The arithmetic anxieties of minority government place a premium on political survival, often at the expense of parliamentary productivity and civility, according to the seminal scholarship on the subject of parliamentary government. But this prevailing view, which equates minority government with “political malaise, irrationality and poor performance,” does not necessarily offer a complete picture. Minority government might be “nasty, brutish and short” to borrow a phrase and minority governments themselves have many opportunities to blame un-cooperative non-government parties for frustrating their goals.

But minority government is neither an aberration of parliamentary democracy, nor inherently inferior. The norm in many parliamentary democracies, minority governments have governed reasonably well in many corners of the globe, including Canada itself.

Consider the Liberal minorities headed by Pearson during the 1960s. They combined political partisanship with legislative productivity in remaining true to the adversarial spirit of the Westminster system without sacrificing legislative performance.

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39 Ibid., 238.
To be fair, this claim comes from self-interested parties. On the other hand, it would be incredulous to claim that the most recent run of minority government has supplied Canadians with steady stewardship in public affairs. Incessant, potentially illegitimate political brinkmanship characterized the respective minority governments of Martin and Harper, much to the chagrin of Canadians, if we were to judge their satisfaction with the political system by their willingness to participate in it. While many had actually welcomed minority government as a necessary remedy to seemingly unrestrained majority government, most would now agree with critics such as Norquay, who concludes that the recent run of minority government has failed Canadians between 2004 and 2011. “Despite all the rose-coloured talk about consensus between political parties creating better legislation and the benefits of ‘making Parliament work,’ the past seven years have been a period of inertia and stagnation in public policy, with a number of major issues left to fester and worsen,” he says. But if this is the case, what has changed? Why did Canadian minority governments seemingly regress, if they did? Note that this rhetorical question makes certain assumptions about the nature of effective governance, a contested term subject to partisan interpretation. Even so, it is precisely this perceived difference in performance that should excite us.

The recent run of minority government also raises pressing questions about the legitimacy of minority government and its institutional relatives. Such concerns first appeared during the divisive Coalition Crisis of December 2008, when Harper prorogued Parliament to postpone a plan by the parliamentary opposition to defeat his

minority government and replace it with a minority coalition government consisting of the Liberals and the New Democrats. This proposed coalition, which have would received support from the Bloc Québécois, emerged after Harper had retained his office as head of a strengthened minority government following federal elections in October 2008. Perhaps misreading his mandate, Harper proposed to scrap a $2-per-vote public subsidy for political parties as part of a fiscal update which critics charged was insufficient in light of the dark recessionary clouds looming on the economic horizon following the near-collapse of the global banking system in the fall of 2008. The proposed measure would have annulled a reform that Chrétien had initiated in 2003 to diminish the financial influence of corporations and unions by financing elections through the public purse. The proposed reversal (now realized) would have given the Tories an institutional advantage. Faced with an existentialist threat to their political survival, the opposition parties turned the tables on Harper by forming a common front. Less than two months after the last federal election, they forged an agreement, which would have created an unusual but perfectly acceptable arrangement consistent and “compatible” with the constitutional conventions of responsible government: a formal coalition, in this case, consisting of the Liberal and New Democrats.

51 Conservatives won 143 seats, whereas the Liberals under Stéphane Dion fell from 103 to 77 seats. New Democrats jumped from 29 to 37 seats, whereas the Bloc Québécois ended up with 48 seats. While the listless leadership of Dion bears much blame for the Liberal performance, he also found himself the subject of several ads that attacked his personality and personal qualifications during the campaign itself. Lawrence Martin, Harperland: The Politics of Control (Toronto: Viking Canada, 2010), 155-173.
52 As Martin says, “it was one more step along the road to the goal of supplanting the Liberals as the dominant party in the country.” Ibid., 174.
53 Finance minister Jim Flaherty delivered his presentation on Nov. 27, 2008 during a period of panic about the state of the global economy. As Martin says in his account, the “cascading global economy” forced several western countries including the United States and the United Kingdom to pass significant stimulus plans to fight the recession. While Harper was more than aware of such measures elsewhere, Martin quotes an unnamed Harper advisor who says that the “fiscal update was not supposed to be response to the economic crisis. It was supposed to be a baseline document that put out the fiscal forecast.” Ibid., 175.
54 This budget update also featured several other “provocative pronouncements.” They included measures to suspend the rights of public servants to strike and limit the rights of women to appeal for pay equity. Ibid., 177.
55 The unanimous opposition to the fiscal update caught the Conservatives off-guard, who had calculated that the poor performance of Liberals would temper their desire to force an election, just weeks after they had recorded one of their worst electoral performances. Ibid., 176-177.
This arrangement would have made Liberal leader Stéphane Dion Prime Minister and granted his party control of eighteen ministries, including finance. New Democrats under the leadership of the late Jack Layton would have received six cabinet seats, along with six parliamentary secretariats. As for the Bloc Québécois, it agreed in writing, through a separate but unpublished policy accord, that it would not attempt to defeat this coalition for a period of 18 months. It did not receive any seats at the cabinet table. Harper, who had proposed a comparable compact while serving as Leader of the Official Opposition, appeared resigned to losing power in suffering from a dark bout of defeatism. His mood brightened when the would-be leaders of this coalition, Dion and Layton, included Bloc leader Gilles Duceppe in a staged public signing ceremony of their agreement. The surreal optics of this signing ceremony left the public with the impression the coalition received its mandate from the Bloc, a false perception that nonetheless permitted Harper to denounce the arrangement as a “separatist coalition” poised to seize the levers of power Canadians had denied them during the preceding election. Buoyed by this public relations blunder, Harper eventually launched a campaign against the coalition that “turned the very concept into villainy.” While this demonization relied on several distortions that demonstrated little respect for the broader institutions of Canadian parliamentary democracy, it nonetheless changed public opinion. This move subsequently paved the path for the step that ultimately saved Harper from his own hubris: the dramatic, controversial prorogation of Parliament. When Harper asked Governor General Michaëlle Jean to prorogue parliament, she already knew where the public stood.

This prorogation raised significant questions about the constitutional conventions that govern the powers of the governor-general and the practice of responsible government. Scholars remain divided over whether the governor general should have granted the request, whether the governor general should have considered the viability of the proposed coalition in her decisions and whether the prime minister actually

57 Martin, Harperland, 182-83.
58 Ibid., 180.
60 Martin, Harperland, 184.
61 Ibid., 182.
62 Ibid., 187-188.
commanded the confidence of the Commons when he requested prorogation. The ‘lessons’ of the Coalition Crisis have also inspired Harper to develop new populist, ‘rules’ that some scholars say violate the elegant but elementary rule that governs Canadian parliamentary democracy, namely cabinet must command the confidence of the Commons, not the electorate at-large. The first of these new rules states that Canadians ‘choose’ their prime minister when they are casting their ballots, a falsehood with some traction. The second of these rules stipulates that the prime minister cannot be changed without the democratic consent of Canadians. This insistence ultimately means that the prime minister cannot be changed without an election, an unrealistic, not to mention costly practice irreconcilable with the historical traditions of parliamentary government. The third states that coalition government is illegitimate unless it includes the party with the most seats since Canadians choose the prime minister, as per the first rule. This third rule also assumes that any would-be coalition would advertise itself accordingly. Whether these new ‘rules’ will significantly shape the future practice of Canadian parliamentary democracy remains an open question. In fact, Knopff and Snow have

66 Smith, “Parliamentary Democracy versus Faux-Populist Democracy,” 176. This source of legitimacy also recognizes the opposition as the government-in-waiting.
68 Bonga cites research, which finds that 51 per cent of Canadians surveyed during the Coalition Crisis believed that voters directly elect the prime minister. Bonga, “The Coalition Crisis and Competing Visions of Canadian Democracy,” 11.
70 Aucoin, Jarvis and Turnbull, Democratizing the Constitution, 24.
71 Harper articulated this position when he visited the United Kingdom just weeks after the British Tories had formed a coalition government with the third-placed Liberal Democrats following the parliamentary elections of May 2010. “The verdict of public opinion (in the United Kingdom) was pretty clear,” Harper told Canadian journalists during a joint press conference with the head of the British coalition government, Prime Minister David Cameron. "Losers don't get to form coalitions. Winners are the ones who form governments," Jane Taber, "‘Losers don’t get to form coalition,’ says Harper,” Globe and Mail, June 3, 2010. Evidence from elsewhere (primarily polities with mixed-member proportional systems) challenges this perspective.
questioned whether these ‘rules’ even exist in the way that critics describe them. And at this stage, it might be appropriate to note that this debate about the nature of Canada’s constitutional order is hardly academic. According to a poll published in December 2012, eighty-four per cent of Canadians would like to see Canada’s currently vague, unwritten conventions that govern prorogations and other matters (including votes of confidence, government formation, election calls, and the opening of the legislature) turned into clear, written, enforceable rules.

This debate, which made waves again in August 2013 when the current Conservative majority prorogued Parliament, certainly reminds us that the Westminster system of parliamentary democracy remains at the mercy of precedent, a condition that ensures flexibility, but also encourages abuse, as the Coalition Crisis suggests, if not demonstrates. It also points to a fundamental question: if recent minority governments have played fast and loose with important parliamentary conventions, how does this record compare to their historical predecessors? Other questions also go begging for answers in the aftermath of the Coalition Crisis. What are the long-term prospects for coalition government in Canada? How would the public react to such an arrangement following an inconclusive election? When Harper plead for a “strong, stable, national, majority Conservative government” during the federal election of 2011, Harper actively counseled against any other possible outcome, including the legitimate possibility of a

78 Consider the following quote from Eugene Forsey. “It might be added that the absence of any clear rule [regarding the royal prerogative] or the misunderstanding of whatever rules do exist, combined with the obscurity of the subject and the democratic electorate’s ignorance of such matters, is a positive invitation to unscrupulous demagogues to play fast and loose with the Constitution.” Quoted in Ian McIsaac, “‘Over the Heads of the Members of Parliament’: Democratic Rights and the Royal Prerogative,” National Journal of Constitutional Law 30, no. 2 (2012): 148.
80 Norquay, “The ‘ballot question’ in the 2011 election,” 49.
coalition government comparable to the one that almost assumed power in December 2008. Crisis or not, the Coalition Crisis framed the federal election of 2011 and helped furnish the current Conservative majority. In fact, Sears says that some Liberals and New Democrats “breathed a sigh of relief” on the morning after Harper’s victory because it precluded another Coalition Crisis. In Sears’ estimation, a hung parliament could have revived talks of a formal coalition. While such an arrangement would have been “a constitutional, perhaps even an appropriate political solution” to a minority parliament, it would have also encouraged “screams of rage from the Conservative establishment and its phalanx of media allies.” Of course, we will never know whether that would have happened. But questions remain nonetheless.

Norquay sees no immediate reason to probe the phenomenon of minority government because majority government has become the “new normal.” This prediction rests on the theory that minority government is a “halfway house” in the transition from one governing party to another. While this fractious process may feature multiple minorities, it will ultimately produce a long period of majority government by the party that had previously found itself on the opposition benches during the preceding period of majority government. Empirical support for this theory appears to be plentiful. Consider the first Progressive Conservative (PC) minority under Prime Minister John Diefenbaker. In 1957, it ended more than two decades of uninterrupted Liberal rule in leading the way towards the largest majority in Canadian political history. And when this majority lost support, voters first reduced it to a minority, before replacing it with consecutive Liberal minorities under Pearson. These minorities then morphed into multiple Liberal majorities under Pierre Trudeau, notwithstanding his own minority and the Progressive Conservative minority of Joe Clark, arguably one of the briefest catastrophes in the annals of Canadian politics. This theory also appears to explain the emergence of the current Conservative majority after the Liberals had governed Canada

82 Aucoin, Jarvis and Turnbull, Democratizing the Constitution, 10.
83 Sears, “Quebec Storm Sweeps Canadian Electoral Landscape,” 25.
for more than a decade. Liberal Paul Martin first lost the majority that he had inherited from his deposed predecessor Chrétien, then power altogether as consecutive Conservative minorities under Harper eventually climaxed in the current constellation. Accordingly, we may find ourselves in a phase of Conservative dominance. We should however treat Norquay’s prediction with caution, partly because it appears just months after he and others had urged Canadians to steel themselves for long stretches of minority government!88

Yes, certain aspects of the Westminster system starting with its electoral system encourage the emergence of majority government.89 But this aspect does not guarantee any particular outcome.90 And yes, circumstances might still favour the Conservatives to remain in office for the foreseeable future.91 But two contemporary characteristics of Canadian politics, one institutional, one cultural, should chasten commentators who claim majority government will be the norm. The first concerns the electoral system itself. While Canadian critics of minority government frequently praise this system, historical93 and contemporary research has found that it has regionalized the Canadian party system, one of the central reasons behind the recent run of minority governments.94 The electoral system96 may have also played a part in the excessive partisanship that has characterized this period by awarding large regions of the country to one party. This exaggerated level of regional support has subsequently lowered the cost for political conflict in encouraging protracted cases of political brinkmanship, as it was

90 Butler, Governing Without A Majority, 35-45.
92 Flanagan, “A Canadian approach to power sharing,” 34.
95 Sears, “Minority Government,” 34.
96 While proportional representation would likely further fragment the Canadian party system, it would also diminish the undue influence of regional actors such as the Bloc Québécois. Additionally, it would ensure more legitimate representation. Several Commonwealth countries such as Australia and New Zealand have for these and other reasons already abandoned first-past-the-post for more proportional forms of representation. Proportional representation has even arrived in the “mother country of plurality” the United Kingdom, albeit only at the regional level in the devolved assemblies of Scotland and Wales. Notably, Canada remains one of only three major Anglo-Saxon democracies where FPTP has survived with more or less varying levels of support.
the case during the Coalition Crisis of 2008, which resonated very differently in different parts of the country.\footnote{According to Skogstad, opposition to the proposed Liberal-NDP coalition was the highest in western Canada, with Ontario and Quebec more supportive of the proposal. Accordingly, she concludes that the coalition crisis reinforced regional fault lines. Skogstad, “Western Canada and the ‘Illegitimacy’ of the Liberal-NDP Coalition Government,” 163-174.} This was especially the case in Quebec. The proposed coalition enjoyed broad public support in that province and its eventual failure evoked memories of the failed Meech Lake Accord among nationalistic circles.\footnote{Frédéric Boily, “La ‘crise de la prorogation’ vue due Québec,” Constitutional Forum constitutionnel 18, no. 1 (2009): 25.}

The fickle nature of Canadian voters is another source of instability. According to Cody, forty-four per cent of the Canadian electorate is apolitical – that is, voters with no strong affiliation with any party.\footnote{Cody, “Minority Government in Canada,” 31.} While the Canadian electorate comes closer to the ideal of the independent voter than electorates in other modern democracies,\footnote{C.E.S. Franks, The Parliament of Canada (Toronto: University Press, 1987), 52.} this volatility poses a problem for parties and the Commons. It means that voters are more likely to vote on short-term issues such as leader attributes, scandals and other salient issues of the day. Coupled with the compounding effects of Canada’s electoral system, this volatility means that entire regions could switch their political allegiances, a phenomenon observed on numerous occasions, especially in Quebec. Looking ahead, this aspect could easily revive the Bloc Québécois, whose parliamentary presence practically guaranteed the recent minority governments. So the Conservative victory of May 2011 did not necessarily restore order to the Canadian political system. It actually alerted us to the very features that may produce minority governments in the future. And once they emerge, as they did in Ontario and Quebec within months of the last federal election in 2011, we will once again confront competing claims about the perceived effectiveness of minority government.

The ‘problem’ of minority government also points to a fundamental puzzle in the current practice of Canadian parliamentary democracy. Its rhetoric identifies Parliament particularly the elected House of Commons as the central source of political legitimacy.\footnote{Ibid., 11, 30.} This institutional inheritance from the United Kingdom insists that the cabinet charged with governing the country is responsible to the Commons, where it must
command a majority. If this governing executive loses this level of support, it must either resign to make room for a new cabinet (which would then become responsible to the Commons) or ask for the dissolution of Parliament for the purpose of legitimizing a new government through parliamentary elections. Reality however has revealed a gap between the theory of responsible government and its contemporary application in Canada. While any cabinet will rise and fall with the Commons of the day, the balance of power clearly biases the cabinet, especially its head, the prime minister, whose authority appears substantial, if not “supreme” in many areas. Only the “safeguard” of responsible government (coupled with constitutional limits including but not exclusively those captured by federalism) frees the occupant of the office from the suspicion of being an autocratic dictator rather than the leader of a democratic government.

This Canadian preference for powerful prime ministers dates back to the early days of Confederation and has successively sapped the strength of Parliament. Individual members of the House, elected nationally from single-member constituencies, represent the base on which the Westminster system of parliamentary democracy rests. Yet these principal players of representative democracy, have largely fallen silent, reduced to exchangeable extras in the political games played by a select few. Identified reasons for this condition include among others the unquestioned “imperative” of

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111 Consider the following comparison. Whereas Canada has had a history of long-term prime ministers and short-term members of parliament, Britain has the opposite: long-term members of parliament and short-term prime ministers. Franks, The Parliament of Canada, 23.
112 Franks for example makes the following observation: “(T)he assumption that solidarity and discipline are necessary seems to be so firmly embedded in the myths and folklore of parliament that neither the outside observers nor the parties themselves know why it is so desirable.” Ibid., 108.
party discipline as the perceived pre-condition for stable governance and the powerful presence of other political forces, namely the public service (now largely autonomous), various pressure groups, the provincial premiers and the media.\textsuperscript{114} The imbalance between cabinet and Parliament is particularly prominent in matters of public policy, a field firmly in the hands of the prime minister and the powerful central coordinating agencies.\textsuperscript{115} In theory, Parliament remains the central nexus for the development and deliberation of public policies. Certain realities, however, such as the historical rise of the bureaucracy and the increasing complexity of governance against an intricate background of competing interests (public and otherwise) have largely relegated Parliament to an “irrelevant sideshow”\textsuperscript{116} in the formulation of public policy. Canadians, for their part, have reacted to these developments with a mixture of resignation, apathy and defiance, as measured by high levels of political apathy, low voting turnout, and calls for far-reaching reforms to Canada’s political institution. A discussion of the reasons behind these phenomena break the bounds of this research, but some of the relevant literature links them to the legacy of neo-liberalism, as Crouch\textsuperscript{117} and others such as Norris\textsuperscript{118} have done.

\textsuperscript{116} Franks, \textit{The Parliament of Canada}, 204.
\textsuperscript{117} Specifically, Crouch argues that modern western democracies have entered a post-democratic age. While this era has maintained the machinery and mechanisms of democratic governance (such as parties and elections), real power lies in hands of corporate elites. This model reduces turns political competition into a “tightly controlled spectacle” in which the “mass of citizens plays a passive, quiescent, even apathetic part, responding only to signals given them. Behind this spectacle of the electoral game, politics is really shaped by interaction between elected governments and elites that overwhelmingly represent business interest.” This sort of politics is neither non-nor anti-democratic, because the choices of citizens – or at least who bother – can still cause considerable anxiety among members of the political class. “At the same it is difficult to dignify it as democracy itself, because so many citizens been reduced to the role of manipulated, passive, rare participants,” treated more like consumers rather than active participants with “positive” citizenship rights – the ability of people to develop identities through groups and organizations; perceive the interests of said identities and accordingly frame them as autonomous demands on the political system. Turning to the causes of this post-democratic age, Crouch opens his account by arguing that contemporary western democracy has suffered from a form of entropy after its parabolic rise through the early 1970s following the defeat of fascism, the containment of communism and the temperance of capitalism through a truce between business interests and wage workers based on Keynesian terms. Subsequent events (including but not exclusively the oil crises of the 1970s and the deregulation of financial capital in the 1980s) have reversed the trajectory of democracy. “Today, the most obvious force doing this has been economic globalization. Large corporations have frequently outgrown the governing capacity of individual nation states. If they do not like the regulatory or fiscal regime in one country, they threaten to move to another, and increasingly states compete in their willingness to offer them favourable conditions, as they need the investment.” In this account, democracy “has simply not kept pace with capitalism’s rush to the global.” As a corollary, Crouch identifies the political decline of the manual working class as a contributing factor. While Crouch’s account is occasionally polemic – he readily acknowledges that his model of a post-democratic society is as exaggerated as the ideal of a maximal
Yes, no political scientist who uses the term ‘parliamentary democracy’ seriously expects political power to rest primarily in parliamentary institutions, a telling concession. But this diminishment of Parliament, which is hardly a new topic of conversation, still points to one of the central concerns of this study: the long-lamented imbalance between power and consent, between effectiveness and legitimacy in Canadian politics. Parliament might be the theoretical source of political legitimacy, but effective power has increasingly emanated from elsewhere, particularly but not necessarily exclusively the office of the prime minister. Minority government promises to challenge this condition by rebalancing the relationship between the governing executive and the consenting legislature. The former can only implement its agenda with the approval of the latter. Without this level of legitimacy, the executive will not be able to govern, period. Parliamentary consent is thus an indispensable but insufficient condition of political effectiveness. The cost of this legitimacy can be relatively low for a cabinet that can readily count on the necessary number of seats to secure its parliamentary survival. It can be rather high though for a governing cabinet that lacks this certainty. This aspect is not inherently detrimental. Legitimacy should be a scarce commodity, subject to frequent tests and quickly withdrawn, if necessary. Minority government reminds us of this norm and some prominent voices in the study of Canadian politics suggest that minority government actually heightens the legitimacy of parliamentary government by forcing the executive to be more inclusive and more deliberative in its decision-making. But attempts to acquire legitimacy for the purpose of effectiveness could also distort priorities and damage political institutions, especially if those are governed by unwritten
123 Russell, Two Cheers for Minority Government, 102.
conventions left open to competing interpretations and subject to arbitrary amendments by powerful individuals.

Perhaps the most pressing reason for studying minority government lies in the fact that the very phrase appears to offend democratic sensibilities. Traditional coalition theory assumes that governing and legislative coalitions coincide. Yet minority government challenges this assumption. Its very existence eviscerates the traditional expectation that executive and legislative coalitions must be identical. Perhaps worse, it confirms that a cabinet may govern (at least for a while) without a legislative majority. Minority government therefore deviates from the norms of parliamentary democracy, at least on first glance. This departure subsequently swaddles minority government in suspicion. Minority government might therefore combine the worst of all possible worlds. It might be ineffective and illegitimate all at the same time, a troubling, if not treacherous combination, if we accept this account. Others however like Russell have hailed minority government as an antidote to the “false” majority governments that might control a majority of parliamentary seats without commanding the confidence of the citizenry at large, or at least being more mindful of its diverse opinions. While one might be sympathetic towards this conclusion, it also challenges the historical practice of the Westminster system. It is a representative rather a deliberative form of government that revolves around political parties rather than individual legislators. However this critique is also conscious of the fact that Canadians themselves have become increasingly critical of the Westminster system in demanding reforms to the apparent democratic malaise that has gripped the country. Realistic about its reach, this study will not survey this reform literature in any extensive detail. But it is also clear that the phenomenon of minority government raises some fundamental questions about the process and purpose of Canadian parliamentary democracy.

125 Strom, Minority Government and Majority Rule, 7
126 Ibid., 243.
127 Ibid., 16-19.
129 Young, “Value Clash,” 105.
1.3 Research Path

This chapter has so far laid out the object of the research and the motivations behind it. What follows next details the path that I plan to follow over the remainder of this present dissertation. Its guiding intellectual coordinates can be found in the second chapter, which reviews the relevant literature on the effectiveness and legitimacy of federal minority government in Canada. This survey sets the stage for the third chapter, where readers will find the argument that I plan to defend. That is also where I will spell out the methodology that I plan to use. The fourth chapter considers the legitimacy of minority government with evidence drawn from the nine surveyed minorities. This organization permits me to present my findings in a singular location and allows for a detailed discussion. The five chapters that follow then assess the effectiveness of the nine minority governments that have governed Canada since 1945. This means that not every minority government receives its own chapter. Where appropriate, I will instead combine minority governments to tighten the narrative, but also to draw out larger lessons. The rationale behind this choice will become clear when readers turn to the fifth chapter, which discusses the four minorities that governed Canada between 1957 and 1968 notwithstanding the impressive (at least from a numerical perspective) Tory majority under the leadership of Diefenbaker. Subject to the conditions of Canada’s emerging third party system, we will see that these minorities rose and fell according to their legislative productivity in the field of social policy. Similar comments also apply to the Trudeau minority and the Clark minority, which I have combined in the fifth chapter, because they were mirror opposites of each other. The three chapters that follow then address the Liberal minority under Martin and the two consecutive Conservative minorities under Harper. While it might have been appropriate to combine this particular trio of minority governments as well, each receives a separate chapter because of their uniqueness. The Martin minority marks the ‘return’ of minority government after some twenty-five years of majority government. As such, it signals a transition in the nature of Canadian politics, subsequently confirmed through the election of the first Harper minority, the first of its kind following the formation of Canada’s new Conservative party. Finally, Canada’s worst constitutional crisis since 1926 defined the start and end of the second Harper minority. Accordingly, it deserves a detailed treatment. A concluding
chapter summarizes major findings, identifies additional paths of research and offers final comments.
CHAPTER 2 LITERATURE REVIEW

2.1 Opening

This chapter reviews the literature that concerns itself with the (i) effectiveness and (ii) legitimacy of federal minority governments in Canada since 1945. It advances two major arguments. First, scholars currently lack a definitive method with which they can accurately measure the effectiveness of federal minority government without inviting charges of bias. Second, the literature reveals that scholars find themselves increasingly divided over the legitimacy of minority government. Three major sub-sections follow these introductory remarks. The first surveys the quantitative and qualitative scholarship that concerns itself with the effectiveness of minority government. The second turns towards the scholarship that has sought to clarify the legitimacy of minority governments. The third offers concluding comments. Two provisos accompany what appears below. First, some of scholars address legitimacy and effectiveness within the same contribution. Accordingly, they will appear across separate sub-sections. Second, this chapter cannot guarantee to be complete in its coverage. It however aims for comprehensiveness in citing as many appropriate sources as is practical. What follows next considers the methodological challenges that confront scholars who study the effectiveness of minority governments.

2.2 Measuring Effectiveness: Methodological Traps Everywhere

Scholars currently lack a definitive method with which they can accurately measure the effectiveness of federal minority governments without inviting charges of bias. Even during times of prosperity, peace and political liberty, citizens frequently disagree about the quality of governance. Additionally, scholars who study the effectiveness of minority government also confront a public bias in favour of majority government. Drummed into the population by the public education system and the press, this “public catechism” reduces the complexities of responsible government to a black-and-white view of politics that pits a singular governing party against a singular

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133 Russell, Two Cheers for Minority Government, 162-171.
opposition party ready to take charge should the former falter in the execution of its duties. While not inaccurate, this simplistic perspective nonetheless prevails among Canadians, according to two recent surveys published almost simultaneously in the fall of 2010. Both polls, one published by Nanos Research, the other by Public Policy Forum (PPF), asked Canadians to assess the effectiveness of their parliamentary institutions and judge the quality of democratic governance after what had been more than six years of uninterrupted minority rule dating back to the summer of 2004 following the election of the Liberal Martin minority, the first in almost twenty-five years. Published on the eve of the current Conservative majority elected in 2011, both polls suggest that Canadians question the effectiveness of minority government, even as they might appreciate its possibilities, such as improved representation.

Let us first consider the findings that may comfort supporters of minority government. Fifty-six percent of Canadians surveyed by PPF agreed that the minority governments of the era had effectively addressed the short-term needs and interests of Canada. Forty-eight per cent of respondents also agreed with the statement “minority governments consider and represent the views of more Canadians than majority governments.” But if a clear majority of surveyed Canadians felt that the minority governments of the era had effectively dealt with pressing policy issues, sixty-three per cent of Canadians surveyed also agreed with the statement that “Canada’s long-term needs and interests had been neglected by the current period of minority governments.” Accordingly, only twenty-two per cent of those surveyed preferred that minority governments should govern Canada. Alternatively, a strong plurality (forty per cent) favoured majority government. The remaining respondents either admitted they were uninformed (five per cent), indifferent (eleven percent) or liable to change their position if the circumstances made it necessary. Canadians, according to PPF, also divided over

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137 Nanos, “Canadians tuned out and turned-off with the House of Commons,” 1.
whether minority governments had been effective (forty-eight per cent) or ineffective (forty-four per cent) in representing the views of Canadians. Canadians, in short, might like minority governments in theory, but not necessarily in practice. The Nanos poll revealed comparable findings. It found that forty-four per cent of Canadians were dissatisfied with the effectiveness of the House of Commons at the time of the poll with only 10.1 per cent expressing genuine satisfaction. The rest either admit to being unsure (twenty per cent) or ambivalent (25.3 per cent). So Canadians see some advantages to minority government, but most would prefer a majority government because it appears to be more effective, at least in their minds. PPF also picked up on this perception. Fifty-six per cent surveyed disagreed with the statement that “minority governments pass more legislation than majority government.” The available data however does not support this perception, as we will see.

The findings furnished by these two surveys also reveal a serious flaw that speaks to the central point of this section. Neither survey defines the nature of effective (or ineffective) governance. This failure strikes me as a serious concern because surveys of this sort may sway the democratic choices of citizens and the larger political discourse. The seminal literature on the subject of parliamentary governance has already falsely framed minority government as a sickly creature, incapable of great accomplishment and careless surveys of this sort only perpetuate this perception. The most recent run of Canadian minority governments from 2004 to 2011 has not exactly rewarded the institution with favorable publicity. But this prevailing perception, which in the words of the Globe and Mail sees minority governments “as fragile constructs, capable of providing a short-time bridge between majorities, but otherwise untrustworthy as governing instruments,” does not necessarily qualify as convincing evidence. Critics of minority government might at this stage counter with the comment that federal minority governments will find it very difficult to be effective because they tend to be unstable, particularly if they are managed poorly. This view is not without substance. Constantly subject to the conventions of responsible government, minority governments must seduce

140 Ibid., 4-7.
141 Nanos, “Canadians tuned out and turned-off with the House of Commons,” 2.
142 Public Policy Forum, Parliamentary Effectiveness, 6.
at least parts of the parliamentary opposition into supporting their proposed policies. Naturally, this requirement raises the likelihood that the opposition either extracts significant concessions from the governing cabinet or terminates its tenure by bringing it down entirely, when an opportune occasion presents itself. And if we accept the premise that legislative survival is an indispensible condition of effective democratic governance, we might therefore conclude that minority governments might not be very effective in terms of political stability and overall performance. But it would be a mistake to draw a direct connection between effective governance and stable governance. Majority governments may manage to stay in office for a long period of time without accumulating any major achievements, whereas minority governments might be quite effective, provided we can agree on a definition, a difficult task that has vexed the scholarship. Effectiveness in this case might simply mean converting a minority into a majority. Conscious of this challenge, scholars employ both quantitative and qualitative methods to analyze the effectiveness of minority governments. Neither approach however is fully

144 Nearly ninety per cent of Canadian CEOs surveyed told Compas in 2009 said they would prefer majority government. One even said that a “five-party system belongs in Italy, not in Canada.” What accounts for this preference? When asked about to choose between a majority government under Harper or a minority-coalition under Ignatieff, almost seven out of 10 thought a Harper majority would foster the best conditions for economic growth. Matthew McClearn, “Bringing down the House?” Canadian Business 82, no. 17 (2009): 26. This perception also prevailed in the United Kingdom on the eve of the election that eventually produced the current Conservative-Liberal Democrat coalition in May 2010. Many prominent members of the corporate elite expressed deep concern that the possibility of a ‘hung parliament’ would leave the United Kingdom with an unstable, a condition that would quickly threaten the country’s credit rating and its ability to deal with its fiscal woes. Much of this commentary viewed the up-coming election through the prism of the inconclusive parliamentary elections in 1974 that produced a Labour minority under Wilson. Fearful that history might repeat itself, prominent Conservatives argued that the absence of a clear winner in the general election “could trigger a similar situation to 1974 when the government was eventually forced to go to the International Monetary Fund for a loan, a major embarrassment for what was once the global centre of finance and economic activity. Specifically, Rogers cites a survey of “experts and business leaders,” which claims that 77 per cent of those surveyed “thought a hung Parliament could lead to a downgrading of the UK’s sovereign credit rating.” Other key issues facing the United Kingdom at the time include a massive debt and lack of economic competitiveness. Ultimately, Rogers rejects that the current government will not be able to demands of the market with key from the public. Chris Rogers, “Economic Consequences of a Hung Parliament: Lessons from February 1974,” The Political Quarterly 81, no. 4 (2010): 503-504, 508.

145 Denzin and Lincoln define qualitative research as “a situated activity that locates the observer in the world. It consists of a set of interpretive, material practices that make the world visible.” According Denzin and Lincoln, these practices transform the world and turn it into a “series of representations, including field notes, interviews, conversations, photographs, recordings, and memos to the self. At this level, qualitative research involves an interpretive, naturalistic approach to the world. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring to them.” Norman K. Denzin and Yvonne S. Lincoln, “Introduction: the discipline and practice of qualitative research,” The Sage Handbook of Qualitative Research ed. Norma K Denzin and Yvonne S. Lincoln (Thousand Oaks, CA: Sage, 2005), 3.
appropriate. What follows next highlights some of the key contributions from either methodological school, starting with the quantitative approach.

Several scholars see minority government through an economic lens, sometimes with surprising results. It is certainly not surprising to hear that many scholars fear the fiscal effects of minority government. Edin and Ohlsson\(^{146}\) speak for this school when they charge that coalition or minority governments often lack the courage to make difficult financial decisions.\(^{147}\) One prominent Canadian proponent of this perspective is none other than former Saskatchewan finance minister Janice MacKinnon, who describes minority governments as “big spenders,”\(^{148}\) who often try to ‘buy’ their way towards a majority government with generous social programs, an argument that enjoys some but not universal empirical support. According to this argument, minority government undermines the economic benefits of the Westminster system. Unlike consensus-oriented systems, the Westminster system offers at least two advantages. First, it is simple. Effective control of the public purse is possible with nothing more than a parliamentary majority. And since the Westminster system has historically produced single-party government, the executive centred on the prime minister is capable of making difficult decisions without consulting other players, as it is the case in non-majoritarian systems, which often feature less-than-transparent deal-making, as Whyte and Irvine argue.\(^{149}\) Second, Westminster ensures accountability in the following ways. It firmly places the power of policy making in a few hands. This allows Westminster to avoid the ambiguity of other systems, which allocate power across multiple actors in ways that more often than not produce “weak and incomplete – or even incoherent – legislative programs” in the words of White and Irvine.\(^{150}\) This concentration of power ultimately means voters know full well whom they may reward or punish for the current state of public finances. Westminster also ensures accountability through its first-past-the-post (FPTP) electoral


\(^{150}\) Ibid.
system, because it disproportionately rewards or punishes the political behavior of the ruling party and its leader. The third avenue of accountability is the adversarial nature of Westminster itself. These factors ultimately discourage Westminster governments from running up public debts, a finding supported by other scholars, albeit far from conclusively.

Minority governments, on the hand, complicate governance and muddle accountability. Evidence that supports the presumed virtues of majority government comes from the era of Liberal Prime Minister Jean Chrétien, a period of sustained majority government between 1993 and 2003. According to Whitaker, the “most outstanding achievement of the Chrétien government” consists of reviving the Canadian economy and restoring fiscal balance. When Chrétien assumed office, various prominent voices including the Wall Street Journal had declared Canada a fiscal basket case. Ten years later, Chrétien could take credit for leading the strongest G-8 economy, with Canada topping many measures of economic performance, no thanks in small part to the strong performance of the U.S. economy during the 1990s. While Chrétien’s former finance minister and long-time leadership rival Paul Martin receives much of the credit for this transformation, it nonetheless underscores the narrative that majority governments can be free to make difficult decisions. Yes, this deficit-cutting agenda benefited from several conditions. They include among others the intellectual climate of the era and local conditions. The rise of the Reform Party on one hand and the national irrelevance of the New Democrats and the separatist Bloc Québécois on the other gave the Liberals ideological cover for their cuts. Without departing into the domain of speculation, it would not be difficult to image several different outcomes if the fate of the Chrétien government had dependent on the NDP. Governing with a majority was difficult enough for the Chrétien Grits as Greenspon and Wilson-Smith show in their analysis of the Liberal austerity measures. As they show quite clearly, Martin faced considerable opposition from his own cabinet colleagues. Other scholars however have questions

this narrative, arguing that weak or unstable governments might actually help contain spending.\textsuperscript{154}

Applying game theory to a legislature with three parties acting under full information, Pech finds no systematic differences in spending between majority and minority government.\textsuperscript{155} So political instability, an attribute often assigned to minority governments, does not necessarily lead to inferior fiscal policies, just as majority government does not necessarily improve fiscal performance, as evident by the Mulroney Tories, who preached neo-liberal water, but drank Keynesian wine. This countervailing perspective proposes that large majorities actually lack the necessary incentives for fiscal discipline because they are more likely to face weaker parliamentary opponents than otherwise.\textsuperscript{156} This argument rests primarily (but not exclusively) on research that finds a relationship between lower government spending and periods of minority government, as articulated by Ferris, Winer and Grofman. They start from the premise that the Westminster system has played an important role in stabilizing the public finances of Canada as measured by its public-debt-to-GDP-ratio.\textsuperscript{157} Conscious of this institutional context, the authors then set out to test their claims about the fiscal effectiveness of the Westminster system against economic, institutional and political conditions that may comprise fiscal stability: (i) Keynesian demands for counter-cyclical measures during recessionary periods, (ii) technocratic interference from non-elected central bank heads, and (iii) minority government.\textsuperscript{158} The authors eventually conclude that Keynesianism “does not seem to have sapped the will of Canadian politicians to balance budgets over the decades.” As for the effects of a strong, independent central bank, the authors argue

\begin{itemize}
\item \textsuperscript{155} Pech actually concludes that minority governments can be effective tools in cutting expenditures if certain conditions are meet. They include among others the presence of a strong party leader during the formation process. Gerald Pech, “Coalition governments versus Minority Governments: Bargaining Power, Cohesion and Budgeting Outcomes” \textit{Public Choice} 121, no. 1-2 (2004): 1-24. For more on Pech’s argument that minority governments can make difficult situations, see Christoffer Green-Pedersen, “Minority Governments and Party Politics: The Political and Institutional Background to the ‘Danish Miracle,’” \textit{Journal of Public Policy} 21, no. 1 (2001): 53-70.
\item \textsuperscript{158} Ibid., 214-224.
\end{itemize}
that its virtues such as long-run thinking, bureaucratic expertise and resistance to immediate political pressures “more or less cancel” its vices.

Turning to the third condition, the authors argue that minority government “actually leads to more fiscal discipline as parties jockey for position in the upcoming election.” Specifically, the authors argue periods of minority government raise the level of political competition, as political players position themselves as guardians of the public purse. Specifically, they argue that periods of minority government are periods of political competition during which parties are more likely to highlight their fiscal management skills. Alternatively, they theorize that the absence of political competition (as it would be the likely case during a stable majority government) would enhance the ability of special interests and political agents to extract rent and increase the size of government. But the authors caution that this relationship is not necessarily significant. Accordingly, Ferris, Winer and Grofman conclude that their findings about the fiscal effects of minority governments also lack robustness. In fact, the authors hesitate to draw any sort of link between responsible government as currently practised in Canada and “sensible” budget outcomes in the more common sense meaning of the term. The authors thus throw cold water on the transferability of their findings. Instead of attempting to argue that data from a single country makes the general case for some particular factor or set of factors responsible for relative public-debt-to-GDP-ratio stability in all political regimes, the authors “wish instead to conclude simply by pointing out that Canada is the white Keynesian swan that contradicts the claim that all Keynesian swans are black.”

The implications of these insights are clear. It may be very difficult to determine the effectiveness of federal minority governments by economic measures, no matter how sophisticated they might appear. The economic evidence for or against minority government appears to be mixed at best and the literature suggests that it may be difficult to isolate the specific institutional effects of minority government from those of other institutions that will ultimately influence economic performance.

Conley offers a different approach by quantifying the legislative productivity of majority and minority governments in Canada from 1953 through 2009. Specifically, he considers three quantitative indicators of parliamentary activity: (i) government success

159 Ibid., 237-239.
rates, defined as the ratio of government bills introduced and passed; (ii) overall legislative productivity, defined as the number of bills passed per days in session; and (iii) the number of bills receiving royal assent. Briefly, Conley finds that the majority governments enjoy more success in passing bills than minority governments. Specifically, he notes that almost eight out of ten bills proposed by majority governments – 79 per cent to be exact – receive royal assent. For minority government, this success rate is 62 per cent with far greater statistical variations. This difference however lacks statistical significance. 160 Other findings also come with caveats. While majority governments are more productive than minority governments according to several measures such as bills passed per session and bills passed across the surveyed time-period (1953-2009), minority governments generally sit far fewer days than majority governments – 125 compared to 181 days for majority government. One session surveyed – the 1st session of the 40th Parliament – lasted 13 days and produced zero bills. 161 This quantitative approach appears to offers several advantages. First, it has a record of usage. Second, it tests the ability of a minority government to navigate its legislative agenda through the parliamentary sluices. While any federal government does not always get what it wants in terms of policy, 162 the undeniable mathematics of minority government make it more difficult to control the legislative agenda and bargaining, which depends on a numbers of factors such as the composition of the opposition and ideological space. 163 The passage of legislation therefore becomes a measure of effectiveness.

Conley’s study is commendable for three reasons. First, it expands the relatively slim scholarship that has systemically surveyed the legislative records of Canadian

161 According to Conley, majority governments pass 52 bills per session, while minority pass 29. This difference reflects a statistically significant difference between majority and minority governments in terms of their day-to-day productivity. While the average minority government passes a bill every four sitting days of a session, the average majority government passes one every 3.5 days. Overall, minority governments between 1953 and 2009 passed only 44 per cent as many bills as majority governments during the same period. Ibid., 426.
163 For minority governments, bargaining power approaches maximum when (i) a larger number of possible coalitions that satisfy their legislative demands exists, (ii) membership in these coalitions spread across a large number of opposition parties, and (iii) these parties ‘occupy’ comparable policy space. Agenda control refers to the government’s ability to choose the timing, framing and coupling of issues. Additional comments will appear in later chapters. Strom, Minority Government and Majority Rule, 109-110.
minority governments. 164 Other notable contributions to this literature include Godbout and Høyland’s study of legislative coalitions during the last trio of minority governments 165 and Thomas’ study of the 38th Parliament. 166 Second, Conley allows us to compare and contrast minority governments with majority governments across a significant span of time. This approach offers two advantages: (i) it provides an opportunity to test the often-heard thesis that majority governments are inherently superior to minority governments, if only by virtue of being more productive; and (ii) it contextualizes legislative activity across several decades. So Conley challenges us to consider the overall productivity of Canada’s parliament in raising larger questions about the institutional quality of Canadian governance. Finally, Conley’s research responds directly to a British study titled Making Minority Government Work that appeared not long before the 2010 elections that culminated in the coalition that currently governs the United Kingdom. Specifically, the study said, “there does seem to be a fairly broad consensus that (Canadian) minority government has not worked well since 2004.” 167 However the author fails to supply any significant support for this statement, something Conley tries to remedy by measuring the legislative productivity of minority and majority governments across parliamentary sessions. Specifically, he divides the number of government bills introduced and passed by the number of days in each session, an approach that draws on previous studies. Overall, he concludes that minority governments “are slightly less successful than their majority counterparts” because they need more time to develop legislation acceptable to opposition parties. Productivity therefore suffers, or least that this implication. But he also warns against overstating the alleged institutional dysfunction associated with minority governments. They are not doomed to fail, noting that the two Liberal minorities under Prime Minister Lester

Pearson were far more successful and more productive than the most recent minority governments under Martin and Harper, and equal if not better when compared to some majority governments. Simply put, nothing guarantees that majority governments will produce a large body of laws. At the same time, nothing condemns minority governments to be mere caretakers, incapable of producing legislation.

Conley’s measure of effectiveness suffers from a major problem however. It concerns his unit of measurement – the number of government bills passed during the course of a parliamentary session. As Conley concedes himself, his approach ‘weighs’ each bill equally. In other words, we cannot discern the ‘significance’ of legislation. “Unfortunately, the contemporary literature does not offer any accepted method or schema to weight the relative importance of bills passed by the Canadian Parliament,” he notes. Government bills however come ‘close’ to approximating some measure of importance. Even so, Conley cannot escape the central challenge that confronts the scholarship of minority governments: scholars cannot objectively assess the legislative accomplishments of minority governments without inviting charges of bias. While certain quarters frequently praise the Pearson minorities for producing a long and arguably impressive list of social legislation, others might equally fault this era for charting a financially unsustainable course. Disagreements of this sort can and likely will quickly descend into a pointless exchange of partisan volleys. However Conley highlights the importance of context. In describing the declining productivity of all Canadian parliaments, minority and otherwise, Conley draws a distinct link between legislative accomplishments and partisan acrimony, with the former dropping as the latter has risen.168 So Conley encourages us to keep an eye on the larger sociological forces that influence institutional outcomes, a point also made by other scholars in the field such as Godbout and Høyland, who find that federal fissures created some unlikely legislative coalitions during the past three minority governments.

A comparable study comes from Gervais. He, like Conley, urges us to consider the larger context in assessing the effectiveness of minority governments.169 This said, his

169 Particularly, he notes that it is difficult to isolate the “specific motivations, considerations, and determinations of political actors and political parties that lead to successful political action… Indeed, there are many interrelated and complex factors that bear on this issue. For example, the very meaningful
approach resembles Conley’s quantitative analysis. At this stage, it is important to note that Gervais’ study appeared before Conley’s contribution. But if Gervais covers much of the same ground as Conley, Gervais is much more explicit in spelling out the terms of his argument. Drawing on rational choice theory, new institutionalism and party politics, Gervais develops a framework with which scholars can determine the effectiveness of Canadian minority governments by plotting their time in office (duration) against their legislative productive (output) during their respective tenure. Drawing on some of the larger literature on parliamentary government, he notes that effectiveness hinges first and foremost on the ability to maintain the confidence of the House \(^{170}\) through the manipulation of the parliamentary process, down to the committee level. This important (but incomplete) relationship between parliamentary survival and effectiveness ultimately becomes the formula with which Gervais develops a classification scheme that allows him to assign Canadian minority governments into one of four categories (i) high-duration, high-output; (ii) low-duration, high-output; (iii) low-duration, low-output; and (iv) high-duration, low-output. Gervais’ work is commendable in several ways. First, he does not attempt to analyze the merits of minority government vis-à-vis majority government, a potentially fruitless undertaking as Conley suggests. Rather he attempts to compare minority governments with minority governments in judging the institution on its own terms. Gervais, unlike Ferris, Winer and Grofman, does not need to consider the perceived institutional advantages or disadvantages of the Westminster system. Nor does he run the risk (like Conley) of casting his gaze too broadly. While Conley deserves applause for his choice to track the legislative productivity of minority and majority governments for the sake of scholastic completeness, he also invites an inevitable question that actually goes beyond the size and scope of his research. Which form of government is supposedly superior? Ultimately, Conley fails to answer that question in a

\(^{170}\) Of specific interest is the work of the Laver and Schofield, who argue that, “(the) ability of a government to win votes of confidence is…the key to the ability to remain in office.” Michael Laver and Norman Schofield, *Multiparty Government: The Politics of Coalition in Europe* (New York: Oxford University Press, 1990), 66.
satisfactory manner. Gervais does not force himself into giving oblique answers to questions that might have been too difficult to answer in the first place.\footnote{Specifically, he writes: “Our study did not seek to evaluate whether Canada’s minority governments have been good governments, nor did it seek to evaluate whether they have served Canadians well. While these pursuits are relevant and useful, they are matters to be dealt with in other studies.” Ibid., 344.}

Gervais’ assessment succeeds only partially, despite the unquestionable sophistication of his classification scheme.\footnote{Ibid., 343-344.} For one, he only applies it to four minority governments: the first Diefenbaker minority, the first Pearson minority, the Clark minority and the first Harper minority. Second, Gervais wonders himself whether it might be appropriate to link the effectiveness of minority governments with their respective legislative output. A minority government might produce a large body of legislation during a relatively short period in office, whereas another might survive for a long time without producing much legislation, as it was the case during the first Harper minority. “Which government was more successful? Our study did not directly address this question. However, generally speaking, we would argue that legislative achievement is more important than longevity,” Gervais says. Fine, but why? Gervais does not say. If legislative achievement is more important than longevity, then we need a measure with which we can judge this legislative achievement. And as Conley said, we are still looking for a way to judge the significance of legislation. Attempts to quantify the legislative productivity of any minority government as Gervais and Conley also suffer from a deeper flaw. They reveal nothing about its larger purpose. Any minority government pursues at least two goals: maintain its place in office and strengthen it by converting its minority into a majority. To this list, we might also add broader goals as articulated by the minority government itself. And if we assume that the legislative agenda of any minority government is just a means towards these ends, it would therefore be more than appropriate to ask whether it accomplished these larger goals. An exclusive focus on the quantitative achievements of any minority government also ignores the temporal nature of politics. Legislative agendas can quickly become victims of circumstances, held prisoner by unforeseen developments that may or may not be connected to parliamentary realities.
Ultimately, Gervais fails to explain all of the minority governments that he analyzes. The first Harper minority enjoyed a relatively long tenure, but produced little legislation, as noted earlier.\textsuperscript{174} This finding confounds Gervais, whose framework deems legislative achievement to be more important than parliamentary longevity. As already noted, he does not explain why he considers legislative achievements to be more important than parliamentary longevity. As we will see later, parliamentary longevity permitted several minority governments unprecedented political opportunities to diminish their opposition, as the second Harper minority did. It – like its predecessor – failed to produce much in terms of legislation, yet it paved the path towards a majority government. Ironically, Gervais alerts us to the importance of parliamentary longevity in defining it as a necessary condition for effectiveness. Unfortunately, his definition of effectiveness is somewhat faulty. Much to his credit, Gervais openly admits his inability to fit the first Harper minority into his scheme.\textsuperscript{175} This concession however hardens the conclusion that quantitative studies of minority government may be of limited utility. The scholarship that judges the economic effects of minority government is frankly unreliable and legislative studies can paint a general but incomplete picture because they lack reliable means of measuring the significance of legislation. While I will detail the legislative accomplishments of the nine federal minority governments since 1945, legislative productivity will not be the defining measure of effectiveness, because of the methodological concerns discussed above.

These anxieties only worsen when we consider the qualitative assessments of minority government. Consider Forsey’s seminal piece on the perceived “problem”\textsuperscript{176} of minority government. First, let it be said that it offers several important insights about the parliamentary institutions and constitutional conventions that have historically shaped the performance and perception of minority governments in Canada and other Commonwealth countries. Published during the first Pearson minority, Forsey challenges the popular perception that minority governments are aberrations Canadians must avoid under all circumstances unless they wish to suffer the stings of incompetent, if not

\textsuperscript{174} The low productivity of the first Harper minority is not necessarily a drawback in the minds of many, as we will see once consider it in an additional detail. In fact, many Canadians seemed quite pleased with the fact that the Harper Conservatives possessed a limited mandate.

\textsuperscript{175} Ibid., 335.

illegitimate government. Relying largely on research from the British Commonwealth, Forsey finds that the Westminster system has produced far more minority governments than what Canadians have been led to believe by the political class and the media. While would-be critics might question the currency of this commentary, as Cody has, contemporary scholars of minority governments continue to cite it for good reasons: it shines a light into many dark corners of parliamentary history. Forsey also confronts the charge that minority government is “incompetent, weak, indecisive, if not worse.” A government with a clear majority may boldly lead the country in the wrong direction, whereas a minority government may be more cautious.

This commentary however should not lead to the conclusion that Forsey believes that minority government is inherently superior. It merely means minority government is not inherently inferior. Forsey, in other words, cautions us against casting general judgments. Finally, he takes exception to the claim that minority governments are a fleeting phenomenon. Evidence from elsewhere shows that minority governments can survive for some time and Forsey states in no uncertain terms that an election obliges any cabinet, minority or not, to govern on behalf of the public until it loses ability or some imperative issue demands the consent of citizens. Only important pieces of public policy should be reason for another election. And if a minority government cannot cooperate with a recently chosen Parliament, it should resign and make room for another government, if a capable alternative appears available and “no great issue of public policy” tops the public agenda.

Forsey’s account is hardly ambiguous. While he concedes that the “inconveniences” of minority government might be “nerve-racking,” it may also produce better legislation and restore the role of the House of Commons as a place of genuine public debate and discussion. However this perspective, passionate as it might be, suffers from several defects. First, it relies too heavily on examples from elsewhere. Yes, Canada has inherited the Westminster tradition. But it also possesses federal institutions, institutions that inspire interactions unlikely to be found anywhere else. Forsey largely ignores this aspect in his assessment. What might have worked in the

United Kingdom might not be replicable in Canada. Second, and this appears as a related complaint, Forsey fails to discuss the two Diefenbaker minorities in any significant way. Methodological deficiencies within this context include among others the absence of empirical evidence that assesses (even superficially) their respective legislative accomplishments and public attitudes towards the institution itself. In fact, the relative absence of relevant ‘Canadian’ evidence concerning minority government confirms the very condition, which Forsey challenges, when he notes that minority governments are not necessarily unusual.\textsuperscript{179} Finally, and this is perhaps the most important criticism, Forsey fails to round out his discussion of minority governments elsewhere with sufficient details that might brace argument against the inevitable attacks.

However it is also important to acknowledge that Forsey’s piece very much typifies the descriptive approach that has historically shaped the study of Canadian parliamentary politics.\textsuperscript{180} In other words, Forsey personifies a different, perhaps less sophisticated era of political scholarship when seen through contemporary eyes. So it is somewhat disingenuous to criticize Forsey for failing to provide evidence about public attitudes towards the perceived effectiveness of minority government when none might have been available for various reasons. At this stage, it is appropriate to discuss briefly the work of LeDuc, who actually assesses attitudes towards minority government by drawing on National Election Study data from the federal elections of 1965 and 1974.\textsuperscript{181} Both elections ostensibly asked voters whether they preferred the preceding status quo of minority government or not. This probe into the institutional outcomes of partisanship is intriguing, but arguably too narrow. While it supplies readers with some important historical information about the public perceptions of minority governments during the 1960s and early 1970s, it offers perhaps nothing more than a specific snapshot. Whereas Forsey opens his lens as wide as possible, LeDuc narrows it. This varying aperture does not necessarily condemn the findings, which LeDuc furnishes. They continue to appear in the literature and have inspired comparable studies such as the recent contribution from

\textsuperscript{179} This absence of course appears to confirm the claim that Canada has historically avoided minority governments.
Dufresne and Nevitte, who investigate why citizens might support minority government. Among other points, they note that supporters of smaller (or minor) parties might be inclined to favour minority government, because they stand to “reap the legislative dividends that accrue to small political parties under a minority status quo.” This commentary of course implies that minority government can be more ‘effective’ for certain interest groups. Minority government might also benefit supporters of major political parties who believe that their own party will lose an upcoming election on the premise that a minority outcome might be preferable to a legislature controlled by their major political opponent. Readers might note at this stage that some of the qualitative literature concerning Canadian minority governments discussed so far appears somewhat dated. It, along with the rest of the literature concerning minority government, is also cyclical in the sense that much of it appears as a response to a period of minority government. This pattern reveals itself in the voluminous scholarship inspired by the most recent run of minority governments from 2004 through 2011.

Leaving aside numerous contributions found in mass-circulation newspapers and more specific journals covering public affairs such as Policy Options, this apparently unceasing cavalcade of commentaries also includes a notable entry from one of Canada’s most distinguished scholars, Peter H. Russell. In Two Cheers for Minority Government, Russell reflects on the fate of the twelve minority governments that have governed Canada since 1921 through 2008, the year of his book’s publication. Relying on a descriptive approach that resembles Forsey’s, Russell offers an ambivalent but friendly account about the effectiveness of minority government. Russell opens his assessment with the general observation that that these governments have had little in common, aside from their tendency to be unstable. “Each has been shaped by the political dynamics of its time, and each bears the stamp of its prime minister’s personality. Some have accomplished a lot, and some very little,” he says. Yet some fifty pages later, Russell tells his readers that “most minority governments were able to achieve a good deal”.

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183 Ibid., 4.
184 Russell, Two Cheers for Minority Government, 15.
185 Ibid., 63.
despite their inherent instability. So which is it?\textsuperscript{186} Notwithstanding this contradiction, he is confident enough to quantify their overall record. “Only three were duds: Meighen’s very-lame duck government, Diefenbaker’s sullen, second minority, and Clark’s fiasco. The other nine – including the one we are now watching, Stephen Harper’s – all had significant achievements,”\textsuperscript{187} he says. Two obvious points of disagreements come to mind. The first concerns Russell’s intellectual inconsistency. First, he counsels against obvious generalizations, then commits the very same crime. The second major, more serious complaint concerns the methodology of Russell. While he himself might feel confident about his claims concerning the effectiveness of various minority governments, he does not offer the same degree of comfort to his readers, because he does not tell them how he reached his conclusions, likely because he lacks a replicable methodology in reaching his conclusions. This however does not discourage him from carrying on with his overall agenda, endorse (albeit with qualifications) minority government as the preferred form of governance. The very title of Russell’s book reveals as much. In his case, his argument rests not so much on the perceived effectiveness of minority government, but rather on its perceived legitimacy.\textsuperscript{188}

Within this context, it is important to note a recent French-language study of Canadian minority governments by Migneault, who offers no less than nine measures of effectiveness in his study of all minority governments from 1921 through 2008. Most of these are quantitative in nature and many of them will sound familiar. They include among others (i) the number of proposed government bills that receive royal assent and (ii) the time needed to pass legislation during the course of a session. In addition, he also attempts to measure the influence of the parliamentary opposition on the legislative process by quantifying the amount of legislation proposed and modified by the opposition parties and the time it takes for the government to pass its budget. Notably, he also attempts to assess the effectiveness of minority governments by their ability to push through legislative reforms and projects of importance. “Évidement, identifier les projets de loi importants constitue un exercice subjectif. Mais l’idée etant de retenir parmi

\textsuperscript{186} Ibid., 81.
\textsuperscript{187} Ibid., 63.
\textsuperscript{188} There is of course a much larger problem with Russell’s argument. We cannot easily will minority governments into existence, as he notes himself. Ibid., 130.
Recapping this section, I have argued that scholars draw on a wide range of quantitative and qualitative methods to judge the effectiveness of minority governments. But none of these methods promise to provide a complete picture. Qualitative accounts invite charges of political bias, whereas quantitative accounts reduce democratic governance to a number’s game in a manner that might actually be detrimental to the perception of parliamentary politics. Hyson, for example, notes that concerns about the legislative effectiveness of parliamentary government diminishes the role of parliament as a place to talk. “More correctly, it is not just a matter of talking but the ability to exchange ideas in a civilized manner,” he writes. “There is value to be found in the orderly exchange of ideas in the open forum provided by the legislature, as a key stage in the democratic development of public policy.”

In other words, concerns about the legislative effectiveness of minority government might be overblown, if not measuring the wrong thing. Hyson’s comments in turn alerts us to an argument found throughout the literature favourable towards minority government: it supposedly improves parliamentary accountability. But this perceived advantage of minority government in terms of input has faced a long-standing challenge from those who claim that minority government is unstable and therefore illegitimate. Questions about the legal legitimacy have since joined this familiar disagreement and the major section that follows next describes the literature that concerns itself with the legitimacy of minority government. It will argue that scholars are increasingly divided over the legitimacy of minority government, especially if one is prepared to take power without an election.

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189 Migneault, “Les Gouvernements Minoritaires au Parlement Fédéral Canadian,” 66. English translation: “Obviously, identifying important laws constitutes a subjective process. But the idea is to identify those who have had a major impact on Canadian society and governmental institutions.”

2.3 Minority Government: Legitimate, But…

Perhaps the most matter-of-fact statement about the legitimacy of minority government comes from Conley who says that “(minority) governments in Canada, as elsewhere, are legitimate in the Westminster system”\textsuperscript{191} as long as the governing executive with the prime minister as its apex remains ‘responsible’ to the legislative assembly according to the unwritten constitutional conventions of responsible government. Specifically, this convention means that the executive must be able to command a legislative majority in the House. Accordingly, the Prime Minister is the leader of the party, which commands a majority in the House regardless of how many seats that particular party may command in the Commons.\textsuperscript{192} Briefly, a minority government may emerge following parliamentary elections or without an election if the government of the day, likely a minority itself, loses the confidence of the Commons and the governor-general of the day appoints a new executive capable of commanding said confidence. Examples of this process include the brief Tory minority government of Prime Minister Arthur Meighen (1926) and the Liberal-NDP coalition that replaced Ontario’s Progressive Conservative government in 1985. But if Conley clearly articulates the legal legitimacy of minority governments, he is also quick to note that their “functionality, like that of their majority counterparts, is in the eye of the beholder.”\textsuperscript{193} Increasingly, the same applies to their legitimacy, especially after the Coalition Crisis of December 2008, which revealed considerable confusion about the legitimacy of minority government and its institutional next-of-kins. What follows next expands on these points.

Quoting Corry, Reynolds argues that Canada should avoid minority government under all circumstances because it threatens democratic legitimacy by granting influence to destructive special interest groups representing regional or economic interests.\textsuperscript{194} Notably, this argument gained considerable currency during and after the Coalition Crisis of 2008 when several scholars and commentators questioned the legitimacy of the proposed Liberal-NDP coalition on the ground that it would have received support from

\textsuperscript{191} Conley, “Legislative Activity in the House of Commons,” 434.
\textsuperscript{193} Conley, “Legislative Activity in the House of Commons,” 434.
the separatist Bloc Québécois, a point picked up below. Russell, meanwhile, disagrees with Reynolds, when he writes that a minority government would be preferable than its most likely alternative, a ‘false’ majority.\(^{195}\) This argument depends on a typology of governments that may emerge after Canadians have elected a new House of Commons: (i) a “true” majority which grants the winning party a majority of the seats with majority of the popular vote; (ii) a “false” majority which grants the winning party a majority of the seats without a majority of the popular vote; (iii) a formal coalition\(^{196}\) government between the party with the largest number of seats and a junior partner; and (iv) a minority government “formed by a party that lacks a majority in the elected legislature but is able to stay in power by maintaining the confidence of the House of Commons” without entering a formal coalition that includes “members of other parties in the cabinet.”\(^{197}\) Within this context, it is important to mention Geller-Schwartz’s contribution in this area.\(^{198}\) Notably, Russell’s list does not mention two other possibilities witnessed in other parliamentary democracies, namely (i) a “coalition of losers” consisting out of two or more opposition parties that finished behind the largest party but found enough common ground to govern formally with a combined legislative majority; and (ii) a minority coalition government consisting out two or more opposition parties that lack a legislative majority but attract enough support from another party to stay in office.\(^{199}\)


\(^{196}\) Such arrangements are of course common in European parliamentary democracies. But they appear to be rather rare in Canadian politics, where they occupy an “unpopular place” in the political landscape. Bonga, “The Coalition Crisis and Competing Visions of Canadian Democracy.” 9.


\(^{198}\) Specifically, Geller-Schwartz identifies five modes of cooperation among parties: (i) coalition; (ii) a formal pact; (iii) an informal understanding; (iv) *ad hoc* majorities on each issues; and (v) opposition restraint while the governing party act as if it had a majority.

\(^{199}\) These two arrangements are hardly uncommon in continental Europe. Consider these two examples from Germany. In October 1969, *Bundestag* had left the CDU/CSU as the largest party with 46.1 per cent. But Social Democrat Willy Brandt nonetheless assumed the chancellorship after the second-placed SPD (42.7 per cent) formed a governing coalition with the Free Democrats (5.8 per cent). Famously, this change in government initiated West Germany’s rapprochement known as *Ostpolitik* towards the former German Democratic Republic (GDR) and Poland. Also consider the following example from the German state of Baden-Württemberg. It also elected a ‘coalition of losers’ coalition on March 27, 2011, exactly one day after governor-general David Johnston had dropped the writ on the election campaign that eventually culminated in the current Conservative government, a ‘false’ majority according to Russell’s typology. Granted, Canada has had no experience with such arrangements. But these arrangements, which are hardly uncommon in continental Europe, be it on the state or national level, have certainly entered the political conversation in Canada after the Coalition Crisis of 2008. The proposed Liberal-NDP coalition would have governed as a minority coalition government with support form the Bloc Quebecois and Liberal leader Michael Ignatieff had to rule out the possibility of forming a ‘coalition of losers’ with the NDP during the
Surveying the larger span of Canadian politics, Russell identifies a stark shift in the nature of Canadian governance. While ‘true’ majority governments represented the norm between 1867 and 1921, they have since become rare. Only three of the twenty-eight federal elections between 1921 and 2011 produced ‘true’ majorities, as defined by Russell, with the last one dating back to 1984 when the Progressive Conservatives under Brian Mulroney won a majority with just over 50 per cent of the popular vote. The reason for this sharp change is clear, at least according to Russell. Canadians have increasingly turned away from the Liberal-Tory duopoly that has historically dominated federal politics in embracing various political alternatives, some national in ambition, others more regional. While the Canadian electoral system has not always accurately aggregated this shift, it has been significant enough to deny the larger parties “true” majorities. “Indeed, if our Parliaments reflected the political preferences of the people, all but three of the elections that we have had since 1921 would have resulted in minority or coalition governments,” Russell concludes. The thrust of this argument is clear. The institutions of Canadian parliamentary democracy have become increasingly unresponsive to shifting political realities. In fact, Russell makes no secret of the fact that he wishes to turn Canadians against false majorities.

Specifically, he argues that minority government increases the deliberative capacity of Parliament according to the norms of deliberative democratic theory. It refers to the idea that, legitimate lawmaking issues from the public deliberations of citizens, popular sovereignty flowing out of procedure. To be clear, deliberative democracy does not advertise itself as an alternative to representative democracy. Voting and the federal election of 2011. It is however important to note that continental coalitions emerge in far different manners than parliamentary coalitions in Commonwealth countries. Long before citizens get a chance to cast their ballots, would-be coalition partners will have already encouraged or discouraged certain arrangements. Continental minority or coalition government are also likely to face some form of investiture vote, whereas the Westminster system generally does not require coalition or minority government to demonstrate their parliamentary support before assuming executive power. For more, see William M. Downs, Coalition Government, Subnational Style: Multiparty Politics in Europe’s Regional Parliament (Columbus: Ohio State University Press, 1998), Peter James, The German Electoral System (Burlington, VT: Ashgate, 2003).

200 This figures includes electoral data from 1921 and 2006 as found in Russell and the results from the last two federal elections.
201 Russell, Two Cheers for Minority Government, 10-11,13.
consent that springs from it still matters within a deliberative democracy. But it is not the central source of political legitimacy. It instead resides in the principle of accountability, which in the words of Chambers “holds that citizens and officials must be willing to publicly defend and justify their claims and policy preferences” in a way that can be justified to all. Only this condition constitutes a legitimate political order. For his part, Russell believes that minority government comes close to fulfilling this ideal. While the executive with the prime minister at its core still shapes policy true to the tested design of the Westminster system, the Prime Minister’s Office (PMO) does not settle policy during a minority government through the brute strength of numbers. The prime minister of a minority government must defend government policies in the House and be prepared to modify them through parliamentary deliberation. Granted, the policies that emerge from this lengthier process will “deviate somewhat” from the electoral mandate of the governing party, but “they will be more inclusive of the opinion in the country,” Russell says. While Russell makes an undeniably appealing argument, he runs into two problems. First, he fails to consider the possibility that minority government may also be ‘undemocratic.’ While he correctly diagnoses the distorting effects of the Canadian electoral system, he seems to ignore that two of the nine minority governments that have governed Canada since 1945 assumed power after they had won a

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205 As such, deliberative democracy theory builds on the works of Kant, specifically his principle of publicity, which reconciles the requirements of right (justice/general interest) with the requirement of politics (obedience/stability). Drawing on the categorical imperative that “all actions affecting the rights of other human beings are wrong if their maxim is not compatible with their being made public,” Kant argues against sovereigns who refuse to expose their policies to the test of debate on the fear that the public might question the legitimacy of the same. Indeed a sovereign who fears public debate is a sovereign who fears that his actions are not within the general interest. Specifically, he says: “(a maxim) which cannot be publicly acknowledged without thereby inevitably around the resistance of everyone to my plans, can only have stirred up this necessary and general opposition against me because it is itself unjust and thus constitutes a threat to everyone.” Publicity is also a mean by which the state can earn the obedience of its subject, while treating them as free, moral agents. Publicizing the grounds for state actions and subjecting said grounds to the forces of “independent and public thought” in the words of Kant ensures that the state has just reasons for its actions and that its citizens believe that these reasons are just. Simone Chambers, “Discourse and democratic practices,” in The Cambridge Companion to Habermas, ed. Stephen K. Whyte (Cambridge: Cambridge University Press, 1995), 235-236.
208 David E. Smith, The Republican Option in Canada, Past and Present (Toronto: University of Toronto Press, 1999), 11.
209 Russell, Two Cheers for Minority Government, 129.
smaller share of the popular vote than the incumbent party that they had displaced from office. If Russell attacks the undemocratic nature of majority governments because they benefit from a system that disrespects the electoral choices of Canadians, he fails to acknowledge that the distortion can cut both ways, albeit less severely. Second, he overstates the deliberative possibilities of minority government in light of evidence from Dumoulin, who asks whether the House qualifies as a genuine public sphere, a central concept in deliberative democracy theory.

While definitions vary, the concept of a public sphere generally refers to a space, both in the actual and theoretical sense, that permits the public exchange of rational arguments. Specifically, Dumoulin attempts to answer that question by assessing the House along three dimensions: (i) structure; (ii) representation; and (iii) interaction. Briefly, the first dimension, structure, assesses the theoretical, physical and organizational nature of a public sphere. The second dimension, representation, considers who receives access to said space, true to the notion that any public sphere does not exclude any citizens or their views from deliberation. The third, interaction,

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211 Ibid., 5.
212 In developing these criteria, Dumoulin draws on Habermas’ foundational work The Structural Transformation of the Public Sphere. But she also incorporates revised models of the public sphere and research conduct in the context of the British parliamentary system. Ibid., 8.
213 Dumoulin notes that the House is not a single entity, but rather a “hierarchical system” that consists out smaller microspheres. Ibid.,35. Specifically, Dumoulin identifies three such spheres: the Main Chamber of the House, committees and sub-committees. These microspheres, with the Main Chamber at its peak, vary in terms of their communication processes, but interlink in terms of membership. While Dumoulin also identifies three additional microspheres, namely joint committees, Cabinet, and caucus, she excludes them from her study because their membership consists of representatives from both the House of Commons and the Senate. The latter however is not a representative institution. Ibid., 24.
214 The physical component locates the public sphere within a public space. Ibid., 40. Specifically, she notes that the House satisfies conditions of public ownership and access. While certain conditions deny citizens direct access to parts of the House, other features offset these limits. Ibid., 25-29.
215 Dumoulin notes that public sphere theory calls for the presence of various institutional features to ensure that debate occurs in an orderly and productive manner. These features may be tangible such as the design of physical space or intangible, spelling out rules and procedures. Regardless of their form, institutional features shape both behaviour and interaction in the public sphere. Within this context, Dumoulin identifies four such features: (i) seating arrangements within the Main Chamber of the House; (ii) parliamentary standing orders; (iii) the Speaker; and (iv) parliamentary privilege. Surveying each of these items, Dumoulin finds that the seating arrangements can create an adversarial environment. Parliamentary standing orders and the Speaker maintain civility but may also limit the communicative freedom. If so, these limits fade thanks to the fourth feature – parliamentary privilege. It grants parliamentarians communicative rights to ensure their full participation in the proceedings of the House. Ibid., 39-40.
216 Ibid., 42.
217 Ibid.
concerns itself with the use of said space. According to this dimension, a public sphere must satisfy three “deliberative conditions” to be genuinely interactive. The first calls for genuine deliberation based on argument rather than mere assertion. The second concerns the simultaneous presence of discursive inclusion and discursive equality. Discursive inclusion within the context of deliberative democratic theory refers to the diversity of subjects and speakers that may be included during deliberation, while discursive equality refers to equality in terms of access to material and consideration (being heard). The third and final condition insists on “unrestricted and unfettered communication, except in instances when such communication hinders deliberation.” Ultimately, Dumoulin concludes that the House satisfies the first and second aspect, structure and representation, but fails the third, interaction. She reaches this conclusion after she studied the 40th Parliament, the second Harper minority. Specifically, she writes that “(although) some of these failings can be attributed to procedure, the majority are the result of partisan politics” in blaming the latter for the “perversion of the Canadian public sphere.” In fact, she suggests that minority government might actually increase partisan rancor and depress deliberative instincts. “In a minority context, where the governing party requires the support of at least one of the opposition parties to pass legislation, party discipline is used to ensure that party members vote and speak along party lines – thereby curtailing the communicative freedom of Members of Parliament,” she says. The potential significance of this conclusion could not be more explosive. It runs entirely counter to the claim that minority government offers an opportunity for more inclusive, more deliberate, and by extension, more legitimate government. It is however important to note that Dumoulin relies on single sample of minority government to reach her conclusions. The question of whether the second Harper minority represents an exceptional or illustrative case is of course central to my research.

These general concerns about the legitimacy of minority government have only intensified since the Coalition Crisis of December 2008 when Canadians were counting

218 Ibid., 65.  
219 Ibid., 70.  
220 Ibid., 10.  
221 Ibid., 92.  
222 Ibid.  
223 Ibid., 89.
down towards what would have been an unprecedented change of government. Six weeks after national elections had strengthened the mandate of Harper’s minority, the three opposition parties proposed to replace said minority government with another minority government without an election following a vote of non-confidence. The specific instrument of this proposed transition would have been a minority coalition government consisting out of the Liberals and the NDP as the respective senior and junior partners. Like the Conservative minority, this minority coalition would have been short of a parliamentary majority. But unlike the Conservative minority, this coalition could have counted on the temporary but formal support of the Bloc Quebecois through a separate policy accord designed to stabilize this new government-in-waiting, pending support from the governor-general. Public support for this parliamentary non-aggression pact between two federalist parties and a separatist party was weak and its optics offered the Tories an opportunity to discredit the coalition as an illegitimate arrangement that sought to seize power without the democratic consent of Canadians and with the help of ill-intentioned separatists. While “the opposition has every right to defeat the government,” Harper said at the time, “Liberal leader Stephane Dion does not have the right to take power without an election. Canada’s government should be decided by Canadians, not backroom deals. It should be your choice – not theirs.”224 Days earlier, Harper had claimed during a heated parliamentary debate that “the highest principle of Canadian democracy is that if one wants to be prime minister one gets one’s mandate from the Canadian people and not from Quebec separatists.”225 While a majority of Canadians agreed with this argument, several scholars have subsequently accused Harper of misleading the public about the nature of Canada’s parliamentary government. He has also faced charges of exploiting Canada’s unwritten constitutional conventions for partisan gains when he asked Governor-General Michaëlle Jean to prorogue Parliament in effort to avoid said confidence vote after having already delayed it once. Others meanwhile have defended Harper’s handling of the Coalition Crisis in questioning the legitimacy of the proposed coalition.

These disagreements define *Parliamentary Democracy In Crisis*, a collection of essays about the crisis edited by Sossin and Russell. Commissioned during the early stages of the crisis, the collection naturally focuses on the crisis itself, but also features broader comments about the performance and perception of minority government and its institutional relative, coalition government. Following a foreword from former governor-general Adrienne Clarkson, the collection covers five subjects in smaller, self-contained sub-anthologies: (i) the larger causes of the crisis; (ii) the role of the governor-general; (iii) the role of conventions; (iv) the reconcilability of coalition government with parliamentary government; and (v) the tensions within Canadian democratic culture. This division recognizes the related nature of the material. Russell and Sossin also deserve praise for inviting multiple authors to analyze the same subject. This choice ensures diversity of opinions and creates some interesting debates. Franks and Heard for example take opposite sides on the question of whether then-Governor General Michaëlle Jean should have granted the request for prorogation that ultimately saved Harper. According to Franks, Jean considered three variables in her decision to prorogue Parliament: (i) the mood of Parliament; (ii) the unfolding economic situation; and (iii) the viability of the proposed coalition. 226 “They were publicly identified by an informed source as important to the governor general’s decision to accede to the prime minister’s request for prorogation,” says Franks. 227 We may never know in which way the perceived viability of the coalition shaped the decision of the Governor-General. But it was certainly among the topics of discussion when she met with Harper. Franks believes that she had every good reason to consider it. Yes, the proposed coalition was compatible with Canadian constitutional principles, he says. Yes, Harper relied on “half-truths and outright misrepresentations” 228 to undermine the perceived legitimacy of the coalition before meeting the governor-general. But the political realities at the time also suggested that the coalition would not have survived for any extended period of time. “The coalition would almost certainly, as its demise shows, have proven to be weak, unpopular, and not very

227 Ibid.
228 Ibid., 38.
durable government,” Franks says. Note the link between legitimacy and effectiveness in Franks’ account. Governing structures seen as unstable (as the coalition surely would have been, at least in the minds of many powerful institutions including the media) may not deserve our support.

To his credit, Franks observes that the coalition crisis underscored “a profound disconnect” between the opinion of the majority inside of Parliament and the opinion of the majority of Canadians outside of it. Whereas a majority of MPs were preparing to vote the Harper government out of the office according to the conventions of responsible government, the majority of Canadians did not wish Dion to assume power. In other words, the public choices that Canadians had made during the last election on a riding-by-riding basis did not match their governing preferences. Note however also the assumption in Franks’ larger argument against the coalition. Franks, and for matter anybody else, has no way of knowing whether the coalition would have survived for any extended period of time. Franks’ skepticism towards coalition government is nonetheless understandable, if not reasonable, in light of the fact that Canada has had little experience with coalition government on the federal level. Comparable comments also apply to

229 Ibid., 46.
230 Ibid., 40.
231 Writing in 1999, Smith argues that the genius of responsible government lies in its sensitivity to public opinion. The fact that the system of responsible government “is not rule-bound” gives political actors remarkable scope to respond to public opinion, she says. Smith, “Responsible Government and Democracy,” 40.
232 McMenemy identifies the “Great Coalition” (also known as the “Canadian Coalition”) as Canada’s only formal coalition. John McMenemy, ed., The Language of Canadian Politics: A Guide to Important Concepts and Terms 4th ed. (Waterloo: Wilfred Laurier University Press, 2006), 59. He also acknowledges Borden’s Union Government that governed Canada from 1917 through 1921. LeDuc meanwhile does not recognize the “Canadian Coalition” as a formal coalition. The “Canadian Coalition” of course dates back to the days leading up to Confederation. As such, its contemporary relevance appears limited. Muir however is not so sure in suggesting that that coalition was consistent with the political arrangements of the era. Particularly, he notes that coalition governments were more or less the norm during the period that stretches from 1841 through 1864. Looking at the proposed Liberal-NDP coalition of 2008 through this historical prism, Muir finds several similarities. They include its ideological diversity and opportunistic emergence. Particularly, he notes that the “(Grand Coalition) was made up of political opponents who did not campaign in any election on the basis of the suggestion that such a coalition was a possibility.” Unfortunately, this history was lost on the Canadian public during the Coalition Crisis of 2008 with potential consequences for its outcome. “Failing to consider the Great Coalition of 1864 and the other coalitions between 1841 and 1867 helped to paint the 2008 coalition as illegal, illegitimate, and unprecedented, rather than as a minor replica of the coalition that helped to create modern Canada in the first place,” Muir says. James Muir, “Canada’s Neglected Tradition of Coalition Government,” Constitutional Forum 18, no. 1 (2009): 33-36.
prevalence of coalitions on the provincial level. According to LeDuc, much of this history reflects the British political traditions, which have conditioned Canadians to think of Parliament in terms of ‘government’ and ‘opposition’ rather than a reflection of different parties and interests. This said, Franks’ speculative argument about the viability of the coalition is predicated on its eventual demise following prorogation, an event that actually accelerated its collapse, according to Heard, who accuses of Jean of interference in the political process. “Far from justifying the wisdom of her decision by illustrating the fragility of the proposed coalition, the subsequent resignation of Stephané Dion and the hurried election of a new Liberal leader (Michael Ignatieff who had opposed the coalition) are part of a substantially new chain of events caused by her intervention,” says Heard. He acknowledges, albeit obliquely, that Jean might have saved Canada from a divisive constitutional crisis, potentially far worse than the King-Byng Crisis of 1926, at least in the mind of Franks. But Jean’s decision may prove to be fatally shortsighted. “Without any substantial challenge to this precedent, future prime ministers can claim that they are entitled to suspend Parliament at any time, for any reason,” says Heard. The contrast between these two positions could not be starker. While Franks praises Jean for tossing the “government’s fate back into the hands of the politicians, where it belonged,” Heard writes that Jean’s “decision to suspend Parliament...amounted to a serious intervention in the political process that stymied our elected representatives’ ability to resolve the crisis.” Crackling exchanges of this kind endorse this far-ranging collection.

233 Muir identifies two coalition governments on the provincial level: the NDP-Liberal coalition that governed Ontario from 1985 to 1987 and the NDP-Liberal coalition that governed Saskatchewan from 1999 to 2003. Ibid., 33. At this point, it is important to note that these coalitions might also be described as legislative alliances.


236 Ibid., 60.

237 Franks, “To Prorogue or Not Prorogue,” 46.

238 Heard, “The Governor General’s Suspension of Parliament: Duty Done Or Perilous Precedent?” 60.

239 Franks, “To Prorogue or Not Prorogue,” 45.


241 Consider the contribution from Leclair and Gaudreault-DesBien, who contemplate the “ambiguous nature of the governor-general. Among other offerings, they observe that the office of the governor-general lacks “elective legitimacy.” The authors eventually conclude their critique of the office with calls for a
As we might expect, several selections feature dire warnings about the future trajectory of Canadian parliamentary democracy in the aftermath of the Coalition Crisis. LeDuc, for example, laments the abandoned coalition proposal as a lost opportunity to improve the legitimacy of democratic governance. This argument starts from the premise that the very process of democratic governance revolves around building coalitions, be it between groups, regions, interests or any other components that make up a modern, complex, democratic society. Sometimes parties themselves are coalitions. \(^\text{242}\) Surveying democratic systems in other parts of the world, LeDuc suggests that formal coalitions would more accurately aggregate political preferences in challenging the commonly heard claim that Canadians did not ‘elect’ the coalition. He also challenges the claim that the coalition lacked legitimacy because it was due to receive implicit support from Quebec separatists. “To argue that a coalition government is somewhat illegitimate, or that members of certain parties in Parliament should have no voice in its formation or survival, is simply to deny the reality of our current politics, or even to subvert the fundamental principles of parliamentary democracy,” \(^\text{243}\) he says. Yes, but it is also clear that the Bloc was and continues to pursue a separatist agenda. Seen against this background, most Canadians might have at least one good reason to question the legitimacy of a coalition government whose survival depended on the good graces of a party ostensibly committed to breaking up the country. However the Coalition Crisis of 2008 was not necessarily the first time that federalist parties had made common cause with the Bloc. This point will become clear when we turn to the Liberal minority under Paul Martin.

\(^{242}\) LeDuc, “Coalition Government,” 123.
\(^{243}\) Ibid., 133.
LeDuc also draws a link between parliamentary legitimacy and legislative effectiveness, when he argues that coalition government “would be better able to govern in the interest of all Canadians than a minority government that spends most of its time and energies developing electoral strategies in pursuit of a majority in yet another election.”\(^{(244)}\) For his part, LeDuc argues that the coalition would have been more stable than a minority government that “lurches from one parliamentary crisis to another, sometimes precipitating such crises itself in the hope of engineering its own defeat.”\(^{(245)}\) May be, may be not. Some minority governments have been quite stable and LeDuc’s suggestion that the coalition would have been more stable is frankly speculative. Naturally, it also goes without saying that LeDuc’s argument appears to be somewhat naïve, if not unaware of the internal frictions that frequently roil formal coalitions in continental Europe and in corners of the world familiar with the Westminster system. That said, the coalition government that has governed the United Kingdom\(^{(246)}\) since 2010 following inconclusive elections has not only challenged\(^{(247)}\) historical preferences,\(^{(248)}\) but also exceeded expectations according to the available literature.\(^{(249)}\)

Of course, this evidence from the United Kingdom does not mean that the Liberal-NDP coalition would have worked in Canada. But it certainly weakens the argument that coalitions are the devil’s work. White, meanwhile, strikes a more cautious note in his post-mortem of the coalition proposal. The coalition, he says, would have neither solved all of the “pressing problems” that currently confront Canada nor transformed the House of Commons into some “ideal representative body.”\(^{(250)}\) It might have been a major disappointment, if not a catastrophe. But he nonetheless proposes that the coalition could have set a precedent that might have pushed Canadian parliamentary democracy in a different direction. “The very existence of a coalition would have

\(^{(244)}\)Ibid.
\(^{(245)}\)Ibid.
demonstrated that we don’t have to accept the way things are in Parliament, that it is possible to bring about change to make Parliament more of the democratic, representative institution Canadians deserve,” he says. Of course, we will never know whether White underestimates the unwillingness of Canadians to accept a relatively untested form of government on the leading edge of a major economic emergency, because the coalition imploded for the very same reason that it inspired its initial emergence: Liberal incompetence in all matters of political messaging. Franks specifically refers to Dion’s general inability to engage with Canadian voters, a genuine concern if ever one existed.

And yet, despite these obvious sympathies towards the proposed coalition, the anthology concludes with an account from Cameron who argues that the “system ultimately worked” in holding Harper accountable. Yes, Harper demonstrated an almost inexhaustible desire to stay in office, Cameron says. Yes, Harper initially evaded the “core requirement of responsible government, namely, accountability to the House of Commons” by proroguing Parliament. But this expedient evasion proved to be temporary. “Ultimately, he was forced to bend to the will of the House,” says Cameron, who almost confesses to feeling sorry for what Harper had to endure. After all, the controversy forced Harper to postpone plans to rig the financial rules of Canadian politics in his favour and acknowledge the role of the state in the “boardrooms of the nation.” Cameron also highlights another ‘beneficial’ consequence of the crisis, the requirement of regular parliamentary accountability sessions during which the Harper minority had to defend the “effectiveness” of the fiscal stimulus package that it had to accept after Parliament had resumed sitting. Put plainly, the coalition crisis confirmed the

251  Ibid.
252  Franks, “To Prorogue or Not Prorogue,” 41. This trait, evident throughout Dion’s term as Leader of the Official Opposition, would come to haunt him during the fateful days in late November and early December of 2008 when he failed a clear rationale for the coalition, perhaps no more so than during his infamous video-tape appearance on December 3, 2008. Michael Valpy, “The Crisis,” in Parliamentary Democracy in Crisis, ed. Peter H. Russell and Lorne Sossin (Toronto: University Press of Toronto, 2009), 15.
254  Ibid., 192.
255  Ibid., 193.
256  Ibid., 194.
257  Ibid.
strength of parliamentary government – at least in the mind of Cameron, whose argument twists in all sorts of direction. It implicitly endorses a ‘traditional’ form of minority government in which one party governs without a majority of legislative seats, but questions an arrangement that would have seen two parties govern without a majority. This interpretation of the confidence convention, regardless of its specific context, strikes me as questionable. The confidence convention insists that the executive must maintain the confidence of the House, period. To press the point, the confidence convention does not come with any fine print that endorses or condemns any possible arrangement that allows the executive to satisfy its essence.258

But Cameron’s contribution is nonetheless revealing because it encapsulates the confusion within this anthology and the larger literature itself. Consider Flanagan. He goes through great lengths to assure his readers that he is not against a future minority government taking power without an election. Yet he vehemently opposes the proposed Liberal-NDP coalition that was preparing for this very prospect in 2008.259 This sort of selectiveness is precisely the problem. Even though the coalition would have been legitimate according to unwritten constitutional conventions that lie at the heart of responsible government, a point even conceded by critics of the coalition such as Franks, these very sources of legitimacy are apparently subject to convenient and arbitrary interpretations, if not suspensions. That is the main point that Aucoin, Jarvis and Turnbull make in Democratizing the Constitution: Reforming Responsible Government. Starting with a historical survey of responsible government on Canadian soil before and after Confederation, the authors eventually argue that minority government in its contemporary form “is inherently incapable of providing for effective parliamentary government260 because the current constitutional conventions at the core of responsible government, prorogation, dissolution and confidence, 261 have failed to constrain executive control. 262 Entirely political rather than legally binding in nature, constitutional conventions263 reflect the British preference for an evolutionary, organic form of politics

258 Smith, “Responsible Government and Democracy,” 40.
260 Aucoin, Jarvis and Turnbull, Democratizing the Constitution, 198.
261 Ibid., 75.
262 Ibid., 57.
263 Ibid., 76.
operating on the assumption that the political class would not only be familiar with the same but also respect their spirit by acting in good faith. But this necessary obligation requires first and foremost a level of consensus within the political community about the presence (or absence) of certain conventions and their respective requirements. Unfortunately, the consensus concerning the conventions of responsible government continues to crumble, if it has not already.264

This uncertainty, with its detrimental consequences for the overall legitimacy of parliamentary government, has accordingly offered prime ministers several opportunities to ignore the conventions of responsible government or interpret them to their partisan advantage, thereby changing its practice and more fundamentally, the balance of power between the governing executive and the legislature.265 Consider the confidence convention. It should instill fear in the heads of minority governments.266 Yet the recent run of minority governments in Canada has only revealed considerable confusion about the application and enforcement of the confidence convention.267 The leaders of recent minority governments including but not exclusively Harper have used the convention as a ploy for political brinksmanship, keeping the House of Commons in a state of permanent electioneering. Of course, games of this sort also require the participation of the parliamentary opposition. But that is not really the point.

Brinkmanship interrupts the primary responsibilities of parliamentarians, namely to legislate and hold the government accountable through the parliamentary institutions. Worse, it discredits the parliamentary process by creating the intended impression of dysfunction. And if the primary forum of political accountability appears to have succumbed to the perceived sins of partisanship and political rancor, it is the incumbent government that largely benefits from this institutional malaise, a lesson that Harper has apparently learnt well. Phrased differently, the authors argue that the flawed nature of

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265 Aucoin, Jarvis and Turnbull, Democratizing the Constitution, 75-108.
266 Ibid., 57.
267 Ibid., 91.
268 Ibid., 172-73.
Canada’s constitutional order has permitted recent prime ministers to undermine the legitimacy of minority government by casting it in an ineffective light. Evidence for this argument appears to be plentiful when I turn towards the Harper minorities, which displayed a great deal of creativity in escaping parliamentary scrutiny and encouraging it when convenient by abusing the constitutional powers to summon, prorogue and dissolve the House of Commons. McIsaac agrees with this point, when argues that “repeated dissolutions and prorogations represent serious challenges to our form of government” in undermining the representative role of parliamentarians. “The stability of parliamentary democracy in Canadian history has relied on politicians being more than bare opportunists,” he writes.

Yes, elections also hold governments accountable. And yes, elections also afford citizens a chance to change their government. But an excessive reliance on this mechanism has the same effect as brinkmanship – it disrupts parliamentary accountability. Importantly, it further diminishes the likelihood of functioning minority government. The prime minister of the day can always call another election. In other words, compromise becomes increasingly unnecessary. Unfortunately, none of the current constitutional conventions guarantee that the parliamentary opposition would be able to hold a future minority government accountable, never mind bring it down or even replace it with a suitable alternative, if it refuses to work within the institutional confines of a minority parliament. According to Aucoin, Jarvis and Turnbull, Harper has demonstrated that future minority governments could simply avoid the confidence convention by proroguing Parliament, as he did during the Coalition Crisis of 2008. Specifically, they argue that this prorogation, which was yet another attempt to discredit the legitimacy of minority government and variations therefore, exposed significant gaps in Canada’s constitutional conventions, namely the absence of clear, firm and

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269 Ibid.,194. Here the authors seem to draw on Mezey, who argues that the perception of policy outcomes can influence the perceived legitimacy of an institution. Michael L. Mezey, Comparative Legislatures (Durham, N.C.: Duke University Press, 1979), 31.
270 Ibid.,172.
271 McIsaac, “‘Over the Heads of the Members of Parliament,’” 169.
272 Aucoin, Jarvis and Turnbull, Democratizing the Constitution, 195.
273 Ibid., 170.
274 Ibid., 57.
275 Ibid., 194.
binding rules that would channel the choices of the governor-general when confronted with a request to summon, prorogue or dissolve Parliament. Not surprisingly, Aucoin Jarvis and Turnbull also comment on the legal and democratic legitimacy of the proposed coalition and their analysis confirms the prevailing confusion first described in *Parliamentary Democracy in Crisis*.

Initially citing a questionable classification first proposed by Potter, the authors eventually develop their own scheme with which they can sort the various commentaries about the proposed coalition along two dimensions: constitutional legitimacy and democratic legitimacy. Aucoin, Jarvais and Turnbull eventually conclude that, “(nearly) all other academic experts, pundits and politicians allow that changes in government between elections are constitutionally legitimate.” However perspectives differ about whether such transitions “are also democratically legitimate.” Ultimately, the authors argue that this uncertainty has permitted the political class to re-define the convention for its purposes. Specifically, they cite the claim by Harper that “losers do not get to form coalitions. Winners are the ones who form governments.” For now, readers should note that no such requirement exists anywhere in the world. More importantly, it represents a clear and present challenge to the perceived legitimacy of any future proposal to form a governing coalition following the election of a parliament in which no party enjoys a parliamentary majority. In fact, this stipulation is only of three new ‘rules’ developed by Harper, according to his critics. First, parliamentary elections result in the election of a

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276 According to the unwritten conventions of responsible government, the governor general is expected to act on the advice of the prime minister when confronted with a request to summon, prorogue and dissolve Parliament with the understanding that the governor general may refuse the advice of the prime minister under unusual circumstances. However nowhere does any document specify those circumstances. The fact, that only one governor general has ever rejected a prime minister’s request for dissolution has only compounded the confusion. Indeed, the scholarship questions whether the King-Byng controversy can actually serve as a useful precedent. Of course, the scholarship also disagrees whether the governor general can refuse a request for prorogation if the government is about to fall, as it was the case in 2008. Ibid., 53-59.

277 Potter distinguishes between two positions concerning the legitimacy of the proposed coalition – the parliamentarian position held by nearly every academic in the country and the democrat position, which accepts the legal legitimacy of the coalition, but challenges its democratic legitimacy. This classification system seems to suggest that the parliamentarian position is undemocratic, a questionable claim in light of the fact that the parliamentary position premises on the principle of responsible government. Ibid., 177.

278 Ibid., 179.

279 Ibid.

280 Ibid., 187.

281 Ibid., 188.
prime minister. Second, the prime minister cannot be changed without an election. Third, a coalition government cannot assume power until it is acknowledged as a possibility in the election campaign with the condition that said coalition includes the party with the most seats since parliamentary elections (as per the first rule) choose the prime minister. These supposed ‘rules’ are of course incompatible with current practice. An election does not immediately determine who becomes prime minister as we will see later and we have already seen that governments can change without an election.

Knopff and Snow argue that Harper generally does not subscribe to these views. Challenging Aucoin, Jarvis and Turnbull, Knopff and Snow take exception to their claim that Harper believes in an election-only theory of government, a claim somewhat supported by Wells. If Harper did indeed believe in an election-only theory of governmental change, his strategy of raising the specter of a coalition government during the federal election of 2011 would have not been as successful unless it would have been possible to replace a minority government without a new election. In other words, Harper’s argument for a Conservative majority rested on the prospect of a would-be coalition assuming power by way of a confidence vote. Knopff and Snow concede that Harper’s personal commitment to the constitutional conventions of responsible government might not be ironclad. But critics of Harper are also prone to exaggerate his crimes and if scholars such as Aucoin, Jarvis and Turnbull wish to make serious contributions towards the important cause of clarifying and formalizing constitutional conventions, they might be better off not wasting their “time knocking down straw men.” This may be true. But we have also already heard the suggestion that Harper would have likely done everything possible to prevent a repeat of the Coalition Crisis. In doing so, he would have likely raised serious doubts about the legitimacy of any arrangement that would have eventually left the Conservatives out of power. The fact that Liberals and New Democrats seemed quietly pleased by the fact that this scenario never

283 Wells writes that Harper was initially prepared to let events unfold. According to an unnamed senior staff member, Harper made the following comment on November 30. “I’ve decided I’m going to let this confidence vote happen and let them try to form a government. They will screw it up so badly, they will be so disorganized, that within a few months we’ll be back into another election.” Paul Wells, The Longer I'm Prime Minister: Stephen Harper And Canada, 2006 – (Toronto: Random House Canada), 216.
materialized speaks volumes about the reputation that minority government had acquired by that stage.

Overall, Aucoin, Jarvis and Turnbull paint a devastating account. It effectively warns against the increasing centralization of various powers in the executive, particularly in the office of prime minister, and sets the scene for several recommendations designed to reform responsible government. For example, they note that the governor-general cannot cite firm rules in case the prime minister of a minority government seeks the dissolution of Parliament after losing the Commons’ confidence as Harper did on March 25, 2011 when it passed an unprecedented motion of parliamentary contempt in his second minority government. According to the available research, Governor-General David Johnston did not consult with the opposition leaders to see whether the numerically superior parliamentary opposition could have formed a government. This step, Aucoin, Jarvis and Turnbull write, would have been standard procedure in Australia, Great Britain and New Zealand, which additionally adopted a mixed-member form of proportional representation in 1996. But since Johnston lacked the firm legal means to make such a move, he had no other choice than to accept the request for dissolution in the absence of any guiding precedent. This development of course would have far reaching consequences. It triggered the fourth election within a span of seven years, eventually culminating in yet another ‘false majority’ government according to the typology of Russell. More importantly, the campaign meant that the House would once again not be in session to fulfill its various responsibilities, such as assess legislative proposals tabled by executive, judge its administrative capacity, hold it accountable and if necessary replace it. Ultimately, Aucoin, Jarvis and Turnbull leave readers with a troubling conclusion. Minority government and variations thereof might be legitimate today, but possibly not tomorrow.

This said, much of the relevant literature concerning the legitimacy of minority governments including the contribution from Aucoin, Jarvis and Turnbull reveals a taste for the familiar. Additional evidence for this claim comes from the concluding chapter of

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286 For a discussion of the experience in New Zealand, see Bruce M. Hicks, “New Zealand: Learning How to Govern in Coalition or Minority,” *Canadian Parliamentary Review* 36, no. 4 (2013): 31-41.
287 Aucoin, Jarvis and Turnbull, *Democratizing the Constitution*, 3.
Democratizing the Constitution, which offers several compelling (but not necessarily new) proposals designed to diminish the disproportionate influence of one individual, the prime minister, in the practice of responsible government. Briefly, these recommendations address three separate but nonetheless related powers related to parliamentary governance: (i) the discretionary powers assigned to the governor-general but exercised by the prime minister, (ii) other executive powers assigned to the prime ministers, and (iii) the powers of party leaders. Described in detail across several pages, many of these measures (such as the introduction of a constructive non-confidence, parliamentary approval for the proroguing of Parliament and more powers for parliamentary committees) will probably strike many scholars familiar with this subject as, well, familiar. This aspect, which the authors readily acknowledge, does not necessarily rob their recommendation of relevance. But it can also leave readers with a stale taste.

More importantly, it also encourages accusations that the authors possess a limited palate for reform, perhaps a justified attitude in light of Canada’s sordid history with constitutional reform through the 1970s, 1980s and 1990s. Under the sub-heading of ‘Other Possible Reforms,’ the authors advance measures, which if realized, would arguably be more significant than many of the measures singled out earlier for extensive analysis. These ‘other’ recommendations include among others (i) calls to curtail the power of the prime minister to appoint senior bureaucrats as part of a larger agenda to depoliticize the public service; (ii) the establishment of “new avenues for public participation that embrace social media and technological advances” as part of a process to modernize politics and parliamentary governments; and (iii) the introduction of measures to “enhance the democratic legitimacy of different elements of our parliamentary system, such as the adoption of some kind of proportional representation for electing members to the House of Commons, and Senate reform that includes electing senators.”288

Leaving aside larger questions about the feasibility of any of the recommendations described here and elsewhere, such as those recently offered by Hicks

288 Ibid., 240.
to the Minister Responsible for Democratic Reform Tim Uppal, it is rather puzzling to find such far-reaching measures under a heading that practically reads as if it were an afterthought, a piece of marginalia. Other scholars on the subject such as Russell have shown more boldness, but not necessarily more clarity on that question. Without downplaying the difficulty (nor the necessity) of the task, it is one thing to clarify the prerogative powers of the prime minister when it comes to proroguing Parliament, especially during periods of minority government. But it is an entirely different matter to prevent the “false majorities” that Russell has identified in his critique of the Canadian electoral system. Young makes a comparable point in her critique of the Canadian electoral system, which finds a “clear disjuncture between the formal arrangements employed in Canadian elections, in which voters cast a ballot for an individual MP, not a party, and the organization of Parliament, in which tightly disciplined parties structure the parliamentary process.” This observation therefore begs an obvious question. Did the authors suddenly realize that their earlier recommendations – however well intentioned they might be – would be of limited, even cosmetic use, if they did not address the larger institutional deficits in Canadian democracy? Unfortunately, this impression cannot be avoided. It certainly suggests a limited perspective, one that focuses on narrow questions, mostly of a legal nature, while ignoring larger questions about the broader performance of a democratic system. Of course, it would be a mistake to separate the performance of a democratic system from its design, a larger point that gives Democratizing the

290 Russell, for examples, calls the introduction of a more proportional electoral system the “(ultimate stabilizer)” in the management of minority government. Since such a system would likely prevent any party form winning a majority, all parties regardless of their size would need to be more strategic and deliberate in their actions. Russell, Two Cheers for Minority Government, 157.
291 As Carty notes in his review of Two Cheers for Minority Government, Russell is all over the map on this issue. First, Russell promises that he would not argue for electoral reform, only to change his mind. Similar comments can also be made about Russell’s position on Senate reform First, Russell calls for Senate reform along Australian lines, then moderate his position. R. Kenneth Carty, Review of Two Cheers for Minority Government: The Evolution of Canadian Parliamentary Democracy, by Peter H. Russell, Canadian Public Administration 51, no. 3 (2008): 537-538.
292 Noting that the “first-past-the-post system barely recognizes the existence of political parties,” Young recommends the introduction of “some form of proportional representation (PR) or hybrid of PR and single member plurality system” to lessen to this “disjuncture.” Young, “Value Clash and Citizens after 150 Years of Responsible Government,” Taking Stock of 150 Years of Responsible Government in Canada, ed. F. Leslie Seidle and Louis Massicotte (Ottawa: The Canadian Study of Parliament Group, 1999), 131.
Constitution its intellectual heft. It is more than fair to argue, as they have, that Canada’s flawed constitutional arrangements have undermined the effectiveness of the House, and by extension, its legitimacy.

2.5 Summary

This chapter has reviewed the relevant literature that concerns itself with the effectiveness and legitimacy of federal minority governments in Canada since 1945. On balance, it finds that much of the available literature on the subject struggles to develop a consistent methodology with which scholars can assess the effectiveness of minority government in a consistent manner. Neither quantitative nor qualitative methods appear to be fully satisfactory. This said, certain approaches appear to be more promising than others, specifically those that acknowledge the relationship between the parliamentary stability of a minority government and legislative productivity on premise that a minority government must be able to stay if it wishes to pursue its agenda, a task bound to involve the passage of legislation. Contributions by Gervais and Conley alert us to this aspect. But it would be a mistake to equate parliamentary stability and legislative productivity with effectiveness. Parliamentary stability is an indispensable but nonetheless insufficient condition of legislative productivity. Minority governments may stay in office for a relatively long time but produce little legislation. It would also be a mistake to quantify effectiveness by way of legislative productivity. Not all laws carry equal significance. Unfortunately, scholars currently lack reliable means with which they can distinguish between ‘important’ and ‘unimportant’ legislation, subjective terms bound to invite criticism, if not controversy. Scholars must also bear in the mind that governments – minority and otherwise – can also make their weight felt outside the legislative realm. In short, any attempts to assess the effectiveness of minority government by previous approaches as found in the literature likely faces methodological barriers.

This chapter has also found that minority government is legitimate – at least from a legal perspective. But this agreement disappears once the literature considers various practicalities of minority government, particularly the question of whether a minority government can be replaced between elections as it was the possibility during early December 2008 when the Liberals and New Democrats proposed to replace the second Harper minority with a minority coalition government, an institutional relative of
minority government. The answer to this question continues to divide the scholarship and raises serious questions about the clarity and application of the various constitutional conventions that govern Canadian parliamentary democracy. Perhaps the most relevant contribution on this subject comes from Aucoin, Jarvis and Turnbull, who raise serious concerns about the absence of clarity concerning various constitutional conventions. This uncertainty is nothing less than an invention for political mischief, mischief that threatens to undermine parliamentary accountability, encourage political dysfunction and delegitimize entire forms of government, all the while turning Canadian democracy into a sham democracy by concentrating key powers into the hands of one office holder – the prime minister. However we have also heard from scholars who have challenged this narrative. While arguments of this sort do not necessarily break new ground, contributions of this sort nonetheless suggest a vigorous interest in the institutional legitimacy of minority government. But this interest (as suggested earlier) suffers from limited perspective.
CHAPTER 3 THE ARGUMENT

3.1 Opening

This chapter details the argument that I propose to defend in the chapters that follow. It starts with the historical observation that minority government has more often than not served as a “halfway house” in the transition from one governing party to another. Minority governments themselves approach their time in office as “probationary” majorities who pursue two related goals: (i) to retain their hold on power and (ii) strengthen it by converting their minority mandate into an outright majority as soon as possible. This starting point then allows us to judge the effectiveness of minority governments by whether they manage to secure a majority mandate in the election that follows their initial assumption of office. Minority governments are therefore effective if they manage to shed their ‘probationary’ status in the election that follows their initial assumption of office. Effectiveness, so understood, can then be explained through conditions of the Canadian party system, the primary lens in the study of Canadian politics on the premise that political parties are the principal players in Canadian politics. While definitions of the term party system vary, it generally refers to the constellation of political parties and the broader circumstances that condition their competitive patterns at any time. The literature itself distinguishes between five distinct Canadian party systems since Confederation and I propose that the overall effectiveness of minority governments depends on their respective abilities to work within the conditions of the prevailing party system.

Turning to the question of legitimacy, one of the most contested terms in the

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294 Anthony Downs, An Economic Theory of Democracy (New York: Harper & Brothers, 1957), 28. Specifically, he writes: “From the self-interest axiom springs our view of what motivates the political actions of party members. We assume that they act solely in order to attain the income, prestige, and power which come from being in office. Thus politicians in our model never seek office as a means of carrying out particular policies; their only goal is to reap the rewards of holding office per se. They treat policies purely as a means to the attainment of their private ends which they can reach only by being elected.”
297 Ibid., 4-5.
vocabulary of political science, I argue that minority government can theoretically draw its legitimacy from three sources (i) the rule of law (constitutionalism); (ii) procedure (input); and (iii) outcome (output). Using this multi-dimensional definition of legitimacy, I will then advance two major arguments concerning the legitimacy of minority. First, the legitimacy of minority government according to Canada’s unwritten constitutional conventions has become increasingly fragile. Minority governments have historically played fast and loose with the constitutional conventions that sustain the institution of minority government, thereby undermining it. Second, it is difficult to agree with the often-heard claim that minority government enhances the procedural legitimacy of minority government. Minority government, in other words, has not historically improved the deliberative capacity of Parliament. Yes, some minority governments have showed a greater willingness to work with the opposition parties. But the record reveals that most but not all of the surveyed minority governments have often acted as if the opposition did not exist. While theoretically tasked with the formulation and passage of policy, the executive-centred reality of Canadian politics has largely relegated Parliament to the sidelines. This reality also defines Parliament during periods of minority government. The power to make policy resides almost exclusively in the Prime Minister’s Office (PMO) and minority government does not fundamentally change this locus of sovereignty. Far from buckling under the presumed pressure of the parliamentary opposition in the House, most federal minority governments since 1945 have actually revealed themselves as skilled manipulators of the parliamentary process, co-operating with the opposition if absolutely necessary, co-opting it wherever possible and antagonizing it whenever appropriate. Note that I will not judge the legitimacy of minority government by their outcomes (output) as a source of legitimacy.

Six sections follow these introductory remarks. The first three respectively discuss the trio of terms that lie at the heart of this present dissertation: (i) minority government, (ii) effectiveness, and (iii) legitimacy. The section concerning minority government argues that minority government is a relatively common phenomenon in Canada that

298 Definitions of legitimacy often conflict with each other because the “word is a powerful weapon in intellectual, religious, and political conflict. To claim it as one’s own is to snatch, or to try to snatch, a monopoly of deterrence or retaliation against your opponents.” Rodney Barker, Political Legitimacy and the State (Oxford: Clarendon Press, 1990), 20.

frequently coincides with transitions from one prevailing party system to the next. The section concerning effectiveness finds existing quantitative and qualitative definitions of effectiveness wanting in offering a definition of effectiveness that focuses on electoral success. The section concerning legitimacy describes the concept in additional detail in offering a multi-dimensional measuring stick. The fifth major section of this chapter describes my argument in greater detail. The sixth then describes the limits of this dissertation. A concluding section sets the stage for the next chapter, which considers the legitimacy of minority government.

3.2 Canadian Minority Government: A Primer

This section discusses key aspects concerning the phenomenon of federal minority governments in Canada. It makes three major points. First, minority government has been a common phenomenon in Canadian politics that has occurred primarily but not always during transitional points from one party system to another. Second, the frequency of minority government is best explained through certain features of the Canadian party system, which does not conform to party systems found in other countries that have inherited the institutions of Westminster. Third, minority governments have not fundamentally differed from majority governments in their approach towards governance. Our account starts with Forsey, who defines Canadian minority government as “government by cabinet with less than half of the seats in the House of Commons.” Others such as Dodd refer to minority governments as “undersized cabinets” on grounds that they fail to fulfill minimum winning conditions according to game theory as first developed by Riker and modified by Axelrod. As of this

302 In The Theory of Political Coalitions, Riker argues that governments aim to form a minimum winning coalition, which he defines as one that “contains over half of the membership or votes or weight in the decision-making system.” William H. Riker, The Theory of Political Coalitions (New Haven: Yale University Press, 1962), 256. This size principle – which stipulates that any minimum winning coalition will feature the smallest number of elected representatives from all the potential majority coalitions in the legislature – has subsequently allowed scholars to predict the numerical composition of potential governing coalitions. At this point, it is important to note Riker’s theory emphasizes the exclusive rationale of office-seeking, which Budge and Laver define as “an intrinsic concern for rewards such as power, prestige, or a place in the limelight.” Ian Budge and Michael Laver, “Office Seeking and Policy Pursuit in Coalition Theory,” Legislative Studies Quarterly 11, no. 4 (1985): 485.
303 Robert Axelrod, Conflict of Interest (Chicago: Markham, 1970).
writing, thirteen such cabinets have governed Canada, all of them since 1921.\textsuperscript{304} Notably, nine have governed after 1945. In fact, nearly half of all federal elections between 1945 and 2011 produced outcomes, in which none of the competing parties secured a majority of available seats in the House of Commons. This rate of 43 per cent actually exceeds the post-war frequency of minority government in Western Europe, 35 per cent, as calculated by Mitchell and Nyblade.\textsuperscript{305} So minority government is not uncommon in Canada.\textsuperscript{306} In fact, their frequency contradicts Duverger, who argues that the first-past-the-post (FPTP) “favours the two-party system.”\textsuperscript{307} Yet Canadian federal elections have not produced a two-party outcome since 1921.\textsuperscript{308} Indeed, the gap between what Duverger predicts and the actual Canadian experience is widening,\textsuperscript{309} a subject of considerable controversy in the literature.\textsuperscript{310} In this way, Canada’s diversion from Duverger’s law confirms Rhodes’ observation that there “is no such thing as a ‘Westminster’ system, only a divergent and diverging family of governments.”\textsuperscript{311} We can also appreciate this point when we consider the differences between the Canadian and the British approach towards exercise of the Royal Prerogative.\textsuperscript{312}

So what accounts for minority government in Canada? The question of determining and explaining which political actors form government under which circumstances is so large and fundamental that any attempt to answer it in a brief survey

\textsuperscript{304} This count includes the twelve minority governments, which Russell identifies plus the second Harper minority. Russell, \textit{Two Cheers for Minority Government}, 15.


\textsuperscript{309} Ibid., 92.

\textsuperscript{310} For a contemporary discussion, see Brian J. Gaines, “Duverger’s Law and the Meaning of Canadian Exceptionalism,” \textit{Comparative Political Studies} 32, no. 7 (1999): 835-861.


threatens to fail from its very start.\textsuperscript{313} Theories that explain the emergence of minority government abound. Some have come from the institutional school. Bergman, for examples, tries to explain the emergence of minority governments through the presence (or absence) of certain institutional features such as investiture rules.\textsuperscript{314} Some focus on policy seeking,\textsuperscript{315} while others offer behavioural explanations.\textsuperscript{316} Not surprisingly, many


\textsuperscript{314} This account distinguishes between ‘positive’ and ‘negative’ government formation rules. ‘Positive’ formation rules require an incoming minority government to secure some sort of parliamentary support before it assumes power, whereas ‘negative’ formation rules lack such requirements. ‘Negative’ formation rules function on the principle that any incoming minority government receives its formal appointment from the head of the state. In this case, parliamentarians merely tolerate the executive. This practice, which Bergman describes as “something of a ‘default’ in parliamentary democracy,” takes the following form in Canada: a single-party minority government, whether new or continuing, simply takes its place on the government benches on the assumption that it possesses the confidence of the House when a new parliamentary session opens with the Speech from the Throne. No vote of investiture is needed. The government remains in power until the opposition wins a vote of no confidence starting with the Speech from the Throne in the Canadian case or the government resigns. Phrased differently, any minority government does not need to prove that it enjoys parliamentary support. Rather it is up to the parliamentarians to prove that the minority government in question is not tolerated. Surveying fifteen parliamentary democracies, Bergman looks for a correlation between the prevalence of minority government and the nature of the formation rules during the period of 1945 through 1987. Generally, he finds that minority governments appear to be common in countries with negative formation rules. Notably, he identifies Canada and the United Kingdom as exceptions. While these countries feature ‘negative’ formation rules, their first-past-the-post (FPTP) electoral tend to produce one-party majority governments. Accordingly, he concludes that Canada’s negative rules are of less importance. Torbjörn Bergman, “Formation rules and minority governments,” \textit{European Journal of Political Research} 23 (1993): 55-66.


\textsuperscript{316} Consider Dufrese and Nevitte, who attempt to explain the emergence of minority governments along behavioural lines by drawing on Canadian Election Study (CES) data from the federal elections of 2004, 2006 and 2008 – all of which produced minority government. Drawing on this data, they test three potential explanations that might explain why Canadian support for minority government: (i) concern over the concentration of power; (ii) economic considerations; and (iii) strategic voting. Ultimately, they reach the following conclusions. First, people who like minor parties or those who support major parties but anticipate that their party will lose an upcoming election “consistently” prefer minority government. The authors also find “evidence that people do indeed support the idea of minority government because they are averse to a concentration of authority.” When the authors test ‘strategic’ against ‘principled’ motivations, they find that the latter “are clearly the most powerful motivation for why citizens support the principle of minority government.” Economics also matter, but less so. Ultimately, they note that their data “indicate that substantial portions of the Canadian public prefer minority governments.” Specifically, they cite CES data that show support for minority government reached 48.5 per cent in 2004, 39.3 per cent in 2006 and 45.2 per cent in 2008. While interesting and potentially useful, these findings nonetheless run up against evidence that offers a less flattering view of minority government. Even Dufrese and Nevitte admit that the polling data on the subject suggests that Canadians cannot agree on the subject of minority government and concede that the public apes some of the negative elite attitudes towards minority government. More importantly, Dufrese and Nevitte’s suggestion that voters might chose minority governments for strategic reasons does not offer a comprehensive theory that might explain the emergence of minority governments. If voters do indeed choose minority governments for strategic reasons as the authors suggest, when do such occasions occur? How do voters identify such opportunities and how do they alert others? Finally, what is the number of minority government(s), which have emerged as the result of strategic voting? This
scholars employ game theory on the assumption that parliamentary government reflects bargains among politicians and parties over policy and the benefits of office, bargains which are made in the shadow of past and future elections. I argue that a good part of the answer lies in the unique nature of the Canadian party system, which in the words of Johnston is a “bundle of seeming contradictions” in its various deviations from the Westminster system. They include multiparty competition but single-party government; durable cabinets but massive electoral volatility; institutional roots that are deep but archaic and possibly irrelevant; tight agenda control but inflammatory rhetoric; and sharp discontinuities between federal and provincial elections within many provinces. Working off Sartori, Johnston describes Canada’s party system as polarized pluralism, a “rare and unhealthy form of party competition,” that combines “chronic multipartism” with one party dominating the political middle.

To appreciate this point, we need to consider the “distinctive character” of Canadian parties, which Carty and Cross divide into two categories: the (i) two major parties, namely the Liberal Party of Canada and the Conservatives (under various names) and (ii) all the ‘other ones’ that sometimes appear in the literature as minor parties, third parties or protest parties. Only the two major parties have ever governed Canada and only they have persisted throughout the entire history of the system by constantly adjusting their organizational and ideological features. This historical success rests on three specific pillars: (i) a focus on seeking and securing office; (ii) electoral pragmatism; and (iii) leader-focused politics. The two major parties are first and foremost organizations consumed with winning and holding office, Carty and Cross note. But they pursue this task in a peculiar manner. Whereas the major parties in other western democracies

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mobilize distinctly different groups, their Canadian counterparts do just the opposite.
Instead of polarizing, they have historically seen themselves as ‘brokerage parties’ who
work to obscure differences and muffle conflicting interests in serving as instruments of
national accommodation rather than democratic division. While the two major parties
do not always practise what they preach in appealing to distinct regional and social
groups, both insist that Canada requires a party that rises above the many internal
divisions that define the country with the implication that only one of them is capable of
doing so.

Central to the politics of brokerage is what Carty and Cross call “a fierce form of
electoral pragmatism.” Since both the Liberals and Conservatives are consumed with
winning, both have a long history of abandoning positions if it serves their electoral
prospects. This pragmatism also means that the two major parties are more than prepared
to adopt recently denounced positions held by the other party. The two major parties have
paired this ideological flexibility with an organizational ruthlessness that shows little
patience with poor leadership. As chief brokers responsible for assembling and
maintaining a winning coalition, party leaders receive a lot of power to formulate policy,
organize campaign and manage party affairs. The major party leaders are therefore quite
powerful, but their hold on power might rather be short-lived if they fail to deliver in the
only area that matters, electoral success. But much of this commentary comes with a
major caveat. What defines a brokerage party, its claimed ability to speak for the entire
political community, likely means that only one can be successful most of the time.
In the Canadian case, the Liberals have played this role as the country’s “natural governing
party” for most of the 20th century. Conservatives, meanwhile, have gone through periods
of boom and bust.

Turning to the so-called ‘other parties,’ they have historically sought to break up
this “cozy duopoly,” so far unsuccessfully, notwithstanding the most recent federal
election that saw the NDP emerge as the Official Opposition for the first time in its
history. Generally based in a specific region, these parties historically protest political

323 Ibid., 192-194.
324 Ibid., 192-195.
326 Carty and Cross, “Political Parties and the Practice of Brokerage Politics,” 192.
practices; the nature and structure of the political system; the character of the socioeconomic order; or sometimes, all of these. They tend to emerge because the electoral system encourages regionalism. Typically, they have short lives though because they cannot adopt the very thing that they had set out to oppose, the politics of brokerage. Those that try to imitate the major parties may soon find themselves driven out of existence, a fate shared by the Progressives (1920s), Reconstruction (1930s), the Bloc Populaire (1940s), Social Credit and the Ralliement des Créditistes (1960s) and Reform (1990s). We might also add the Bloc Québécois to this list. Only the Cooperative Commonwealth Federation (CCF) has avoided this fate by transforming itself into the New Democratic Party thanks to a partnership with the trade unions. This move subsequently positioned the party to be competitive across Canada, but with consequences for the entire system. On the one hand, the NDP has been strong enough to fractionalize the popular vote. On the other hand, it has not been strong to displace one of its ‘major’ party rivals, at least until recently.

To recap then, the Canadian party system has historically featured a dominant party – the Liberals – that competes against the ‘other’ brokerage party – the Conservatives – for national office. But the system may also feature several ‘other parties’ that contest national elections from regional bases. While these parties may not be viable in the long-run, their effective presence on the day of any election may nonetheless deny one of the ‘major’ parties a majority of seats, a point that appears throughout the literature that links minority government with deeply polarized and fractured party systems. Strom sums up this argument by observing, “(the) larger the number of...
parties, the more difficult it may be to build a majority, and the greater the probability of a minority solution.”

Franks draws on this theory, when he argues that federal minority governments are probable whenever three or more parties enter the House of Commons. But the supporting evidence for Franks’ conclusion is somewhat shaky. The federal elections of 1993, 1997 and 2000 respectively granted three, four and five parties official parliamentary status, yet the Liberals won comfortable majorities on each occasion. In fact, the term minority government did not re-appear in the political vocabulary of Canadians until after the current Conservatives had emerged as a genuine alternative to the Liberals following the merger of the Conservative Alliance and the Progressive Conservatives. This evidence suggests that two conditions must present for minority governments to emerge: (i) a number of small parties powerful enough to speak for ‘narrow’ interests (regional or otherwise) and (ii) a sort of stalemate between the two major parties with neither powerful enough to fully supplant the other as the public’s preferred instrument of national accommodation.

Migneault effectively highlights this point in his study, which divides all federal election results since Confederation into four columns: (i) share of the overall vote won by the Liberal-Conservative duopoly; (ii) share

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333 Strom, Minority Government and Majority Rule, 13.
335 At this stage, it might be appropriate to mention Crombez, who argues that minority governments are more likely to occur if the largest party in any system comes close to possessing a parliamentary majority and finds itself at or near the ideological mid-point. This positioning means that the proposed policy agenda of the governing party is close to the desired ideal. Accordingly, the other parliamentary players will find themselves in a bad bargaining position since the largest party does not need to offer them cabinet portfolios or policy concessions to secure their legislative support. Christophe Crombez, “Minority governments, minimal winning coalitions and surplus majorities in parliamentary systems,” European Journal of Political Research 29, no.1 (1996): 2. This theory is of some interest to scholars of Canadian minority government because it explicitly draws on the Canadian experience with minority government from 1945 through 1992. This period featured six minority governments, evenly divided by the Liberals and Progressive Conservatives. But this neat division more or less exhausts their similarities. Each of the three Liberal minorities lasted longer than any one of the three PC minorities. Franks, Parliament of Canada, 48. So the Liberal minorities appeared more accepted than the Tory minorities. Accordingly, they were able to pass a series of popular policies, mainly in the realm of social policy, including but not exclusively national health care and a national pension plan. And a closer look at the Liberal minorities reveals, that the two Pearson minorities came very close to being majority governments without being possessing formal parliamentary majorities. In other words, said minorities fulfilled both conditions as articulated by Crombez.
of the total seats won by the duopoly; (iii) share of the overall vote won by ‘other’ parties; and (iv) share of seats won by the ‘other’ parties.

Looking at the nine minority governments since 1945, we find that the share of the overall vote won by the other parties has ranged from a low of 18.7 per cent in 1957 to 36 per cent in 2008, with seat totals ranging from a low of 11.3 per cent in 1979 to 28.6 per cent in 2008. Migneault notes that a minority situation is not inevitable, even if the minor parties perform well, a point supported by the results of 1993, 1997 and 2000 when the Liberals won comfortable majorities thanks to the absence of a genuine national competitor. What also matters is the relative strength or weakness of the other majority party vis-à-vis its main competitor. “Il faut surtout tenir compte de l’écart au sein du duopole,” he writes. “Il est difficile pour une formation politique d’obtenir la majorité absolue si le second parti en importance obtient un pourcentage de sièges proche du sien.” The two conditions are of course related. By their mere presence, the smaller parties signal a crisis in the politics of brokerage, one bound to affect both brokerage parties, albeit differently. One might see itself in the ascendency, whereas the other might stare into the face of defeat. How each eventually responds to its trajectory likely depends on a number of factors, including its commitment towards electoral pragmatism and its choice of party leader.

Consider the first Progressive Conservative minority under John Diefenbaker as an illustrative example. It emerged in 1957 after the Tories had made their peace with the welfare state created by the Liberals and chosen a new dynamic leader (Diefenbaker) who could sell this transformation to a changing electorate increasingly critical of a calcified Liberal government running out of fresh leaders and ideas. Yet despite their progress, the Tories could not claim a national mandate until 1958 because some forty per cent of Canadians still chose to stick with the Liberals, while two regional ‘protest parties’ (the CCF and Social Credit) locked up small but sizable bastions of electoral strength in specific parts of the country, western Canada in this case. A survey of the three minority governments that subsequently followed Diefenbaker’s majority of 1958

336 Migneault, “Les Gouvernements Minoritaires au Parlement Fédéral Canadian,” 38, 136. English Translation: “It is especially dependent (incumbent) upon the gap within the duopoly. It is difficult for a political party to obtain an absolute majority if the second-ranked party obtains a percentage of seats that comes close to the percentage of the first.”
337 Ibid. 38.
reveals a comparable pattern. In each case, the ‘governing minority’ was either on its way up or down vis-à-vis the ‘other’ brokerage party, while a handful of smaller parties spoke for specific regions in confirming deep divisions within the national fabric, developments best seen through the Canadian party system, the preferred prism of Canadian politics. In fact, the record reveals a distinct relationship between incidents of minority government and epochal changes within the Canadian party system. The literature identifies five distinct party systems and what follows next describes each of these in greater detail.

Partisanship and patronage define the first party system from 1867 through 1921. Its two parties, the Liberals and Conservatives, lacked national profile with neither present in all parts of the country. If anything, they appeared as “little more than loose (regional) coalitions”\(^{338}\) rooted in their respective parliamentary caucuses, whose members controlled the selection of their leader, who in turn served as the party’s chief fundraiser, a circumstance that frequently contributed to a culture of corruption at the highest political level. The exclusive nature of this era was also evident in other ways. It was pre-democratic in the sense that it excluded large segments of society, namely women and men without property, from electoral politics through legalized restrictions on the franchise. In terms of policy, the Liberals eventually agreed with Conservative policies that promoted nation building. When the Liberals turned their back on this agenda in the early 1910s by advocating free trade with the United States, the national policy consensus began to unravel and with it, the first Canadian party system.

The second party system from 1921 through 1957 was simultaneously unsettled and hegemonic. On the one hand, it witnessed an explosion of democratic energy thanks to the extension of the franchise to almost all Canadian adults and the emergence of new parties such as the Progressives, Social Credit and the CCF, along with several other groups. Their intellectual energies coupled with the economic emergencies of the Great Depression eventually created the conditions for a raft of social policies that set the foundation for a new, national social infrastructure. On the other hand, the status quo prevailed in many areas. Parties largely remained exclusive clubs beholden to a small circle of corporate donors for their financial support and their respective members had

little say in choosing their leaders. The major parties remained top-down organizations, perhaps none more so than the Liberals, who dominated elections during this period. Other than a few months of Conservative government in 1926, the Liberals were out of power for just one term (1930-1935). Even with the rise of third parties, the Liberals never dropped below 40 per cent popular support in any election and won five consecutive majority governments during the hey-days of the system (1935-1957).\(^{339}\) Notably, this period ended with the election of a Tory minority government under Diefenbaker.

At this stage, it is also important to note that the second party system set the stage for the Canadian hostility towards coalition government. Ironically, the antecedents of this hostility can be found, in the national coalition that governed Canada from 1917 to 1921 – the Union government of Prime Minister Robert Borden. This government emerged when the country’s participation in the First World War required military conscription in particular and a non-partisan approach towards government in general. Borden’s Conservatives eventually pursued like-minded English-speaking Liberals to join them under the Union banner. Confirmed during the election of December 1917 ahead of the Liberals under Wilfrid Laurier, this temporary political hybrid governed until 1921. But its time in office had given both partners a bad name. The dominant Conservatives lost the support of Quebec, where conscription was deeply unpopular. Pro-conscription Liberals, meanwhile, found themselves ostracized from a party roiled by internal divisions. At the same time, free-trade Liberals from western Canada established the new Progressive Party. New Liberal leader William Lyon MacKenzie King, one of the few English-speaking Liberals who had remained loyal to Laurier during the course of the war and the Union government, also toyed with the idea of forming a coalition (“coalescence”) with the Progressives, but eventually abandoned it when it became apparent that the Progressives would deny the Liberals a majority in the election of 1921. In the end, King’s Liberals won 117 out of 235 seats while the Progressives won sixty-four. Steadfast in his refusal to form a coalition with the Progressives, King instead focused on two related goals. The first was to keep his minority government in power by proceeding on issue-by-issue basis by appealing to the Progressives without alienating

\(^{339}\) Ibid., 61-64.
the rest of the party. The second was to pursue the Progressives to return to the Liberals, a feat that he eventually accomplished during the course of the next decade, much of it spent as the leader of minority governments. According to Smith, King’s successors starting with Diefenbaker “have never veered” from this path. This statement is accurate, but with a proviso. We will see in subsequent chapters that minority governments have at least toyed with the idea of forming more stable arrangements, only to abandon the idea, partly because of internal and external pressure.

Following a transition of six years featuring two Tory minorities bookending one Tory majority, the third party system began officially in 1963 with the first of the two Liberal minorities under Lester Pearson that governed Canada until 1968 and set the stage for the Liberal dynasty under Pierre Trudeau that lasted until 1984, notwithstanding the Conservative minority under Joe Clark and Trudeau’s own close call with a minority. Key conditions of this third party system included the following: (i) the growing importance of polling and new technologies, particularly but not exclusively in the coverage of politics; (ii) the professionalization of electoral campaigning through external party bureaucracies; (iii) leader-focused parties and campaigns; (iv) increased supervision of financial contributions through the introduction of meaningful campaign finance reform; and (v) the rise of pan-Canadian politics. Principal elements of this consensus included a general openness to foreign investment subject to review; the development of social policy measures in the areas of income maintenance, health, education and social services; and the acceptance of Keynesian policies designed to message macro-economic affairs. A prominent condition of this consensus, as one might expect, was the relative absence of ideological acrimony. While the major parties disagreed over the size and scope of the welfare state, none challenged its logic. During the height of the third party system, all Canadian political parties operated within “discursive boundaries that saw

341 It should be said that King’s first minority won in 1921 was not always a minority, as the size of the Liberal caucus changed. In 1925, King’s Liberal clearly finished second behind Meighen’s Conservatives but governed with help of the Progressives. This run of minority governments also included Arthur Meighen’s short-lived Tory minority following the King-Byng crisis of 1926. The election, which the crisis eventually triggered, returned the Liberals to power with a majority that lasted until 1930.
342 Smith, “Canada’s Minority Parliament,” 137.
them all offering ‘more-or-less’ of social welfare and government intervention to shape and protect the Canadian economy and culture,” Patten says.  

This ideological consensus evaporated with the start of the fourth party system. While scholars disagree over its precise start, much of the literature points to the federal election of 1993, when the strains of constitutional politics, regionalism, ideological partisanship and public cynicism shattered the oversized and fragile Progressive Conservative coalition forged by Brian Mulroney. The demise of the Progressive Conservatives points to the central characteristic of this system: the changing nature of partisan competition. Throughout this era, the Liberals re-established and maintained their position as the ‘government party.’ As such, they benefitted from the simultaneous emergence of the western-based Reform Party and the separatists Bloc Québécois. The rise of these two new parties in turn coincided with the decline of one minor party, the NDP, and the collapse of one major party, the Progressive Conservatives. With Reform and the PCs located on the right side of the political spectrum and vying for the same voters, the Canadian right found itself fractured, a fact that helped the Liberals win three majority governments in a row. Other notable changes during this period included the introduction of participatory, even populist elements in the selection of party leaders and the increased trend towards the presentation of parties as ‘brands.’ As for the fifth party system, Walchuk records its emergence in 2003 following the merger of the Canadian Alliance (nee Reform) with the remnants of the PC. This merger had two effects. First, it reduced the number of parties contesting national elections. More importantly, it united the right wing of the Canadian political spectrum with the centre-right wing. In doing so, it clarified and deepened the ideological fissures of the era at the expense of the party in the ‘middle’ of the ideological space – the Liberals, who after the departure of Martin moved to the left. While the 2011 election nominally returned Canada to a two-party system, the same also appears to be much more partisan. Tellingly, much of the literature explains the prevalence of minority governments between 2004 and 2011 as a transition towards this current point. Aside from other changes, such as the growing importance of the Internet as a political communication tool, the introduction of fixed-term elections

344 Ibid., 70.
and ‘populist’ changes to previous fundraising model, this phase also witnesses a notable change in political discourse. Whereas pan-Canadian concerns shaped the political discourse during the third party system, the ‘family’ has emerged as the central narrative of the fifth party system, a development linked with the decline of Keynesian welfare state and the rise of neo-liberalism.

Looking specifically at the claim that minority government often occurs during transitional phases within the larger Canadian party system, we must merely look to the intersection between the second and third era, as well as the intersection between the fourth and fifth. Table 3.1.1 summarizes the former period, Table 3.1.2. shows the latter. Notably, both tables record back-to-back-to-back minority governments. Overall, seven of the nine minority government I survey occur during these two transitional phases. Only the Trudeau minority and the short-lived Clark minority fall outside these two periods.

Table 3.1 Canadian Party System and Canadian Minority Governments (Second/Third Party System)

<table>
<thead>
<tr>
<th>SECOND PARTY SYSTEM (1921-57)</th>
<th>THIRD PARTY SYSTEM (1963-93)</th>
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346 Ibid., 423-430.
Table 3.2 Canadian Party System and Canadian Minority Governments (Fourth/Fifth Party System)

|--------------------------------|---------------------------|

These transitional phases marked periods during which the political parties of the era were trying to cope with larger societal changes that forced them to perform their respective functions including (i) representation and accommodation of societal interests; (ii) democratic organization; (iii) the contesting of elections; and (iv) governance in manners increasingly divorced from previous methods. In contemporary liberal democracies, political parties play the crucial role of intermediary between society and state. Yet the party system towards the end of 1950s was no longer able to accommodate a changing electorate. Diversity was rapidly becoming a defining characteristic of the electorate. In particular, immigration from northern and eastern Europe to western Canada, and from southern Europe to Ontario (particularly Metropolitan Toronto) and Quebec was changing the shape of Canadian politics. All parties were struggling to integrate these newcomers into their electoral coalitions and since Canadian electoral coalitions are inevitably regional coalitions, small swings in the vote could decide whether the largest party would govern as a minority or majority. Nowhere was this aspect of Canadian politics more apparent in the late 1950s/1960s than in Ontario, which Bickerton calls the “linchpin within the third party system.”

Ontario fulfills a similar function during the fifth party system. While the Liberals’ control of Ontario had reached hegemonic dimensions during the fourth party system, it started to slip once the Conservatives had emerged as a credible, national

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alternative. With the Conservatives firmly in control of western Canada, it was in retrospect only a matter of time until they would reduce Liberal control of Ontario to a handful of urban ridings in becoming a national right-of-centre party. And just as it was the case during the 1960s, Canadian parties were trying to accommodate new demographic realities in the early 2000s in the very electoral space that has arguably mattered the most in Canadian politics, the suburbs of southern Ontario, and increasingly, western Canada. The results from the federal election of 2011 clearly show that the Conservatives accomplished this task ahead of the Liberals. That said, it took the fifth party system several minority governments to reach this point. Whether it will remain there for any foreseeable time is of course unknown. The current Conservative coalition is said to be more ideologically cohesive than any of its historical predecessors and the record clearly shows that a long run of minority governments generally precedes a period of political dominance. On the other hand, it is also important to note that the current Conservative government owes its majority to a relatively small increase in the overall vote. It is also the case that Canadian voters have historically made volatile choices (especially in Quebec) and the recorded frequency of minority government suggests that the current ‘stability’ might be illusionary, especially in light of recent research that questions whether the current Conservative Party of Canada qualifies as a genuine brokerage party that performs the same function as the Liberals did.

This previous commentary raises an in important question. If minority governments are so common in Canada, why have they historically refused to enter arrangements that would stabilize their tenure? We have already heard some of the history behind, now lets take a look at the theory. Carty and Cross find that, the answer lies once again in the nature of the Canadian party system, particularly the nature of brokerage politics. By their commitment to the broadest possible base of support, brokerage parties increase their internal diversity and fragility. In response, they must frequently sharpen their respective partisan profiles in an effort to emphasize their

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distinctiveness. This narcissism of small differences can therefore make a big impact. “When combined with a fixation on government seeking for its own sake, and reinforced by a self-justifying rhetoric as nation builders, the result is a “deep antipathy to coalition politics,”” Carty and Cross conclude. This instinct to amplify and sharpen partisan differences appears to be particularly strong during periods of minority government and understandably so. If the Canadian electorate is as volatile as noted earlier and if small changes in the overall vote can produce large swings in the total share of seats, parties have little reason to cooperate with each other. In fact, parties have many reasons to antagonize each other, according to Blidook and Byrne, because “the reward for changing the balance of public support could easily be a change from minority to majority government status or a change in government.” While the presumed incentives of partisanship are present at any time, they are more prominent during periods of minority government because an election can happen at any time. As I will argue later, minority government might be the ultimate “permanent” campaign. This flexibility and its potential rewards would cease if a minority government were to strike a formal arrangement.

This behaviour anticipates that the electoral system will eventually return the system to a ‘normal’ majoritarian status. As an aside, this aspect also accounts for the fundamental opposition to electoral reform among the major parties, if not almost all parties, including the New Democrats. Of course, the evidence shows that the system rarely returns to ‘normal’ in the next election, if a ‘normal’ ever existed in the first place. The two-party model deemed ideal for a majoritarian system has not existed in Canada since 1921. Yet somehow, the culture of Westminster with its notion of sequential rather than simultaneous power-sharing continues to prevail in the hearts and minds of the political class, leaving Canada in the words of Paun “a majoritarian system manqué” that offers more cautionary than exemplary lessons for other Commonwealth

353 Carty and Cross, “Political Parties and the Practice of Brokerage Politics,” 194.
355 Carty and Cross, “Political Parties and the Practice of Brokerage Politics,” 194.
democracies in terms of responding to the realities of minority government. Within this context, it is important to acknowledge Cody who argues that ‘minor’ parties in Canada have been ill suited to support and stabilize a larger party, as the Greens have done in Germany, New Zealand and elsewhere. Ideally, a third party will have relatively few MPs. Yet the recent run of minority governments featured minor parties that were relatively large and ideologically ambitious in a way that actually precluded them as parliamentary partners.\footnote{Cody, “Minority Government in Canada,” 32.}

Theoretical support for Canadian hostility towards coalition government comes from Strom. Drawing on game theory, he argues that minority governments emerge out of rational calculations made by party leaders as they weigh the various costs and benefits of participating in government within the confines of various institutional constraints and conditions. This argument makes five assumptions: (i) legislative and executive coalitions do not need to coincide; nor will party leaders “invariably” seek a parliamentary majority, which is not always a “functional requisite” for government formation; (ii) political parties face trade-offs between being office holders and shaping policy in echoing the work of Budge and Laver\footnote{Specifically, they write: “There is, of course, no a priori reason within the rational choice framework why one motive should be preferred to the other. Both office seeking and policy pursuit can plausibly be assumed to motivate coalition actors.” Budge and Laver, “Office Seeking and Policy Pursuit in Coalition Theory,” 485.} who argue office-seeking and policy-seeking motivations are not mutually exclusively; (iii) parties do not need to be office holders if they wish to shape policy; (iv) party leaders pursue long-term goals in addition to short-term goals; and (v) party leaders are primarily concerned with their respective long-term electoral prospects. Further, Strom argues that in “short run, it is always better for political parties to be in office than in opposition, regardless of their mix of office and policy objectives.” But parties and their leaders must also consider the trade-offs between power, policy influence and electoral success in the future. Parties governing as a minority government may struggle to maintain legislative confidence or run the risk of antagonizing large parts of the public, media and special-interest groups. Yes, it is hard to imagine a political system in which the opposition would be more powerful than the
governing cabinet, even if it lacks a legislative majority. But the costs of being in office can also be considerable.\textsuperscript{360}

This last point brings us to the coalition question. If a party has chosen to bear the burdens of incumbency, why would it not seek a more stable arrangement? The answer is surprisingly straightforward. Measures that enlarge a governing cabinet carry costs for both partners. The division of cabinet portfolios becomes more competitive and any would-be partnership inevitably requires both sides to make policy compromises, potentially against the wishes of the party’s formal membership, electoral base and donors, a point evident during the Coalition Crisis of 2008 when rank-and-file Liberal and New Democrats questioned the decision to strike a working arrangement with the Bloc. Policy-motivated parties may be particularly hesitant to stabilize a minority government, as it was the case during the Trudeau minority when the NDP tried to end its legislative relationships with the Liberals as quickly as possible because it feared – correctly, as it turned out – that propping up Trudeau’s minority would end with a Liberal majority. If such parties can exercise more or less the same policy influence in parliamentary opposition, why would they try to join a government that might invite unwanted scrutiny? On the other hand, a party may seek a minority mandate on its own if it anticipates electoral rewards down the line in the absence of identifiable governing alternatives and a responsive electoral system that subsequently rewards the winner. This argument bears much relevance to Canada, where politicians continue to treat minority government as a temporary circumstance on the way towards a majority\textsuperscript{361} and the cost-benefit analysis supplied by Strom offers gives this calculus some theoretical grounding. Coalitions, if one were to read Strom closely, threaten to privatize the costs of governance and socialize the dividends of electoral success.\textsuperscript{362}

Canadian federal minority governments are therefore more likely to make temporary policy concessions on a case-by-case basis rather than enter formal coalitions\textsuperscript{363} that may compromise their political brand and electability during the next go-around at the polls, whose timing they can actually choose themselves by way of

\textsuperscript{360} Strom, Minority Government and Majority Rule, 38, 40-49.
\textsuperscript{361} Aucoin, Jarvis and Turnbull, Democratizing the Constitution, 170.
\textsuperscript{362} See the discussion of the Union government.
\textsuperscript{363} Franks, The Parliament of Canada, 49.
engineering their own defeat or dissolving Parliament prematurely, notwithstanding new legislation.\textsuperscript{364} By way of evidence, consider the two Liberal minorities under Pearson during the 1960s and the two Conservative minorities under Harper during the 2000s.\textsuperscript{365} Three out of those four respective minority governments faced the public according to their own timetable. Pearson’s decision to call an election in 1965 strengthened the minority mandate that the Liberals had initially won in 1963 under his leadership and set the stage for the election of 1968 that culminated in a Liberal majority under Trudeau. Turning to Harper, his decision to call an early election in the fall of 2008 allowed him to strengthen his minority mandate of 2006 before the worst economic crisis since the Great Depression. Notwithstanding the Coalition Crisis of 2008, this strengthened mandate eventually climaxed in Harper’s current majority government. But if Pearson and Harper share comparable records in terms of preparing the ground for eventual majorities, their respective accomplishments occurred during very different eras and by very different means. Additional comments concerning their specific circumstances and conditions appear in the chapters that cover these minority governments.

This point brings us to the third and final major point of this section, namely that minority governments do not fundamentally differ from majority governments. If minority governments do indeed calculate that holding office bears more rewards than risks, mainly the prospect of winning a future election, their willingness to work with the parliamentary opposition is far lower than what scholars such as Russell anticipate. In fact, Blidook and Byrne argue that it “may be more prudent to predict that single-party minority government will make parties more competitive and partisan rather than cooperative.”\textsuperscript{366} Otherwise, they would have chosen a formal partner to stabilize their government for the duration of their term. Conscious that such choices depend on the

\textsuperscript{364} To appreciate this point, consider the most recent parliamentary elections in Germany, a country unfamiliar with minority government but comfortable with formal coalitions. When the Christian Democratic Union and its Bavarian-based sister party came within inches of winning a parliamentary majority, commentators speculated whether incumbent Chancellor Angela Merkel would govern with a minority government. Yet these discussions ended as quickly as they had appeared, because the very prospect of minority government, shudder, would have violated the expectations of a political culture obsessed with stability and consensus.

\textsuperscript{365} At this stage, one could also mention the first Diefenbaker. The Trudeau minority and the second Harper minority meanwhile engineered their own defeat.

\textsuperscript{366} Blidook and Matthew Byrne, “Constant Campaigning and Partisan Discourse in the House of Commons,” 50.
‘size’ of the minority government, the state of the parliamentary opposition and other factors, Strom makes it clear that minority governments are just another form of majority government, a point supported by considerable evidence. Several minority governments including but not exclusively the Pearson and Harper minorities acted as if they were majorities, in supporting Franks’ claim that minority governments do not radically differ from their majority counterparts in terms of power, much of it placed in the Prime Minister’s Office. Former senior Pearson policy advisor Kent, noted that the “difference between majority and minority government is commonly exaggerated.” While a minority government might be more conciliatory and attentive to Parliament than otherwise, it still maintains a near-monopoly over the use of power. Parliament really has no additional influence in administrative matters. The same imbalance also prevails in the area of policy-making. While one might expect minority governments to temper their legislative ambitions on the fear that they might face pushback from the parliamentary opposition, the evidence suggests otherwise. Yes, minority governments must be more mindful of certain undeniable mathematical realities than their majoritarian counterparts. To suggest and act otherwise invites hubris as the Clark minority discovered. But various scholars including Strom, whose theory of minority government formation is hardly flawless, nonetheless allows us to argue that minority government represents a

370 Strom notes that political leaders prefer being in office ahead of being in opposition. Yet this motivation appears to be strangely absent among incumbent Canadian prime ministers following inconclusive parliamentary elections that might have allowed them to stay in office. Consider the actions of former Liberal Prime Minister Paul Martin. History records he resigned from his post after the Liberals had finished second behind the Conservatives under Harper in terms of seats in 2006. That election however failed to produce a ‘clear’ winner. Numerically, the three opposition parties outnumbered the Conservatives and Martin could have easily chosen to test the confidence of the House during its subsequent session in attempting to retain his office. Yet Martin simply resigned, a decision that set off a series of disastrous events for the Liberals. He could have formed a coalition or chosen some other arrangement to stay in office, as King did, who ended up forming a brief minority government with the help of the Progressives and a few independent MPs after the federal election of 1925, when the Liberals lost their parliamentary majority, finishing second behind the Conservatives. Granted, King’s decision caused considerable controversy at the time and served as precursor to the King-Byng controversy several months later in 1926. This aspect however should not distract from the larger point. Martin did not act in a way that conforms to the government formation theory Strom advances. If being in office is superior to being in opposition, then Martin might have acted in a different manner, even if it could have meant forming some sort of temporary alliance, comparable to the proposed, then-aborted Liberal-NDP minority government coalition that would have governed with the implicit support of the Bloc Quebecois had Governor-General Michael Jean not
qualified form of majority government. So how do we measure its effectiveness? I propose an answer in the section below.

3.3 Defining Effectiveness

Traditional accounts of political effectiveness often conflate the concept with stability. Since Lowell, several scholars of parliamentary democracy have argued that effective governance requires stable governance, preferably in the shape of a single-party majority\(^{371}\) opposed by a single opposition party as the government-in-waiting. This ‘ideal’ of effective government assumes that stability encourages efficiency, a condition that ultimately ensures support for the system. Unstable arrangements such coalition or minority government have the opposite effect. Defined by inefficiency, they encourage instability and ultimately denude support for democratic governance.\(^{372}\) So this relationship also links effectiveness and legitimacy. Only effective government can be legitimate, a point discussed below. That said, scholars have become increasingly skeptical of the claim that certain governing arrangements are inherently ineffective.\(^{373}\) This realization has encouraged scholars to re-assess minority government, using both quantitative and qualitative methods. But both approaches suffer flaws. Qualitative studies invite charges of partisanship in the absence of ‘quantifiable’ evidence, whereas quantitative pieces tend to lack charm and overlook context. While both approaches can shine powerful lights into specific corners of minority government, neither alone is illuminative, especially in the absence of a standard for effective governance.

One criteria of effectiveness is legislative productivity, as measured by government bills tabled in the House of Commons that receive royal assent over time. This ratio gives readers an impression of the government’s proposed agenda and its ability to fulfill it. In this way, readers can at least judge whether the surveyed minority governments were effective in the management of parliamentary affairs. But this figure is not the defining metric of effectiveness that I plan to use. Ultimately, I am interested in

\(^{371}\) Dodd, “Party Coalitions in Multiparty Parliaments,” 1093.


\(^{373}\) Dodd, “Party Coalitions in Multiparty Parliaments,” 1094.
whether a minority government manages to convert its probationary mandate into a majority and explain the reasons behind this success. In asking this question, I can also attempt to assess whether it was successful in the pursuit of its larger political agenda and showed any skills as a crisis manager. While this approach might be narrow, it promises to offer a clearer picture than promised by qualitative or quantitative measures alone. At this stage, readers also deserve to know why I have chosen this approach over its alternatives. While potentially appropriate, a quantitative approach leaves itself open to many counterattacks. For example, the literature that studies the fiscal effects of minority government has presented contradictory results – one source specifically praises minority government for reducing public spending – and it might be far more difficult to determine the specific economic impacts of minority government in the light of other institutional realities. Comparable comments also apply to studies that show that more consensus-oriented forms of government tend to produce ‘better’ social-economic outcomes.

Finally, some interested parties draw a less than subtle link between minority government and the undeniably historic social legislation passed by the Pearson minorities during the 1960s. But the supposedly progressive nature of such legislation record does not inherently validate minority government as effective, just as majority government is not inherently effective.

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374 Surveying thirty-six major democratic systems from 1945 to 2010 along a number of dimensions, Lijphart concludes that consensus-oriented democracies have a statistically significant better record. Using traditional measures of macro-economic management (including economic growth, inflation and unemployment) and levels of violence, Lijphart finds that consensus-oriented democracies outperform majoritarian democracies. That is not say that Lijphart is open to the argument that that concentrating political power in the hands of a narrow majority can promote unified, decisive leadership and hence coherent and fast decision-making. But if majoritarian democracies may make decisions faster than consensus-oriented democracies, those decisions may not necessarily be wiser ones. Yes, majoritarian governments may produce more coherent policies, but the stark but mainly artificial distinction between government and opposition may also encourage sharp changes in economic policy that are too frequent and too abrupt. On that score, non-majoritarian cabinets are more likely to supply centrist policies supported by broad sections of society. This aspect in turn raises the legitimacy of said policies and the likelihood that they will remain on course. As an aside, Lijphart also finds that consensus-oriented democracies outperform majoritarian democracies on all of measures of democratic quality, including but not exclusively, voter turnout, representation of women and minorities and overall satisfaction with democracy. This commentary comes with a considerable caveat. Lijphart largely relies on quantitative measures of effectiveness. As we heard earlier, such measures may not be appropriate to assess the respective performances of federal minority governments. Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* 2nd ed. (New Haven: Yale University Press, 2012), 274-294.

375 Conley, “Legislative Activity in the Canadian House of Commons,” 423.
3.4 Defining Legitimacy

The preceding section supplies a standard with which I plan to judge the effectiveness of federal minority governments in Canada since 1945. This section turns to the subject of legitimacy, a central, complex, and contentious concept in the study of politics. Two related goals animate the discussion that follows: (i) identify the sources that legitimatize minority government and (ii) develop a standard that guides my assessment of the nine federal minority governments that have governed Canada since 1945. While the scope of this discussion is limited, it is absolutely crucial. Continual attempts to understand the nature of legitimacy emerge from two possible motivations: (i) the justification of politics beyond mere power or (ii) the pursuit of self-interest and the desire to delegitimize the projected rule of would-be opponents. Inquiries into the nature of legitimate government become particularly intense when real events endanger already fragile normative theories of legitimacy. But what does the term actually mean? Fabienne describes legitimacy as a “virtue of political institutions and of the decisions – about laws, policies and candidates for political office – made within them.” Barker, meanwhile, describes the concept as “the belief in the rightfulness of a state, in its authority to issue commands, so that those commands are obeyed not simply out of fear or self-interest, because they are believed in some sense to have moral authority, because subjects believe that they ought to be obey.” Ultimately, the study of political legitimacy concern itself with the justification of government, including the means with which different organs of government justify their existence; the different kinds of legitimacy that regulate relations between the state and its subjects; and the competing conceptions of legitimacy found among conflicting sections of society, both inside and outside the structures of government. A theory of political legitimacy also alerts us to three competing conceptions of governance. The first of these sees government as an autonomous activity, motivated by its own ends, motives and rewards. The second sees government as a neutral, representative activity that reflects the balance of forces within

376 Barker, Political Legitimacy and the State, 4-6.
any society and attempts to reconcile it. The third sees government as a partisan activity, carried out on behalf of certain interests, often at the expense of others.\(^{378}\)

While straightforward, this general commentary barely scrapes the surface. Consider the following question: is legitimacy descriptive or normative in nature? Arguably among the most famous scholars on the subject, Weber treats legitimacy as a descriptive concept, when he describes it as “a belief, a belief by virtue of which persons exercising authority are lent prestige.”\(^{379}\) Specifically, he argues that legitimacy can be “legal and rational,” “traditional” and “charismatic” in nature.\(^{380}\) For his part, Weber attaches considerable importance to the concept of legitimacy, as a source of stability in social relations.\(^{381}\) As such, legitimacy appears as a necessary condition for effective governance, a position not universally shared.\(^{382}\) Subsequent scholars have attacked Weber\(^{383}\) with many accusing him of promoting an amoral theory of political legitimacy\(^{384}\) that allows tyrants to justify their unethical rule. This critique sees legitimacy as a normative concept that “should properly signify a normative evaluation of a political regime: the correctness of its procedures, the justification for its decisions, and the fairness with which it treats its subjects,”\(^{385}\) as Grafstein says. Other questions concerning political legitimacy also remain unanswered. Does legitimate authority create political obligations? Must people obey political authority? Other questions concern the requirements of legitimacy. When may we call political institutions and the decisions that flow from them legitimate? Some focus on the presence (or absence) of certain procedural features. Others argue legitimacy depends, exclusively or at least partially, on the substance of political decisions. Does political legitimacy depend on democracy or not? If democracy is a necessary but insufficient condition for political legitimacy, when are democratic decisions legitimate? Can we answer that question exclusively with

\(^{378}\) Barker, *Political Legitimacy and the State*, 11,16-17.


\(^{381}\) Fabienne, “Political Legitimacy,” *The Stanford Encyclopedia of Philosophy*.

\(^{382}\) Barker, *Political Legitimacy and the State*, 14.


\(^{384}\) Barker, *Political Legitimacy and the State*, 25.

reference to procedural features? Or must we also consider the substance of decisions? Finally, which political institutions are subject to the requirements of legitimacy?

Questions of this sort go well beyond the mandate of this chapter. They nonetheless loom in the background and serve as reminders of the complex task ahead, a task that arguably goes to the heart of political science. It is however possible to argue the recent literature has taken a wide, often multi-dimensional view of legitimacy. Consider Beetham. He argues that legitimacy in liberal democracies has two fundamental dimensions: (i) legality and (ii) justifiability. Legality, in this context, measures adherence to the rule of law. While Beetham identifies the rule of law as an important source of legitimacy, he also insists that it is insufficient. Rules and the institutions that they generate must also be justifiable in light of shared societal beliefs. Justifiability in turn consists out of two distinct components. The first of these are institutions that reflect shared beliefs about the “rightful source of political authority.” In the case of liberal democracies, this means adherence to ideals of democratic rule. The second of these are institutions that perform according to shared expectations “about the proper ends and standards of government.” Variations of these two components are also found in the theoretical framework developed by Scharpf who distinguishes between “input legitimacy” and “output legitimacy.” The former term measures the responsiveness of the political system, while the latter measures the ability of government to achieve the collectively articulated goals of citizens.

Notably, definitions of what constitutes legitimate input vary. Those who support majoritarian systems of democracy idealize input by way of elections, where supporters of consensus-oriented democracy idealize input through representative organs. And as noted earlier, periods of minority government seemingly move Canada’s majoritarian system towards a more consensus-oriented system in creating a conceptual conflict. The definition of what qualifies as legitimate output also varies. Some scholars discuss output legitimacy in terms of effectiveness, which often means desirable policy outcomes. But as we have already heard, scholars struggle to determine the desirability of social policy.

386 Barker, Political Legitimacy and the State, 4.
Granted, in some cases, the answer is clear. Those occasions however strike me as rare. Others define effective government as strong, stable and decisive government, a claim challenged as already heard. Notably, the literature disagrees whether government must satisfy both ends of this input-output formula of legitimacy.\(^{390}\)

Ultimately, this discussion means that minority government can draw its legitimacy from at least three potential sources: (i) the rule of law (constitutionalism); (ii) procedure (input); and (iii) outcome (output). Turning to the specific question of whether minority government is legitimate, I find myself in agreement with Beetham and Lord who argue that “legitimacy is not an all-or-nothing affair, but a matter of degree.”\(^{391}\) I understand this comment to mean that it is possible to approach the legitimacy of minority government from several angles. Within this in mind, I plan to judge the legitimacy of Canada’s federal minority governments according to two criteria: (i) their adherence to the constitutional rules that sustain them and (ii) their procedural (or input) legitimacy. Notably, this choice means that I will not judge the legitimacy of minority governments by their outcomes (or output), because the literature remains largely divided over the specific effects of minority government. In terms of my approach, I will first consider minority government from a constitutional perspective. I will then turn towards the question of whether minority government enhances the deliberative capacity of the House of Commons, as scholars such as Russell have argued. This argument assumes that the Commons has lost its input legitimacy\(^{392}\) in the affairs of the state, a common\(^{393}\) complaint in the literature on Canadian legislatures. This scholarship often reduces Parliament to a “ceremonial body,”\(^{394}\) whose primary duty consists out approving the agenda proposed by the prime minister, a ‘friendly’ but autocratic figure who treats

\(^{390}\)Skogstad, for examples, argues that both output and input legitimacy need to be present. Specifically, she writes: “It is the combination of input legitimacy – that is, procedural legitimacy – and output legitimacy – that is, substantive legitimacy – that leads individuals to feel a sense of obligation to obey collectively binding decisions even when they conflict with their own preferences.” Grace Skogstad, “Who Governs? Who Should Govern? Political Authority and Legitimacy in Canada in the Twenty-First Century,” *Canadian Journal of Political Science* 36, no. 5 (2003): 956.


\(^{393}\)Graham White, *Cabinets and First Ministers* (Vancouver: UBC Press, 2005), 65.

cabinet as a glorified focus group\textsuperscript{395} and largely ignores the public. While this rhetoric of a rubber-stamping Parliament lacks sophistication, \textsuperscript{396} it would take some nerve to deny the centrality of the prime minister in the formulation of public policy. Reasons behind this reality vary and what follows briefly describes them.

Some tend to be ‘universal’ in the sense that they have complicated governance in all democratic societies, not just Canada. Others reflect more unique ‘Canadian’ conditions. The former category includes the growth and intrusion of bureaucratic government into virtually every corner of modern life and the increasingly complex nature of governance in the face of rapid economic, technological and international changes.\textsuperscript{397} Within this context, it is also important to mention the powerful phenomenon of policy-making by way of polls and certain media practices, particularly but not exclusively, the intense spotlight on the executive.\textsuperscript{398} The latter ‘Canadian’ category includes the threat of Quebec separatism following the Quiet Revolution; regional tensions in face of unequal economic development; emergence of powerful provincial governments; the undue influence of international developments on the Canadian national economy; and Canadian reliance on the United States in key areas such as trade, defence, culture and others areas.\textsuperscript{399} While it is difficult to rank these factors by their relative importance, it is clear that they have reduced the role of the House in the formulation of policy.

\textsuperscript{395} This notion has gained considerable popularity through Simpson’s \textit{Friendly Dictatorship} and Savoie’s \textit{Governing from the Centre}. Both accounts show the growing strength of the bureaucracy around the prime minister’s office at the expense of cabinet and parliamentarians. White for his part questions this criticism, drawing on Thomas who notes that describing prime ministers as friendly dictators and cabinets as focus groups is an example of “good rhetoric but poor analysis.” White, \textit{Cabinets and First Ministers}, 5, 68.

\textsuperscript{396} Smith notes that Parliament is “not the passive entity students of legislatures everywhere in 1960s once described.” Indeed, “while far from total, members have greater control over their activities and more opportunities to influence legislation than at any time in the past century.” Smith, \textit{The People’s House of Commons}, 82, 87.

\textsuperscript{397} Ibid., 204. Specifically, Franks writes that theoretically Parliament has “remained the central forum for the discussion, legislation and review of policies. But the growth of the administrative organs of government, and the growing complexity of the political system and its relationships with the economic and social spheres, meant that many links and channels of communication between government and public developed which bypass parliament. Caught between the big bureaucracy on one side and a mass public a complex set of interest and pressure groups on the other, parliament, far from serving as the joining link, has all too often been regarded as an irrelevant sideshow.”

\textsuperscript{398} White, \textit{Cabinets and First Ministers}, 67.

\textsuperscript{399} Franks, \textit{The Parliament of Canada}, 207.
It is precisely at this point where supporters of minority governments such as Russell would praise the phenomenon in advertising its perceived deficiencies as virtues. Russell notes that “minority government restores vitality to Parliament and in particular to the House of Commons, the people’s House.” While the executive with the prime minister at its core still shapes policy true to the tested design of the Westminster system, the Prime Minister’s Office (PMO) does not settle policy during a minority government through the brute strength of numbers. The prime minister of a minority government must defend government policies in the House and be prepared to modify them through parliamentary deliberation. Granted, the policies that emerge from this lengthier process will “deviate somewhat” from the electoral mandate of the governing party, but “they will be more inclusive of the opinion in the country,” Russell says. Instead of being a ‘market’ that aggregates private preferences, the House becomes a ‘forum’ that foregoes voting in favour of rational debate aimed at reaching some sort of consensus. Raw, selfish, occasionally irrational behaviour makes room for reason and deliberation.

This commentary raises several questions. How do scholars determine whether any legislature, regardless of its numerical composition, operates more like a ‘market’ or more like a ‘forum’? Is it really appropriate to draw this distinction since legislatures are designed to perform multiple functions? Deliberation, defined by Chambers “as debate and discussion aimed at producing, reasonable, well-informed opinions in which participants are willing to revise preferences in light of discussion, new information, and claims made by fellow participants.” Deliberation does not mix well with voting, a point Russell acknowledges. When political decisions require voting, as they always do eventually, talking is not likely to conform to communicative ideals. And even if we accept the assertion that minority government changes the nature of the House, how

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400 Russell, *Two Cheers for Minority Government*, 129.
401 Ibid.
405 Russell, *Two Cheers for Minority Government*, 175.
do scholars assess the magnitude of said change? The prospective answers to these questions do not appear to be straightforward because scholars have struggled to find appropriate methods, which they might be able to measure the ‘deliberative’ nature of any legislature. 407 This comment of course merely hints at the larger questions that confront scholars of deliberative democracy. Do the complexities of modern societies permit broad-based participation? Are culturally diverse societies capable of converging on rational solutions to political problems? 408 This research possesses neither the means nor mandate to resolve such questions, but they nonetheless deserve acknowledgement because of their looming presence in the background. The implications of these insights are somewhat sobering. They suggest that it might be difficult to determine whether minority government represents a ‘deliberative’ form of governance. Thankfully, some scholars have tried to assess the deliberative nature of legislatures by the presence or absence of certain institutional features. What follows below briefly considers the comparative literature on legislatures.

Strom finds a close relationship between the deliberative powers of legislatures and the strength of their respective committee systems. As committees gain more autonomy and strength, the deliberative strength of the legislature at-large increases. While the correlation between the strength of the committee system and the deliberative nature of a legislature is not exact, a decentralized and autonomous committee system appears to be necessary condition for a strong legislature at the very least. 409 Legislatures generally benefit from strong committees. Franks shares this attitude in his assessment of the Canadian committee system, at least theoretically. Committees offer the “beguiling prospect” of a stronger, more independent role for parliamentarians because they can perform tasks that the House itself cannot, he says. The following such tasks come to mind. Committees may call investigations with the ability to invite witnesses, initiate independent research and interrogate members of cabinet and the civil service. They can also assembly reports that articulate and aggregate the various views of members and the public in a non-partisan manner not deemed possible in House. And they can be valuable

409 Strom, Minority Government and Majority Rule, 43.
tools during the engineering of legislation by furnishing forums for input. Above all, committees particularly the important Public Accounts Committee can hold the executive accountable for its actions on matters of policy and the public purse. We can sharpen this general view by looking at the different prisms through which groups inside and outside of Parliament see parliamentary committees. For the government, parliamentary committees hold the promise of easing the workload on the House by channeling legislation. Opposition members and government backbenchers, meanwhile, see parliamentary committees as platforms from which they can question minister and public servants in examining important issues. For pressure groups, committees can be points of leverage during the policy-making process. Finally, parliamentary committees can become conclaves of civility, where members are able to retreat from the rhetoric of partisanship in enjoying a spirit of participatory governance, perhaps much along lines of what Skogstad proposes in her analysis. Ultimately, Franks concludes that the “ideal of the committee” contrasts sharply with the reality of the House.

\[410\] In representative democracies, the exercise of political authority occurs largely through public consent, as citizens choose agents of political authority through regularly scheduled free elections in a way that roughly reflects the will of the public and its preferences, and if necessary punishes them through multiple means of accountability. This conception of political legitimacy, which places the elected state official at its core, has historically prevailed in Canada. But Canadians have increasingly confronted three competing conceptions of political authority. They include: (i) appeals to expert authority afforded by non-political agents such as regulatory and judicial bodies; (ii) private (market) based authority explicitly or implicitly sanctioned by governments; and (iii) popular authority by way of direct public input and deliberations in the formulation of public policy. These competing conceptions have subsequently undermined the legitimacy of the state-centred model of political authority in complicating governance. Skogstad notes that the public’s acceptance of political authority simultaneously depends on its process (input) and its practical results (output). Specifically, she notes that representative democracies ensure input legitimacy through procedures that channel the preferences of citizens. Meanwhile, political authority enjoys output legitimacy when the practical results of governance meet “social standards of acceptability and appropriateness.” While these standards differ across societies and over time, universal criteria of output legitimacy include the promotion of the common welfare through effective problem-solving and distributive justice. However both ‘input’ and ‘output’ legitimacy have declined as competing conceptions of authority compete for influence. Specific challenges to input legitimacy come from developments that grant expert and private authorities an unprecedented levels of legitimacy. Such developments include globalization and the voluntary retreat of the state from economic spheres once under public supervision. On the output side of legitimacy, Skogstad notes that globalization has also diminished the capacity of Canadian governments to deliver the policy outcomes that conform to the expectations of Canadian citizens. As a paradigm, globalization emphasizes economic efficiency, yet undermines values of transparency, accountability and social justice, the very values by which Canadians judge the legitimacy of their governments and the actions that they take. Governance, in other words, has become less representative and more partisan. Conscious of these conditions, Skogstad notes that state-centered authority remains the “best bet for effective and legitimate governing in Canada.” But “to capitalize on that bet, however, our representative institutions must be reformed to become more authentic chambers of representation and deliberation.”
Note Franks’ wording. It suggests a serious gap between the ideal and reality.\textsuperscript{412} While the House committee system stretches back to 1867, its roots have historically run rather shallow. Nor have they borne much fruit, with occasional exceptions in areas such as agriculture, veterans’ affairs and nuclear energy.\textsuperscript{413} The current system of House committees did not begin to take shape until almost a century after Confederation\textsuperscript{414} when a plethora of reforms, some minor, others more major,\textsuperscript{415} preceded one of the most significant changes to the committee system since Confederation,\textsuperscript{416} namely, the new standing orders as proposed by the Special Committee on Procedure on December 6, 1968. Notably, many of the reforms that had preceded the new standing orders occurred, not surprisingly, during periods of minority government, a point picked up in the next chapter. After extensive debate, the House eventually adopted all but one of the recommendations on the promise that the changes would strengthen the role of committees. As adopted, the new standing orders assigned standing House committee three general tasks: review legislation; examine estimates; and initiate general inquiries. Specific procedural changes that deserve some brief comments within the confines of this chapter include the following. Government bills would automatically undergo committee review following second reading and committees could sit independently of the House.

Generally, the Trudeau majority agreed to these changes because it believed that they would accelerate the pace of policy making,\textsuperscript{417} which had taken an increasingly ‘rational’ but also detached turn that benefited certain bureaucratic actors (especially the

\textsuperscript{411} Specifically, he writes that “(committees) can be small and personal where the House is big and cold; the individual MP can be important in committee instead of being effaced by party discipline; the outcome of committee deliberations can be creative and exciting; committees can be non-partisan, sensitive, and subtle where the House is partisan, crude and blunt.” Franks, \textit{The Parliament of Canada}, 161-162.


\textsuperscript{413} Franks, \textit{The Parliament of Canada}, 161-162.


\textsuperscript{415} Thomas notes that parliamentary committees did not play a prominent part in the parliamentary process until reforms passed by the Tory government of Prime Minister Diefenbaker. Ibid., 683. Starting in 1958, he started the practice of appointing a member of the opposition as chair of the public account committee as a form of self-control since a chair from the government would likely be more protective. Diefenbaker’s interest in committees also had other grounds. In charge of a massive parliamentary majority, Diefenbaker encouraged active committees as a way to occupy his large horde of backbenchers.

\textsuperscript{416} Seen in this light, readers may find some agreement with Franks, who cautions against exaggerating the effects of these reforms. The committee systems has “remained substantially” the same since Confederation. Franks, \textit{The Parliament of Canada}, 163.

central coordinating agencies) while divorcing the very same from the parliamentary process and the public. However, parliamentarians also believed, largely incorrectly, as it turned out, that the reforms would trigger significant changes in parliamentary practice by granting individual members more influence. Initial and subsequent tests of this hypothesis by Franks, Thomas and others have found insufficient evidence in support of it. While committees can be of utility and occasionally influential, such as the joint Senate-House committee on the constitution, committees generally do not reach that height. Committees do not create new role for Parliament, nor do they alter the relationship between the executive and the legislature in a significant manner. Far from being solitary islands of refined deliberation and debate, parliamentary committees are more often than not places of partisan rancor owing to the demands of their tasks, which by their nature, demand party discipline. Finally, Franks raises serious questions about the capacity of committees to represent all Canadians, since some groups possess superior resources than others in accessing the political decision making process. These insights are sobering. They suggest that we cannot accurately judge the deliberative nature of the House by the performance of its committee system.

Dumoulin approaches the question of whether we can measure the deliberative nature of the Commons from a broader perspective by assessing all other aspects of the House in asking whether the House qualifies as a genuine public sphere, a key concept in deliberative democracy theory. While definitions of the concept vary, it

418 Franks notes that the Trudeau government actually harboured suspicious towards stronger committees because they “submerge” the distinctions between parties, granting power to ‘irresponsible’ committees rather than responsible government. Franks, The Parliament of Canada, 163-163.
421 Ibid., 164.
422 Other problems confronting House committees include staffing, resources and absenteeism. Ibid., 166-170.
423 Franks says that experience shows that parliamentary committees are “inevitably going to hear from the organized, advantaged segments of society than from the disorganized and the poor. The orientation of the major parties towards the upper social and economic levels exacerbates this problem.” Ibid., 174. This said, Franks says that the Senate committees enjoy a far better reputation for being deliberative. Ibid., 168-169.
424 In doing, she partially follows the advice of Lascher, who writes that researches “wishing to assess deliberation in parliamentary systems would need to focus on other forums (than committees) for policy discussions such as cabinet and party caucus meetings.” He concedes that it might be difficult to monitor these forums, given norms of secrecy. Lascher, “Assessing Legislative Deliberation,” 517.
425 Dumoulin, “Canada’s House of Commons and the Perversion of the Public Space,” 8.
generally refers to a space – both in the actual and theoretical sense – that permits the public exchange of rational arguments. Specifically, Dumoulin assesses the House along three dimensions: (i) structure; (ii) representation; and (iii) interaction. Briefly, the first dimension – structure – assesses the theoretical, physical and organizational nature of a public sphere. The second dimension – representation – considers who receives access to said space, true to the notion that any public sphere does not exclude any citizens or their viewpoints from deliberation. The third – interaction – concerns itself with the use of said space. Turning to the interactional dimension, a genuinely interactive public sphere must satisfy three “deliberative conditions,” according to Dumoulin. The first calls for genuine deliberation based on argument rather than mere assertion. The second concerns the simultaneous presence of discursive inclusion and discursive equality. Discursive inclusion within the context of deliberative democratic theory refers to the diversity of subjects and speakers that may be included during deliberation, while discursive equality refers to equality in terms of access to material and consideration (being heard). The third and final condition insists on “unrestricted and unfettered communication, except in instances when such communication hinders discussion.”

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426 Ibid., 5.
427 Dumoulin notes that the House is not a single entity, but rather a “hierarchical system” that consists out of smaller microspheres. Ibid., 35. Specifically, she identifies three such spheres: (i) the Main Chamber of the House; (ii) committees and (iii) sub-committees. These microspheres with the Main Chamber at its peak vary in terms of their communication processes, but interlink in terms of membership. While Dumoulin also identifies three additional microspheres, namely, joint committees, Cabinet, and caucus, she excludes them from her study because their membership consists of representatives from both the House of Commons and the Senate. Of course, the latter is not a representative institution, at least not in the same way as the House of Commons. Ibid., 24.
428 The physical component locates the public sphere within a public space. Ibid., 40. Specifically, she notes that the House satisfies conditions of public ownership and access. While certain conditions deny citizens direct access to parts of the House, other features offset these limits. Ibid., 25-29.
429 Dumoulin notes that public sphere theory calls for the presence of various institutional features to ensure that debate occurs in an orderly and productive manner. These features may be tangible such as the design of physical space or intangible, spelling out rules and procedures. Regardless of their form, institutional features shape both behaviour and interaction in the public sphere. Within this context, Dumoulin identifies four such features: (i) seating arrangements within the Main Chamber of the House; (ii) parliamentary standing orders; (iii) the Speaker; and (iv) parliamentary privilege. Surveying each of these items, Dumoulin finds that the seating arrangements can create an adversarial environment. Parliamentary standing orders and the Speaker maintain civility but may also limit the communicative freedom. If so, these limits fade thanks to the fourth feature – parliamentary privilege. It grants parliamentarians communicative rights to ensure their full participation in the proceedings of the House. Ibid., 39-40.
430 Ibid., 42.
431 Ibid., 42.
432 Ibid., 65.
deliberation.”

Overall, Dumoulin finds that the House satisfies the first and second aspect – structure and representation – but fails the third – interaction, a failure she blames largely on partisan politics. As noted in the literature review, Dumoulin reaches this conclusion after her survey of the 40th Parliament – the second Harper minority. In fact, she suggests that minority government may actually increase partisan rancor and depress deliberative instincts, an explosive finding that contradicts claims by Russell who frames minority government as a necessary corrective to the perceived tyranny of majority government. It certainly contradicts the commonly heard narrative that minority parliaments force the respective government of the day to cooperate as Good has argued, when he writes “(les) ministres d’un gouvernement minoritaire comprennent d’instinct que leur réussite repose essentiellement sur le maintien de bonnes relations de travail avec les députés, tant du gouvernement que de l’opposition.” Dumoulin’s research suggests otherwise. In addition, Dumoulin’s account also draws our attention to deliberative conditions, such as the breadth of political discourse, levels of discursive inclusion and equality and communicative freedom with which we might be able to judge the deliberative nature of the Commons. Granted, these standards are admittedly subjective and one easily invites charges of selectiveness, while searching the parliamentary record for relevant evidence. But this form of analysis promises to be fruitful when combined (as Dumoulin has done) with an assessment of the institutions and culture that defines the Commons. Deliberative democracy does not offer itself as an alternative to representative democracy. Voting and the consent that springs from it still matters within deliberative democratic theory. But it is not the central source of political legitimacy. It instead resides in the principle of accountability, which in the words

433 Ibid., 70.
434 Ibid., 10.
435 Ibid., 92.
436 Ibid., 89.
437 David A. Good, “Le gouvernement minoritaire et les fonctionnaires,” Revue parlementaire canadienne 27, no. 3 (2004): 14. English translation: “Ministers in minority government understand instinctively that their success is fundamentally predicated on sustaining good working relationships with MPs, both government and opposition.”
438 Ibid., 308.
439 As such, deliberative democracy theory builds on the works of Kant, specifically his principle of publicity, which reconciles the requirements of right (justice/general interest) with the requirement of
of Chambers “holds that citizens and officials must be willing to publicly defend and justify their claims and policy preferences”\textsuperscript{440} in a way that can be justified to all. Perhaps the most famous articulation of this principle comes from arguably the most prominent proponent of deliberative democracy – Habermas – who says that, “all political power derives from the communicative power of citizens.”\textsuperscript{441} Once satisfied, only this condition constitutes a legitimate political order. \textsuperscript{442} This particular conception of political legitimacy democratizes the idea of public reason through a highly idealized version of communicative action\textsuperscript{443} on the ideal that the desire for mutual understanding serves as the primary motivation for political actors. They do not see each other as strategic means in the pursuit of personal interests but rather as partners in dialogue, as autonomous agents whose capacity for rational judgment deserves respect. This notion of dialogue certainly has a record in Canadian politics, certainly since the constitutional negotiations of the late 1980s and early 1990s,\textsuperscript{444} as well as a series of Charter rulings.\textsuperscript{445} In short, deliberative democracy turns its back on aggregative models of democracy, without politics (obedience/stability). Drawing on the categorical imperative that “all actions affecting the rights of other human beings are wrong if their maxim is not compatible with their being made public,” Kant argues against sovereigns who refuse to expose their policies to the test of debate on the fear that the public might question the legitimacy of the same. Indeed a sovereign who fears public debate is a sovereign who fears that his actions are not within the general interest. Specifically, he says: “(a maxim) which cannot be publicly acknowledged without thereby inevitably around the resistance of everyone to my plans, can only have stirred up this necessary and general opposition against me because it is itself unjust and thus constitutes a threat to everyone.” Publicity is also a mean by which the state can earn the obedience of its subject, while treating them as free, moral agents. Publicizing the grounds for state actions and subjecting said grounds to the forces of “independent and public thought” in the words of Kant ensures that the state has just reasons for its actions and that its citizens believe that these reasons are just. Quoted in Simone Chambers, “Discourse and democratic practices,” in The Cambridge Companion to Habermas, ed. Stephen K. Whyte (Cambridge: Cambridge University Press, 1995), 235-236.

\textsuperscript{440} Simone Chambers, “Theories of Political Justification,” Philosophy Compass 5, no. 11 (2010): 897


\textsuperscript{442} Chambers, “Deliberative Democratic Theory,” 309.

\textsuperscript{443} Cohen says deliberative democracy “institutionalizes” the ideal of political power based on the free public reason among equals. It is not “simply” a form of politics. It is “a framework of social and institutional conditions that facilities free discussion among equal citizens – by providing favorable conditions for participation, association and expression – and ties the authorization to exercise public power (and the exercise itself) to such discussion – by establishing a framework ensuring the responsiveness and accountability of political power to it through regular competitive elections, conditions of publicity, legislative oversight, and so on.” Joshua Cohen, “Procedure and Substance in Deliberative Democracy,” in Deliberative Democracy: Essay on Reason and Politics, ed. James Bohman and William Regh (Cambridge, MA: MIT Press, 1997): 412.


necessarily aiming for unanimous consensus.\textsuperscript{446} It instead places the burden of political justification on the presence (or absence) of unrestrained and unhindered public debate during which only “the force of the better argument” may prevail. Of course, the realization of this deliberative ideal depends on the presence of certain structures. My focus, of course, falls on the House of Commons, the “People’s House”\textsuperscript{447} as Smith calls it. As a “representative body” and “repository of popular sovereignty,” it is the only part of the Canadian Parliament “that claims to speak on behalf of all Canadians.”\textsuperscript{448} This aspect as articulated by Smith gives the House special significance. If minority government does indeed enhance the deliberative capacity of Parliament as Russell claims, this transformation should be most obvious in the Commons.

In summary, I first plan to assess the legitimacy of minority government through a Weberian prism, then through the standards of deliberative democracy. I am especially interested in whether minority government conforms to the general principles of rational will formation, such as “discursive equality, freedom and fair play.” These principles stipulate that no one who possesses the power to speak and act may be excluded from discourse; everyone enjoys permission to pose questions, offer opinions and express various attitudes, desires and needs; and no one may be denied – either by internal or external force – from exercising those rights.\textsuperscript{449} These standards are of course very idealistic and to judge the House through an idealistic prism actually runs the risk of demeaning its evolutionary progress. But this concession to reality does not mean that we cannot judge whether periods of minority government make the House more ‘deliberative.’ Where appropriate, this analysis acknowledges attempts to improve the deliberative capacity of the House. It is not a static institution. It has demonstrated the capacity for change, a condition that deserves appropriate applause.

\textbf{3.5 Putting It All Together}

So far, this chapter has accomplished three tasks. First, it has discussed the emergence of federal minority governments in Canada by linking the phenomenon to the party system. Second, it has developed a measure of effectiveness. Third, it has

\textsuperscript{446} Chambers, “Deliberative Democratic Theory,” 308.
\textsuperscript{447} Smith, \textit{The People’s House of Commons}, 115.
\textsuperscript{448} Ibid., 4.
\textsuperscript{449} Chambers, “Discourse and democratic practices,” 237-238.
developed a standard of legitimacy. This section builds on the preceding methodological work by presenting a detailed version of the argument I propose to defend in the chapters that follow. It starts, as noted earlier, from the position that minority governments do not fundamentally differ from majority governments. To put it plainly, they enjoy all of the institutional advantages of majority government, except for the fact that they might have to work the legislative levers harder to push policies through the parliamentary channels or manage various crises that may occur during their respective term. Minority governments are thus “probationary” majorities who pursue two related goals – retain their hold on power and strengthen it by converting their minority mandate into an outright majority as soon as possible. Depending on their performance, voters will either reward or punish them during the next election. This then allows us to judge retroactively the effectiveness of minority governments by whether they manage to secure a majority mandate in the election that follows their initial assumption of office. Minority governments are therefore effective if they manage to shed their ‘probationary’ status in the election that follows their initial assumption of office. Minority governments are partially effective if they set the stage for an eventual majority. Accordingly, minority governments are ineffective if they fail to convert their

Turning to the specific minority governments surveyed in this research, I propose that the second Diefenbaker minority, the Clark minority and the Martin minority qualify as ineffective because they failed to retain their hold on office. Simply put, they failed to utilize the power of their position. While each of these minority governments could claim some legislative achievements, they proved to be largely academic in the sense that these achievements did not help them shed their probationary status. I also propose that first Pearson minority and the first Harper minority qualify as partially effective because each managed to retain the trust of voters in returning to office with a strengthened mandate. While these governments remained on ‘probation,’ they nonetheless helped to pave the way for future electoral successes and the accomplishment of larger political goals. Meanwhile, the first Diefenbaker minority, the second Pearson minority, the Trudeau minority and the second Harper qualify as effective because each of them used their probationary period to set the stage for impressive electoral successes in the future. While their legislative records varied in terms of quantity, each of these governments
nonetheless managed to shed their probationary status. Surveying the larger picture, I find a distinct relationship between legislative productivity and overall effectiveness for the minority governments that governed during the third party system. This link however disappeared during the minority governments of the fifth party system. This change reflects larger changes within the party system itself. Whereas the third party system favoured a broad consensus concerning social spending, the ideological landscape of the fifth party system was far more fractured. This heightened level of partisanship created legislative challenges, but also opportunities to diminish the political opposition, opportunities which the two Harper minorities skillfully exploited.

Turning to the issue of legitimacy, I will argue that Canadian minority governments have historically played fast and loose with the constitutional conventions that sustain them. In doing so, they have weakened the constitutional ‘hook’ on which minority government has historically rested. I will also argue that minority government does not enhance the deliberative capacity of the House of Commons according to the criteria developed earlier. Yes, some minority governments have been more inclusive in working with the opposition on matters of policy. They however represent a minority of our sample. Far from improving the procedural legitimacy of Canadian parliamentary democracy, periods of minority government have actually had the opposite effect. To be fair, minority governments have frequently assumed office with the stated intention to make Parliament ‘work’ (whatever that may mean) and some minority governments have taken distinct steps to improve the procedural legitimacy of parliamentary government. But these efforts have been half-hearted at best and self-serving at worst. In fact, minority governments have frequently worsened various democratic deficits. While these observations are hardly surprising when held up against the experiences of the recent minority governments, it is important to note they are equally applicable to more distant minority governments.

3.6 Limitations

So far, this chapter has detailed key methodological concepts and described the overall argument that this present dissertation plans to advance. This section highlights the limits of my research. For one, I do not aim to assess whether minority governments are inherently superior or inferior compared to majority government in terms of their
effectiveness, legitimacy or both. While this research draws comparisons between minority and majority government where appropriate – readers have already encountered Conley’s comparative research into the respective legislative productivity of minority and majority governments – it does not attempt to develop a comprehensive theory that distinguishes between these two kinds of government. The difference may be one of degrees, not kind. Nor am I prepared to offer any extensive recommendations for reform for all what ails Canadian parliamentary democracy. Many such proposals have already seen the light of day and I see little reason to expand this voluminous literature. Readers are of course free to draw their own conclusions. Finally, readers may also object to the scope of this dissertation. Efforts to assess the effectiveness and legitimacy of federal minority governments in Canada require context. Governing executives, whether minority or otherwise, operate within a complex institutional web subject to multiple shearing forces and stresses, especially in a country as diverse and divided as Canada. To isolate one part, albeit an important one, is to ignore all the others, perhaps not intentionally, but practically. For example, how does the media’s coverage of minority government shape its performance and perception? How have the institutions of federalism historically shaped the performance of federal minority governments? What of the civil service? Finally, what are we to make of the Senate? It is after all one of the Houses of Parliament and as such plays no insignificant part in the fortunes of governments. Conscious of this condition, I plan to be mindful of these factors without losing focus on the institutional performance of minority government per se. However answers to those questions must wait.

3.7 Summary

This chapter has presented the overall argument that I propose to defend in the chapters that follow. My presentation started with a discussion of three key terms: (i) minority government; (ii) effectiveness; and (iii) legitimacy. Concerning minority government, the frequent occurrence of the phenomenon in Canada contradicts key theories in political science, namely Duverger’s Law. I argue that minority governments also tend to occur during transitional phases from one party system to the next. In this way, this phenomenon tends to reflect deeper societal changes. Finally, Canadian minority governments see their respective mandates as temporary testing grounds
towards a majority. Accordingly, minority governments tend to avoid formal arrangements that might stabilize their tenure in office because they fear that such measures might force them to make difficult concessions that could damage their political brand and future electability. They will instead seek issue-by-issue alliances. This practice with its implied hostility towards coalition government premises on the (i) expectation that Canada’s first-past-the-post electoral system will produce a majority at the next electoral go-around and (ii) a political culture conditioned towards alternating rather than simultaneous power-sharing. The two factors, one institutional, the other behavioural, are of course related. If parties knew upfront that the likelihood of a parliamentary majority was somewhere between low and very low, they would identify potential coalition partners well before the next election. This is not the case in Canada.

Concerning effectiveness, this chapter has developed a measure of effectiveness that judges minority governments by their ability to shed their probationary status. While I will acknowledge the standard of legislative productivity throughout my account, I find this otherwise appropriate quantitative standard limiting because it lacks explanatory power. This point will become clearer when I turn to the Liberal minority of Paul Martin. Of the three minority governments between 2004 and 2011, it was the most prolific in terms of its legislative ambition and productivity. Yet it failed to shed its probationary status. Its two Conservative successors meanwhile rank among the least productive minorities in the post-war period yet they paved the path towards the current Conservative majority. Yes, we can find a direct relationship between legislative productivity and effectiveness when we look at the minority governments of the 1950s, 1960s and 1970s. But this link between legislative productivity and electoral success ceased with the recent minority governments. It would therefore be inappropriate to rely on a measure of effectiveness that fails to explain all cases. I instead argue that the effectiveness of any minority government depends on its ability to manipulate the conditions of the prevailing party system. Concerning legitimacy, this chapter has developed a dualistic view of the concept. The first, descriptive in nature, probes the legitimacy of minority government through a constitutional prism in acknowledging the contributions of Weber to our understanding of legitimacy. Within this context, I will argue that minority governments have played fast and loose with the constitutional
conventions that sustain them. The second, normative in nature, focuses on the procedural legitimacy of the Commons in testing the claim that minority government increases the deliberative capacity of the House in line with ideals proposed by deliberative democratic theory. Here I will argue that minority government does not improve the procedural, or input legitimacy of parliamentary government. Following this methodological groundwork, I have described my argument in greater detail and identified the limits my research. What follows next probes the legitimacy of minority government.
CHAPTER 4 THE LEGITIMACY OF MINORITY GOVERNMENT

4.1 Opening

This chapter concerns itself with the legitimacy of minority government as practised in Canada in the federal sphere. Much like the Canadian Senate, minority government enjoys a less than favourable perception in the media and among members of the public. However it would be a mistake to reduce the legitimacy of minority government to its perception. Minority government is legitimate according to Canada’s constitutional conventions. But in the minds of many, this is not reason enough to accept the constraints of the institution. Alternatively, some have argued that these very constraints represent its advantages. This chapter however argues that both perspectives suffer from flaws in advancing two major points. The first deals with the damage that the political class has wrought upon minority government. The constitutional hook on which the legitimacy of minority government hangs may also be its downfall. I will argue that the nine surveyed federal minority governments have played fast and loose with the constitutional conventions that sustain them. And in doing so, they have created an impression of political dysfunction and expediency that does not bode well for the public’s acceptance of these very conventions. This brings me to my second major point. Contrary to claims, minority government does not improve the procedural legitimacy of parliamentary government. While minority governments have traditionally paid lip-service to the perceived benefits of minority government such as greater accountability and policy responsiveness, the historical record shows that they tend to abandon this reformist zeal when confronted with the realities of minority government, often resorting to the very same tactics and techniques that they had once sought to end. In fact, it would not be an exaggeration to suggest that the most serious threat to the institutional legitimacy of minority government have been minority governments themselves. Four major sections follow these introductory comments. The first offers an operative definition of legitimacy that builds on the discussion found in the preceding chapter. The second shows how the contested nature of conventions has allowed minority governments to avoid parliamentary accountability. The third section will probe the proclivity of minority governments to present themselves as lord protectors of
parliamentary procedure, only to usurp to it. A fourth section summarizes key observations.

4.2 Legitimacy and Minority Government: A Clarification

What do we mean when we speak of legitimacy? And how does it relate to minority government? Despite or maybe because of its status as one of the central concepts in the study of the politics, legitimacy remains a highly contested term. Key questions concerning its nature, application and limits remain unanswered. In light of this reality, scholars have increasingly recognized the multi-dimensional nature of legitimacy. I have argued in the previous chapter that minority government can draw its legitimacy from three potential sources: (i) rule of law (constitutionalism); (ii) procedure (input); and (iii) outcome (output). This commentary then raises a number of other questions, key among the following: (i) which of these three sources is sufficient? The answer is clearly the first, as per the conventions of responsible government. But this constitutional conception of legitimacy is losing its strength following the Coalition Crisis, when the Liberals and the NDP proposed to replace the second Harper minority with a minority coalition government that would have received support from the Bloc Québécois for 18 months following a vote of non-confidence. Some of these attacks focused on the fact that the proposed Liberal-NDP coalition would have received support from the Bloc Québécois, a party that only runs candidates in Quebec and has committed itself to the break-up of Canada. Consider the following comments from Harper himself: While “the opposition has every right to defeat the government,” Harper said at the time, “Liberal leader Stephane Dion does not have the right to take power without an election. Canada’s government should be decided by Canadians, not backroom deals. It should be your choice – not theirs.” Days earlier, Harper had claimed during a heated parliamentary debate that “the highest principle of Canadian democracy is that if one wants to be prime minister one gets one’s mandate from the Canadian people and not from Quebec separatists.” Phrased differently, this critique questioned the input legitimacy of the proposed Liberal-NDP coalition. In other words, constitutional legitimacy was not

sufficient for this coalition. Others, meanwhile, questioned the ability of the coalition to deliver desirable outcomes. Specifically, they wondered whether the proposed coalition would have been able to manage the country’s affairs as it found itself on the leading edge of the worst financial crisis in a generation. At this stage, I would like to stress that critics of the coalition have readily admitted that the proposed arrangement would have been legitimate according to the constitutional conventions of the Westminster system. In fact, many of these voices stress that they do not oppose coalition government per se, merely the particulars of the coalition that was poised to replace the second Harper minority. But this arbitrary tolerance for exceptions is precisely the problem that has loomed large since the Coalition Crisis. Let me underscore my previous comments with two illustrative examples. The first comes from Flanagan, the second from Franks.

Writing after the prorogation of Parliament in December 2008 but before Liberal leader Michael Ignatieff abandoned the coalition proposal, Flanagan questions the argument advanced by its apologists, that the coalition would be legitimate according to the conventions of responsible government. “Responsible government, they say, means only that the cabinet has to maintain majority support in the House; it doesn’t mean the voters have a voice,” he writes. “Canadians, in their view, are just deluded if they think Canada is a democracy.” Describing the “machinery of responsible government” as “antiquated,” Flanagan notes that the Supreme Court of Canada identified democracy as one of “the underlying principles animating the whole of the Constitution.” And since “the most important decision in modern politics is choosing the executive of the national government...democracy in the 21st century means the voters must have meaningful voice in that decision,” Flanagan argues. Therefore, handing over the government to a coalition without the approval of voters would have involved “(gross) violations of democratic principles.” Specifically, he cites three. First, the coalition could only govern with support of the BQ, “whose raison d’être is the dismemberment of Canada,” he writes. “The Liberals and NDP have published the text of their accord but not of their agreement with the Bloc.” Second, he argues that the coalition partners did not run on a platform of forming a coalition, noting the Liberals had actually rejected a coalition with the NDP

Franks, “To Prorogue or Not Prorogue,” 36-40.
during the preceding election campaign. He also points out that in countries with a tradition of coalition government, parties reveal their preferred alliances before an election. “In stark contrast,” he notes, “those who voted for the Liberals, NDP or Bloc in the last election could not possibly have known they were choosing a Liberal-NDP government supported by a secret protocol with the Bloc.” Ultimately, it all adds up to “a head-spinning violation of democratic norms of open discussion and majority rule.”

If Flanagan attacks the proposed coalition on procedural grounds and to a degree on constitutional grounds, Franks questions its outcomes. First, it should be noted that Franks seems not quite ready yet to abandon responsible government altogether. Franks, unlike Flanagan, explicitly acknowledges that the proposed arrangement was compatible with Canadian constitutional principles. Franks also bemoans Harper’s reliance on “half-truths and outright misrepresentations” to undermine the perceived legitimacy of the coalition before the prorogation of Parliament. Yet neither condition redeems the coalition for Franks, who argues that it would have been a weak and unstable government. As noted in the literature review, Franks rests this conclusion on the eventual demise of the coalition shortly after the prorogation of Parliament. This and other points can be questioned along a number of lines. Flanagan, for example, seems to suggest that the House is an unrepresentative, undemocratic body in questioning the very premise of parliamentary government. When he argues that the “most important decision in modern politics is choosing the executive of the national government,” he might as well be arguing for a presidential system. Elsewhere, Flanagan does not seem to be so sure what he wants. On one hand, he demeans responsible government as an outdated inheritance “from the pre-democratic age of the early 19th century, when most people couldn’t vote and political parties were only parliamentary cliques.” Yet shortly later, he seems to laud this very inheritance when he praises the constitutional conventions that Canada has inherited qua the Westminster system. Specifically, he notes that “our machinery for choosing the executive is not prescribed by legislative or constitutional text; rather it consists of constitutional conventions – past precedents followed in the light of present exigencies.” Accordingly, the “virtue of relying on conventions is that they can

455 Franks, “To Prorogue or Not Prorogue,” 38.
evolve over time, like common law, and be can adopted to the new realities of the democratic age.”

That may be all true. But as Flanagan surely knows himself, these conventions also give the prime minister a great deal of political freedom to the point where the office holder needs to convince only one person – the governor-general – to avoid democratic accountability. Of course, this condition is far removed from Flanagan’s democratic utopia. And I can only presume that Flanagan also knows that the governor-general possesses next-to-no personal discretion when it comes to accepting the advice of the prime minister. Finally, is Flanagan suggesting that all conventions including the confidence convention may be subject to future revisions at some stage? That strikes me as the only conclusion that flows from Flanagan’s appeal for a stable, directly elected executive, but I am certain he does not mean it that way. Notwithstanding these minor problems, Flanagan and Franks neatly highlight the intellectual contortions that have become increasingly evident throughout the literature that addresses the legitimacy of minority government. I am not necessarily arguing for or against the legitimacy of the proposed Liberal-NDP coalition minority. I am however pointing out the Coalition Crisis has weakened the previous consensus concerning the legitimacy of minority government. Congruence with the constitutional conventions of Westminster might no longer be a sufficient condition for the legitimacy of minority government, according to the likes of Flanagan and Franks. Other concerns are now in play and in a way, they have always been. And as we will see below, the respective arguments from critics and proponents of minority government have not always been sound. What follows next expands on this critique.

As mentioned in a previous chapter, Corry, as quoted by Reynolds, questioned the input legitimacy of minority government on the ground that it grants special interests, regional and otherwise, undue influence in the affairs of the state. In fact, we can draw a direct link between Corry’s argument and the contemporary critique of the proposed Liberal-NDP coalition and the role of the Bloc within it, as argued by critics of the proposed arrangement. Of course, this argument also delegitimizes the democratic choices of those who voted for the Bloc, no matter how unappealing that choice might

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appear. It essentially says that their received votes do not count. Russell, meanwhile, argues that minority governments enjoy greater input legitimacy than majority governments, because the latter often govern with a majority of seats won with less than half of the popular vote. Better to be governed by a minority government that is forced to compromise with the opposition than one that runs roughshod over it, he argues. This argument is not without merit, but incomplete. While Russell correctly diagnoses the distorting effects of the Canadian electoral system, he also fails to consider the possibility that minority government might just be as unrepresentative as majority government. Two of the nine minority governments that have governed Canada since 1945, the first minority of John Diefenbaker and the minority of Joe Clark, assumed power after they had won a smaller share of the popular vote than the incumbent party which they had displaced from office. If Russell attacks the perceived illegitimacy of majority governments because they benefit from a system that disrespects the electoral choices of Canadians, he fails to acknowledge that the distortion can cut both ways, albeit less severely.

Turning to the question of output legitimacy, minority governments suffer from a questionable reputation as caretaker governments that cannot deliver in terms of policy. Others, meanwhile, have praised minority government for either being progressive in terms of policy orientation or fiscally responsible. I have argued earlier that it is difficult to judge the output of minority government on a consistent and comprehensive basis. Migneault makes this point when he “les gouvernements minoritaires au Parlement fédéral ne constituent pas un bloc monolithique. Chaque gouvernement et legislature est unique et a son propre historique.” The methodological limitations that confront scholars of minority government are significant. It is for this reason that I explicitly refuse to link the legitimacy of minority government to quantitative criteria such as legislative productivity, stability or economic performance. Qualitative measures that try to assess the significance of legislation are equally, if not more, suspect because they invite charges of bias. Of course, these concerns have not stopped others from judging the legitimacy of minority government by its outcomes – perceived or otherwise. Most recently, the second Harper minority campaigned on the promise that only a Conservative

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majority could deliver ‘effective’ public policy, however you may wish to define that term. On the other hand, it would be disingenuous to deny the fact that political actors, pundits and the public have historically treated the emergence of minority government with a sense of exasperation. Even the presumptive beneficiaries of minority government often sound as if they had just received a sentence worse than death upon hearing that their fate would depend on the goodwill of parliamentarians beyond their party’s whip.\textsuperscript{458}

This condition has never been universal though. Pundits and the public greeted the unexpected election of the first Diefenbaker minority in 1957 after more than twenty years of Liberal rule with considerable surprise, if not enthusiasm,\textsuperscript{459} despite Liberal warnings that a Tory government would spell doom for the economy. A similar but arguably more muted reaction of elation greeted the emergence of the first Harper minority after more than a decade of Liberal rule.\textsuperscript{460}

At this stage, many might be anxious to end this discussion by exclaiming ‘of course, minority government is legitimate’ by pointing to the unwritten constitutional conventions that lie at the heart of responsible government. They and only they legitimize minority government, period. Such confidence is admirable, but possibly misplaced for two reasons. First, this constitutional conception faces challenges from other conceptions of legitimacy that judge minority government by its input or output. Second, the conventions that lie at the heart of responsible government and by extension minority government are nowhere to be found on a piece of paper. They are instead the product of historical precedent and contemporary practice. It should be said that this absence of codified certainty has hardly proven fatal. In fact, it has helped the Westminster system of parliamentary government evolve and persevere in a way that has perhaps eluded other democratic systems. Its longevity suggests much. But the Westminster system also depends on a consensus about its conventions and the consequences that spring from them if they are violated. But this consensus is fraying to the point that Canada has become a cautionary example to other Westminster democracies.\textsuperscript{461}

\textsuperscript{459} John Meisel, \textit{The Canadian General Election of 1957} (Toronto: University of Toronto Press, 1962), 274.
moment, the uncertainty that concerns conventions begins with the very definition of the term and continues from then on. Questions that loom large include the following: are constitutional conventions descriptive or prescriptive? Do they create any obligations, and if so, what sorts? How do they interact with formal law? Russell noted in 1985 that Canadian political culture has become increasingly litigious and the available evidence suggests that this trend has continued. In fact, growing calls for the codification of various conventions, often in the aftermath of minority government, seems to be in line with this trend.

These ontological uncertainties have undeniably contributed to a collection of attitudes towards minority government that generally consists out of ambivalence, anxiety and antagonism. The application of conventions also caused considerable disagreement. Let us consider the Coalition Crisis again. While a majority of Canadians agreed with the argument that the coalition was illegitimate, because the Bloc would have formal input into the affairs of the Canadian state, Harper ultimately saved his government by relying on powers to prorogue Parliament. In doing so, he avoided the confidence convention. Aucoin et al., have argued that the confidence convention should strike fear in the hearts of minority governments. Yet Harper’s prorogation has effectively undermined it. We have already heard from others who disagree with this interpretation in defending the prorogation and praising the overall performance of Canada’s parliamentary institutions during the Coalition Crisis. This said, even would-be supporters of Harper from the Calgary School have conceded that these constitutional conventions remain at the mercy of precedent, if not in need of reforms. In fact, it would be difficult to deny that the recent run of minority governments has heightened interest in the machinations of minority government. This commentary of course raises a crucial question: was the behaviour of the Harper minority unique? The answer is yes but only in the sense that the Coalition Crisis was a unique event. Notwithstanding the specifics of the Coalition Crisis, the behaviour of the second Harper minority alerts us to

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463 Aucoin Jarvis, and Turnbull, Democratizing the Constitution, 56-57.
a larger pattern, namely that minority governments like to play fast and loose with the constitutional conventions. What follows next describes this pattern.

4.3 Constitutional Conventions: A Confidence Game

Earlier I made the point that minority governments draw their constitutional legitimacy from Canada’s unwritten conventions. Yet it is also apparent minority governments have played games with these very same conventions for partisan gains. This section details this practice, which in turn has raised questions about the effectiveness of minority government and ultimately its legitimacy. To appreciate this point, let us first consider the place and nature of conventions within the Canadian political system. Heard reminds us that the constitutional rules of the Canadian political system go well beyond the formal provisions of the Constitution as described in Section 52 of Constitution Act, 1982. While this section declares a diverse range of documents to be the “supreme law of Canada,” Canadian constitutional law also includes many other legal rules found in statutes, orders-in-council and judicial decisions concerning the executive, judiciary and legislature. And yet, this account only offers an incomplete picture of the Canadian political system. “The whole constitution,” Heard writes, “is actually composed of three elements: the formal Constitution; the legal rules related to the three branches of government; and, in addition, vitally important informal rules, called conventions, that have arisen through political practice.” Additionally, in the Secession Reference (1998), the Supreme Court of Canada has also identified four unwritten constitutional principles: (i) constitutionalism and the rule of law; (ii) democracy; (iii) federalism; and (iv) the protection of minorities. The presence of these sources in turn signals Canada’s debt to the United Kingdom, as expressed in preamble of the Constitution Act, 1867, which expresses Canada’s “Desire to be federally united into One Dominion…with a Constitution similar in Principle to that of the United Kingdom.”

Heard notes that every major aspect of the Canadian constitution depends on conventions. Notable examples include the following: (i) the relationship between the elected House of Commons and the appointed Senate; (ii) the power of cabinet; and (iii) the very basis of responsible government, with the requirement that both individual

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ministers and the cabinet collectively must be accountable to the legislature for the activities of the executive branch.\footnote{Ibid., 2.} This list of items governed by conventions is far from complete and I shall add to it where appropriate in the narrative. But what exactly do we mean by constitutional conventions? The literature is far from clear and what follows next highlights some notable contributions. This survey begins with Dicey, whose definition draws a fundamental distinction between

\[\text{“the law of the constitution”, which, consisting (as it does) of rules enforced or recognized by the courts, make up a body of ‘law’ in the proper sense of that term, and the ‘conventions of the constitution’, which, consisting (as they do) of customs, practices, maxims, or precepts which are not enforced or recognized by the courts, make up a body not of law, but of constitutional or political ethics…”}\footnote{Quoted in Ibid., 4-5.}

This clear separation between law and convention has subsequently received fierce support and criticism since its articulation more than a century ago.\footnote{Ibid., 5.} It is worth noting that Dicey himself has noted that “constitutional law” (as opposed to the “law of the constitution”) customarily includes conventional rules.\footnote{Geoffrey Marshall, \textit{Constitutional Theory} (Oxford Clarendon Press, 1971), 9.}

Perhaps the best way to define constitutional conventions is to describe the general purpose that they serve. “Their main function,” Heard says, “is to allow the exercise of legal powers in some manner other than prescribed by the letter of the law.”\footnote{Ibid., 5.} Jennings, as quoted by Heard, puts it as follows: “(Conventions) provide the flesh which clothes the dry bones of the law.” It is also important to note that different conventions perform different functions. Some conventions limit restrict the exercise of certain powers; other conventions ensure that the legal power of one power is only exercised by someone else, as it is the case with cabinet exercising the prerogative powers of the Crown. Finally, conventions may also negate some existing legal power. Overall, Heard concludes that conventions “permit the adaption of constitutional rules to

\begin{itemize}
    \item \footnote{Ibid., 2.}
    \item \footnote{Quoted in Ibid., 4-5.}
    \item \footnote{Ibid., 5.}
    \item \footnote{Geoffrey Marshall, \textit{Constitutional Theory} (Oxford Clarendon Press, 1971), 9.}
    \item \footnote{Ibid., 5.}
\end{itemize}
changes in the general political principles and values of the day, without the need for formal amendment of existing positive law.” 471 But if this commentary sounds rather straightforward, it merely hints at the disagreements that define the literature on conventions. Can the courts enforce conventions? How do they arise? How can we identify them? What, if any, obligations, do they create?

Phillips describes conventions as “rules of political practice (that) are regarded as binding by those to whom they apply.” 472 Heard finds this notion “sensible.” 473 Political actors, he writes, cannot be bound by rules in the absence of an obligation. If none of the actors believe conventions exist, it is hard to argue from any perspective that they do. But as Heard says in quoting Ridley, if conventions constrain political actors, then they can also free themselves from that constraint at any time they no longer feel it. Indeed, Phillips’s definition qualifies as tautology, says Heard, quoting Ridley. “Conventions are considered binding as long as they are considered binding.” 474 In other words, conventions may invite expedient behaviour. Specifically, Heard writes that, “(a) reliance on the internal sense of obligation opens the door to tremendous abuse and damage by the deliberately deceptive and the innocently ignorant.” 475 With this comment, Heard takes direct aim at the Supreme Court of Canada, which implied in the Patriation Reference (1981) that conventions are rules of “internal morality.” If that is the case, conventions can therefore be held “hostage to the personal whims, ignorance, or connivance of individual political actors,” 476 he writes. Most conventions instead “operate in reality as a system of critical morality, with the preponderant views of the larger constitutional community framing moral obligations on the current political actors,” 477 Heard writes.

Conventions, in other words, are prescriptive, rather than descriptive. Specifically, he quotes Marshall who writes, that “(it) would seem better to define conventions as the rules of behaviour that ought to be regarded as binding by those concerned in working the constitution when they have correctly interpreted the precedents and the relevant

471 Ibid., 5.
473 Ibid., 135.
474 Quoted in Ibid., 135.
475 Ibid.
476 Ibid., 136.
477 Ibid.
conventional principles.” Ultimately, these views imply “the notion that there is a standard of behaviour that in some sense must be independent from the actual beliefs of the political actors in a given situation.” Scholars such as Aucoin et al., would at this stage likely agree and argue that the best method of ensuring this standard would be to codify it once developed. Yet here lies the problem. Conventions cannot be codified lest they cease being conventions. Unlike common rule laws, they do not emerge out of judicial precedent but rather out of precedent established by the institutions of government themselves through customary use. And since constitutional conventions reflect custom and precedent, constitutional conventions are unwritten rules. This nature means that courts cannot enforce conventions, although this fact has not stopped groups from seeking legal remedies on matter involving conventions. One notable example within the context of minority government occurred in 1985 when Ontario’s Tory Premier Frank Miller asked for legal advice about an arrangement that would see the New Democrats support the Liberals for two years. This arrangement eventually allowed its two partners to replace Miller’s government following a confidence vote, a point picked up below. Another notable example within this context is Conacher v. Canada (Prime Minister) that unsuccessfully challenged the 2008 federal election as a contravention of the government’s fixed-date election law.

Finally, McIsaac offers an implicit rejoinder to Flanagan’s argument that the coalition would have violated democratic principles found in the Canadian constitution. In fact, McIssac more than suggests that the frequent use of the prorogation procedure invites legal actions under the Charter, specifically s. 3. Leaving the prerogative powers of dissolution, summoning and prorogation in the hands of the prime minister threatens to undermine the democratic rights of Canadians protected in the Charter, McIsaac argues. Specifically, he writes that “(citizens) have the right to an effective representative, and this right is undermined when the executive is able to use the prerogative to suspend the one purely democratic body in the Canadian constitution arbitrarily. A purposive interpretation of s. 3 demands that Canadian politicians have security of tenure against

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478 Ibid.
479 Ibid.
481 Heard, Canadian Constitutional Conventions, 2-3.
the royal prerogative commensurate with the need to provide effective representation for citizens.” 482 In fact, McIsaac argues that, “(prorogations) in these situations (such as the Coalition Crisis) can potentially undermine citizens’ faith in the ability of parliament in particular, and the franchise in general, to provide an appropriate vehicle for participating in the Canadian state.” 483 Overall, McIsaac demands that Canadian courts including the Supreme Court of Canada read Charter rights “purposively.” 484 Given its past statements on the relationship between the Charter and royal prerogatives, “the constitution ought not to treat Parliament so precariously in the face of the royal prerogative.” 485

In summary then, conventions play a critical, even central role in Canadian political life. In fact, they are part and parcel of Canada’s constitutional law. Yet they generally remain outside the reach of the courts, because conventions try to accomplish different things. Formal legal rules create wide powers, whereas conventions create rights that should only be exercised with great restraint. This distinction, with its respective defenders and critics, has caused considerable confusion and criticism. Until late in the twentieth century, the scholarship has found little opposition to the conventions of parliamentary government. 486 Now it is widespread and growing as evident by the frequency of court cases concerning conventions and the emerging literature that calls for the codification of various conventions. Alternatively, we have also witnessed a push back from those who insist on separating laws from conventions. Heard notes that these two contradictory trends could pose threats as well as opportunities. “If conventions become increasingly justiciable, there is some danger that the democratic quality of constitutional evolution might be eroded,” he writes. “On the other hand, too clear a boundary between court enforceable constitutional laws and conventional rules might see the courts enforcing outdated rules that not only lack any political legitimacy but may also be destructive.” 487 I understand this preceding commentary to mean that one day Canadians may indeed witness a situation that will see the courts resolve an unsettled parliamentary situation centered on competing interpretations of Canada’s constitutional

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482 McIsaac, “‘Over the Heads of the Members of Parliament,’” 168.
483 Ibid.
484 Ibid.
485 Ibid.
486 Smith, The People’s House of Commons, 27.
487 Heard, Canadian Constitutional Conventions, 3.
conventions, as it might be the case during a hung parliament. Flanagan’s allusion to the *Secession Reference* in the immediate aftermath of Coalition Crisis, followed by *Conacher v. Canada*, and McIsaac’s reading of the relevant case law suggests as much. I also understand it to mean that it might be justified.

If the political class cannot agree on the standards that guide the application of conventions, an independent third party may have to do it for them. Let me stress that this outcome is not inevitable. What do I however mean to say is that the increasingly contested nature of Canada’s constitutional conventions is rife for abuse. This abuse is not inevitable. But it surely raises the odds in light of the various uncertainties that surround them. To illustrate this point, let us consider the convention that governs the emergence of minority government. Nine minority governments have governed Canada since 1945 and all of them emerged after federal elections had returned a Parliament in which none of the parties in House of Commons possessed a majority of seats. The following question therefore emerges. How does a minority government take power? The answer to this question is surprisingly complex, contested and likely not well known. Part of the blame belongs to modern media. Cyr notes that contemporary media outlets appear to be ignorant of the constitutional conventions that guide the formation of a new government. “En effet,” he writes, “les médias ont pris la très fâcheuse habitude de remplacer l’ensemble du corpus de règles et principes constitutionnels applicables à la formation du gouvernement par l’application de la maxime simpliste suivante: ‘le parti politique ayant fait élire le plus grand nombre de députés a gagné les élections et a droit de former le prochain gouvernement.’ Les médias présentent la chose comme s’ils’agissait d’un automatisme, d’une simple question d’arithmétique.” It is perhaps then no wonder that a majority of Canadians believe that they directly elect their prime minister. Arguably borne out of commercial pressures, this simplistic media heuristic does not cause any problems when one party has won a clear majority of seats on election, Cyr concedes. But “cette heuristique est tout à fait inadéquate pour décrire le droit et les conventions applicables en matière de formation de gouvernement,” he notes. “En réalité, selon les conventions constitutionnelles applicables, lorsqu’aucun parti n’obtient une majorité de sièges, il ne nous est pas possible de déterminer qui formera le prochain gouvernement en nous fiant uniquement au nombre de sièges que l’un ou l’autre
Ultimately, Cyr concludes that this rush to declare a winner may lead to a crisis of confidence among Canadians in their democratic institutions, as political leaders seek to exploit public confusion and ignorance concerning the government formation. “Cela est d’autant plus vrai si les acteurs politiques agissent conformément aux normes applicables, tout en allant à l’encontre de celles, erronées, publicisées par les medias,” he says.

And as Cyr notes, it is not just the media that is confused about the government formation process. So are scholars and the political actors themselves. Consider the following evidence. Referring to the elections of the 1957, 1962, 1963, 1979, and 2004, all of which resulted in a minority government, McWhinney concludes that the process unfolds according to a constitutional convention that sees the governor-general approach the leader whose party has won the plurality of seats. Urbaniak however disagrees with this conclusion when he writes that the governor general will call on no one else until the incumbent prime minister has indicated he or she intends to resign. Heard agrees, noting that the incumbent prime minister does not have to resign if another party wins a plurality. Nor does it mean that the leader of the party with the most seats automatically becomes prime minister, a claim actually made by incumbent Liberal Prime Minister Paul Martin after his party failed to maintain the majority that he had inherited from his predecessor Jean Chrétien. What ultimately counts is the answer to the following question: who is likely to command a majority when faced with a confidence vote in the House of Commons? The governor-general may appoint prime ministers, but their right to govern in Canada’s parliamentary democracy comes from enjoying the confidence of a majority of the elected MPs in the House.

In fact, Heard argues that it would irresponsible for any prime minister to resign simply because her party finished second. If she can secure the support of a second party, she could carry on. The governor-general must appoint the leader of the largest party as prime minister, but only after the incumbent prime minister has resigned. Illustrative

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490 Ibid., 35.
492 Ibid., 21.
examples include the first Diefenbaker minority, the first Pearson minority, and the Clark minority and the first Harper minority, all of which assumed power after the incumbent prime minister had resigned. However this transitional process has the potential to cause political palpitations as it did in June 1957 when Prime Minister Louis St. Laurent briefly toyed with the idea of facing the Commons after his Liberals had finished second behind the Progressive Conservatives with a plurality of the popular vote. While St. Laurent could count precedent on his side, he quickly concluded that this move could have turned out to be a case of “virtual political suicide.” Even if St. Laurent had found the strength to test the confidence of the House, he likely would have faced long odds to secure the support of at least 133 MPs, the minimum winning number in a House of 265 seats. However the right to remain in office should not be misread as the ability to govern indefinitely. Rather it means that the incumbent prime minister has the right to meet Parliament and test its confidence after the election. This also means that an election does not conclusively settle who eventually governs.

This also means that the Speech from the Throne as well as the vote on the Address in Reply assumes special importance. While the Speech from the Throne broadly states the agenda that the government intends to accomplish, the vote on the Address in Reply indicates whether the House has confidence in this agenda. In fact, the House has not just a right, but also the duty to express its confidence (or lack thereof) in the government immediately following an election. After all, it is up to the elected House members to decide who has the right to govern through the life of any Parliament. This decision first finds expression in the opposition’s response to the Speech from the Throne. In short, an incumbent prime minister has the right to meet Parliament following an election and the governor general has the duty to appoint another if the incumbent resigns for whichever reason. It is however the House of Commons that decides who may actually govern. In this context, the Speech from the Throne is a defining event in the life of a Parliament and failure to hold one is a serious constitutional error, according to


494 Denis Smith, Rogue Tory: The Life and Legend of John D. Diefenbaker (Toronto: MacFarlane and Ross, 1995), 242.
Indeed, you can argue that any government—minority or otherwise—is not truly elected until after it has survived the Address in Reply, a fact likely unknown to many Canadians.\footnote{495 Heard, “Constitutional Conventions and Parliament,” 21.}

If an opposition successfully expresses its non-confidence, then the House has spoken and the government must resign. It is then the turn of the leader of the largest remaining party to form a government and try to win a confidence vote. Consider the following illustrative example from the provincial sphere. Following the 1985 Ontario election that had reduced the incumbent Tory government to a minority, Premier Frank Miller believed that he had the right to call another election after losing the confidence vote on the Throne Speech. However, the Liberals and NDP had previously signed a written agreement in which they agreed that Liberal leader David Peterson would govern for two years with the support of the NDP. Ontario’s Lieutenant Governor quite properly appointed Peterson Premier. The Liberals then went on to win the ensuing confidence vote.\footnote{496 Ibid.}

This illustrative example from the provincial sphere, which may be of limited use for the federal scene, also means that a minority government can take power without an election. But this process is not as straightforward as the Ontario example suggests. At the very minimum, it can occur when the incumbent government, likely a minority government itself, fails to earn the confidence of the House. It then faces two options: it must either resign to make room for another executive or ask for the dissolution of Parliament for the purpose of electing another. The governor-general however also has the option of refusing dissolution and appointing another government capable of earning the Commons’ confidence. This is the point where things are bound to get complicated.

Convention also holds that the Crown exercises the royal prerogative of summoning, proroguing and dissolving Parliament on the advice of the prime minister. This said, the governor-general has the option of refusing the advice of the prime minister. However it is not clear under which conditions the governor-general might do so. Nor is the governor-general under any obligation to inform the public about the decision’s rationale. This of course shrouds the entire process in mystery and can cause considerable confusion. The most recent illustrative example comes from the second

\footnote{495 Heard, “Constitutional Conventions and Parliament,” 21.}
\footnote{496 Ibid.}
\footnote{497 Ibid., 21.}
Harper minority when its titular head used the prorogation procedure to avoid a pending vote of confidence during the Coalition Crisis of 2008, a move of “questionable constitutionality,” according to Heard. A year later, Harper used the same procedure to lessen the damage of a political scandal concerning the fate of Afghan detainees. This record has in turn led to accusations that the second Harper minority has abused the prorogation procedure for partisan gains like no other government.

Critics have also accused Harper of amending Canada’s constitution with the introduction of three unwritten rules in the wake of the Coalition Crisis. First, Canadians ‘choose’ their prime minister when they are casting their ballots. Second, the prime minister cannot be changed without the democratic consent of Canadians. This insistence ultimately means that the prime minister cannot be changed without an election, an unrealistic, not to mention costly practice irreconcilable with the historical traditions of parliamentary government. The third states that coalition government is illegitimate unless it includes the party with the most seats since Canadians choose the prime minister, as per the first rule. This third rule also assumes that any would-be coalition would advertise itself accordingly. While scholars will have to wait to see what impact these presumed ‘rules’ will apply in future elections, they have already fuelled a lively debate among scholars about the legitimacy of minority government, specifically when one minority government faces the prospect of being replaced by another one without an election. The answer is far from clear, because the debate cannot draw on clearly defined rules. It instead relies on the interpretation of precedent, in this case, the

501 Ibid.
502 Aucoin Jarvis, and Turnbull, Democratizing the Constitution, 24.
503 Harper articulated this position when he visited the United Kingdom just weeks after the British Tories had formed a coalition government with the third-placed Liberal Democrats following the parliamentary elections of May 2010. “The verdict of public opinion (in the United Kingdom) was pretty clear,” Harper told Canadian journalists during a joint press conference with the head of the British coalition government, Prime Minister David Cameron. “Losers don’t get to form coalitions. Winners are the ones who form governments,” Jane Taber, “‘Losers don’t get to form coalition,’ says Harper,” Globe and Mail, June 3, 2010. Evidence from elsewhere (primarily polities with mixed-member proportional systems) challenges this perspective.
Coalition Crisis. This process has in turn produced some strange intellectual contortions. On one hand, several scholars question the legitimacy of the coalition’s proposed attempt to replace the second Harper minority without any election because it would have involved a separatist party. And yet, these very same scholars also assure us that they are not arguing against the legitimacy of any attempt to replace a minority government without an election, merely the one that could have occurred in December 2008, had it not been for the prorogation of Parliament. In other words, certain minority governments are legitimate, while are others not, it seem to entirely depend on the prevailing political circumstances and the perception of the same at any particular point in time, hardly a recipe for stability.

Comparable examples of confusion and political expediency also come from other minority governments. Consider the first Diefenbaker minority. Less than nine months after its initial election and a short but productive parliamentary session, Diefenbaker asked Governor-General Georges Vanier to dissolve Parliament. The ostensible reason for this move was perceived Liberal intransigence after Grit leader Lester Pearson had asked the Diefenbaker government to resign during a disastrous speech in the Commons. The actual reason however was far more self-serving. While polls showed the Tories on the rise thanks to a series of populist policies largely supported by the parliamentary opposition, various economic indicators suggested that the economy might be turning worse. Conscious of these conditions, Diefenbaker pounced on Pearson’s poor speech to frame the 23rd Parliament as dysfunctional. We will see later that this claim was largely self-serving as first Diefenbaker minority had managed to pass most of its proposed legislation. Vanier ostensibly agreed in paving the way for the largest majority in Canadian history at that time. While effective in a political sense and not unusual, Diefenbaker’s early election call did not sit well with noted constitutional expert Eugene Forsey, who had advised Diefenbaker against such a move months earlier when several Tories were openly speculating about an early election.

Specifically, Forsey warned Diefenbaker against dissolving Parliament early. “To announce, eight or ten months in advance, that whatever Parliament does, it will be

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506 An additional complication is the question of whether Harper had proposed replaced with the Martin minority without an election in 2004.
dissolved next spring seems to me to be a very odd way of showing respect for Parliament,” he wrote in October 1957. Elections are “serious matters” that not only cost millions, but also disrupt business at home and abroad. They “can be justified only on grounds of public necessity,” he said. With this in mind, Forsey said that only one of three conditions could have justified an early election by July 1958: (i) the government suffers outright defeat; (ii) the government stays in office by very narrow margins; or (iii) encounters “prolonged obstruction” of House business. “What right has any Government to put the country to the tumult and expanse of a second election within a year merely because some of the support comes from people with a different political label?” he asked. The letter did not convince Diefenbaker, who like so many prime minister before and since, was not above exploiting Canada’s constitutional conventions – ostensibly designed to ensure broader institutional stability – for partisan gains, while ignoring its potentially disruptive consequences. Notably, the first Diefenbaker arguably met none of the three conditions that Forsey had stipulated. It did not fall on a vote of confidence after having survived all crucial tests of confidence; legislative support for its agenda was broad up to the election of Pearson as Liberal leader; and his call for Diefenbaker’s resignation owed as much to parliamentary tradition as anything. This said, it is hard to deny that it gave Diefenbaker sufficient grounds on which he could ask for dissolution.

But if this move proved to be effective, it is also representative of the way with which Canadian governments, minority or otherwise, may exploit Canada’s constitutional conventions for partisan advantage. Majority governments have done the same. Consider the second Liberal majority of Jean Chrétien. Little more than three years after winning a

507 Smith, Rogue Tory, 273.
508 If Forsey felt ignored by Diefenbaker, he was not alone at the time. Several other groups particularly unions concerned about the growing unemployment number received a cold shoulder from the first Diefenbaker minority, a behaviour that actually drew applause from some quarters. In an editorial dated January 22, 1958, two days after Pearson’s ill-fated speech, the Globe and Mail noted that Diefenbaker’s “real problem” existed outside the House. Specifically, it read that “(his) minority Government is under extreme pressure by special interests groups of one sort or another – labor, business, farmers and the likes – all warning that unless it does as they wish, they will vote (when the time comes) against it. This, in any other context, would be called blackmail; and while Mr. Diefenbaker has shown commendable firmness in resisting it, we do not think he should be required, or expected, to put up with it for very much longer.” Notably, this editorial tried to defend the calling of an early election. Such elections are not “irresponsible” and make sense, especially, if the government seeks a policy mandate. “We do not doubt that mandate would be forthcoming,” it concluded. Globe and Mail, “Mr. Diefenbaker’s Real Problem,” January 22, 1958, 6.
majority, Chrétien dissolved Parliament in the fall of 2000. This move forced the newly elected Leader of the Official Opposition, Canadian Alliance leader Stockwell Day, into fighting an early election, which the Liberals handily won in cementing Chrétien’s dynastic rule. This case only intensified growing concerns about the perceived powers of the prime minister and eventually inspired the first Harper minority to pass legislation in 2007 that fixed the date of future elections. While the spirit of this legislation is commendable, its specifics are less so, because it specifically excludes the prerogative powers of the Crown concerning the prorogation, summoning and dissolution of Parliament. In other words, prime ministers can still exploit those conventions for partisan gains. In fact, it was the first Harper minority that illustrated this point when it called an election on the eve of the worst economic downturn since 1945. While the first Harper had been in power considerably longer than the first Diefenbaker minority, its rationale for calling an early election was remarkably similar in the sense that it was trying to time an election in the most favorable manner.

So was the reaction. Several commentators noted that Harper unilaterally circumvented the intent of his own legislation, which, if followed, would have seen Harper deny himself one of the greatest advantage of incumbency, the power of dissolving the House whenever deemed convenient.\footnote{Heard, “Conacher Missed the Mark on Constitutional Conventions and Fixed Election Dates,” 136.} It was not be. The move also inspired a political and legal reaction. Politically, it caused a schism between Harper and the late leader of the NDP, Jack Layton, who was initially impressed by Harper’s reformist zeal. Harper’s action however led Layton to the conclusion that he could never take Harper at his word again.\footnote{Lawrence Martin, “PM Harper can call next election whether he wants,” iPolitics, February 10, 2012. http://www.ipolitics.ca/2012/02/10/lawrence-martin-pm-can-call-next-election-whenever-he-wants (accessed February 2, 2014)} Harper, for this part, argued that the law only applied to majorities, not minorities. Supporters were also quick to note that the actual legislation did not modify the applicable prerogative powers. Legally, it inspired a court challenge from Democracy Watch, which the Federal Courts of Appeal rejected on grounds that the law was too vague to prevent the prime minister from going to the polls. Heard however disagrees with this ruling in arguing that the prime minister actually broke a convention,
Minority governments have also been prone to interpret the confidence convention to their advantage. Let us first consider the confidence convention in additional detail. Found at the heart of responsible government, it means that the government of the day must resign or seek the dissolution of Parliament for the purpose of an election if less than half of the elected MPs in the Commons vote with the government on a matter of confidence. According to Heard, such matters may include any of the following items: (i) explicit motions that express the confidence of the House or lack thereof; (ii) motions which the government has declared to be questions of confidence; and (iii) implicit motions of confidence, including supply motions (but not necessarily motions dealing with individuals item of supply), budget motions and motions concerning the Address in Reply to the Speech from the Throne. But support for this list is not unanimous, a point expanded below. The principle that underpins this constitutional convention is parliamentary democracy – the people’s elected representatives must have confidence in the government of the day. Thanks to its role in responsible government, the confidence convention itself applies under all numerical conditions in the Commons. In other words, it applies whether the government of day consists out of one or more parties holding a majority or if the government of day consists out of one or more parties holding a minority of seats. But if this all sounds straight forward, it is not. Who decides what votes constitute confidence votes? According to which standards? Does losing a vote of confidence always bring down a government?

The literature notes that governments do not need to win every vote to maintain the confidence of the House. Indeed, the argument that governments must win every vote, including every confidence vote, is relatively new to Westminster parliamentary practice. Of course, this change only added to the confusion. Drawing on the research others, including Forsey, Heard has tried to clarify things by developing the list of confidence items described earlier. Several scholars however have quibbled with his list. Aucoin and Smith wonder whether governments can unilaterally designate items to be

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511 Heard, “Conacher Missed the Mark on Constitutional Conventions and Fixed Election Dates,” 139.
513 Donald Desserud, The Confidence Convention under the Parliamentary Convention (Ottawa: Canadian Study of Parliament Group, 2006), 13
matters of confidence. Their answer is no for the following reasons. Government might
turn the confidence convention into an offensive weapon by attaching the concept to
mundane but controversial items said to be important to its supporters. Second, a
government might be liable to change its mind after losing such a vote. Third, a
government might do something else, like prorogue Parliament, to buy time for a political
solution. 514 This third and final point also alerts us to a larger problem: what happens in
the aftermath of a lost confidence vote? The answer is once again far from clear. One
thing is certain. Such a vote would neither become a matter of parliamentary procedure
nor subject to the rulings of the Speaker. While confidence motions might be capable of
toppling the government of the day – note the conditional – they are non-binding motions
within the procedural context of the House. The Speaker will rule whether a motion
calling on the government to resign is in order, and whether the vote has passed or not.
The Speaker however will not and cannot rule on whether the government has in fact lost
the confidence of the House, regardless of the character, explicitness or circumstances of
the vote. So the House is “not the final arbiter in deciding when a government has lost the
confidence of the House, nor can the House force its own dissolution.” 515 In fact, only
the governor general can dissolve the Canadian Parliament or dismiss a government and
only the governor general has the power to decide whether such actions are necessary. 516
Phrased differently, only the governor general has the constitutional power to decide
whether a government has lost confidence. So how does the governor-general determine
whether a government has lost confidence? Obviously, the governor-general will take her
cues from the Commons, which has many ways of withdrawing its confidence from the
government. But this process is not as straightforward as it may sound because the
governor general is not the exclusive arbiter of whether the government of the day has
lost the confidence of the House.

The Westminster system of parliamentary government distinguishes between the
Head of State and the Head of Government, between the nominal and the active
executive or what Bagehot calls the dignified and the efficient. Within the context of the

514 Jennifer Smith and Peter Aucoin, “Memo for Workshop on Constitutional Conventions. David Asper
Centre for Constitutional Rights February 3-4, 2011,” 2.
515 Desserud, The Confidence Convention under the Parliamentary Convention, 16.
516 Ibid.
Canadian constitution, this refers to the Governor General and the Privy Council, read the prime minister and cabinet. And under the conventions of responsible government, it is the prime minister and only the prime minister save for the most unusual circumstances who determines whether the House has lost confidence in the government. In other words, the two offices of the executive consult each other to determine whether the office in charge of governance has lost the confidence of the legislature after a non-binding parliamentary vote outside the reach of the courts, including the Supreme Court of Canada. And all of this would make perfect sense if this internal consultation within the executive would end with the Head of State making a real (and final) decision, except for the fact that the Head of State is bound by convention to accept the advice of the Head of Government. The “constitutional fiction” of the prime minister consulting the governor-general thus creates an “odd paradox” following a loss of confidence. The Crown will not act save on the advice of the very person whose legitimacy to govern has been called into question. And even if a governor-general decided to exercise her prerogative powers independent of, or against, the advice of the prime minister, the chance that the public would accept her decision is low, because it expects such decisions to come from political officers that enjoy electoral legitimacy.

This arrangement can be justified. Hogg, arguably one of Canada’s foremost constitutional scholars, acknowledges that the governor-general has even less of a political base than the ministry, “but it is for this very reason that the Governor-General may be reasonably trusted to set aside the partisan considerations and act impartially in the interests of the country as a whole.” In these situations, the governor-general performs the role that is “somewhat akin to that of a judge – another non-elected official to whom we readily entrust large powers in the expectation that they will be exercised impartially.” Of course, it goes without saying that a system of responsible government cannot work without a formal head of state possessed of certain prerogative powers, Hogg notes. While the “weakness of responsible government lies in the absence of clear legal rules as to when governmental power shall be assumed or relinquished and when

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517 Ibid., 17.
518 Ibid.
519 Ibid.
520 Hogg, Constitutional Law of Canada, 295.
elections shall be held,” the powers of the governor-general are still of “supreme importance.” While rarely used, they “insure against a hiatus in the government of the country or an illegitimate extension of power by a government which has lost its political support.” 521 This said, Martin has reported that the second Harper minority was prepared to circumvent Governor-General Jean during the Coalition Crisis should she have refused the prorogation request, either by replacing her with a more compliant governor-general or appealing directly to London.522

To sum up then, the House of Commons can express its confidence (or lack thereof) in the government in multiple ways. But this expression of legislative disapproval remains open to interpretation and potentially abuse. Nor does it force its intended target to act in any particular manner, because the legislature cannot advise the executive on matters of confidence and dissolution. Despite the conventional (but not essential) membership of the cabinet and the prime minister in the House of Commons, they serve at the pleasure of the executive as personified in the Crown, not Parliament, although their right to govern comes from the Parliament, particularly the House. Nor can the courts enforce the will of Parliament, because its expression of non-confidence relies on a constitutional convention and constitutional conventions have no place in a courtroom, at least according to sections of the scholarship. Not even the Supreme Court of Canada could intervene.523 Only the governor-general has the constitutional power to decide whether the government has lost the confidence of the House. Yes, the terms of responsible government require that the Crown will only govern through a ministry that enjoys the support of a majority of the members in the Commons. But it is not up to its representative (the governor-general) to determine such a ministry. In fact, on this very subject, convention dictates the Crown must accept the advice of the very individual (the prime minister) whose ministry may have just lost the confidence of the legislature. Yes, the Crown’s representative can act independently, but at the risk of a public backlash, as it could have been the case during the Coalition Crisis of 2008.524 In short, the prime minister has wide latitude to determine the course of government following a vote of non-

521 Ibid., 302.
522 Martin, Harperland, 187-188.
523 Desserud, The Confidence Convention under the Parliamentary Convention, 16.
confidence.

Dawson, as quoted by Smith and Aucoin, has recommended that the confidence convention should govern the relationship between the government and opposition in “a genuine spirit of tolerance and fair play.” But that has not always been the case, particularly during the recent run of minority governments. Consider the following examples from the Liberal Martin minority and the first Harper minority. During its time in office, the Martin ignored two motions of non-confidence – the first on May 10, 2005, the second on November 21, 2006. In the first case, the government lost a money vote in committee, but ignored it on grounds that it was a procedural motion, a view challenged by Heard. Parts of the opposition reacted to this perceived defiance of the confidence convention by grinding parliamentary business to a halt. Things took a truly bizarre turn when Harper and Bloc leader Duceppe asked Governor-General Adrienne Clarkson to intervene by asking Martin to resign. Martin, for his part, told the opposition that it would get a chance to bring down the government during a scheduled vote on the budget. In fact, after some considerable grumbling, the House returned to work and eventually accepted the government’s budget, but not after some high drama during which Canadians witnessed former Conservative leadership aspirant Belinda Stronach cross the floor for a place in the Liberal cabinet and Liberal Speaker Mike Milliken break a tie on a key bill.

In the second case, the Martin minority claimed that the motion was unconstitutional. During the debate, Liberal MP Roger Galloway said the resolution called upon the House of Commons to usurp the constitutional position of the prime minister vis-à-vis the governor general. Galloway argued that Governor General only accepts advice from the prime minister, not the House, on matters of confidence and dissolution. On a point of order, the Liberals also asked Speaker Milliken to rule on whether the House had the right to instruct the Speaker to communicate such a resolution directly to the Governor General, which they argued would be tantamount to the Speaker advising the Governor General to dissolve Parliament and whether, beyond a formal

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525 Smith and Aucoin, “Memo for Workshop on Constitutional Conventions,” 2.
527 Russell, Two Cheers for Minority Government, 43.
Address, there even existed a means by which this could be carried out.

Mindful of the tradition that the Speaker would not comment on whether a government has lost confidence or whether it should resign, Milliken did not answer the implicit question of whether the House was attempting to dissolve itself. He instead ruled on the specifics of the motion. He said that the Speaker did indeed have the right to communicate directly with the governor general. Milliken however pointed out that this was merely a matter of communication rather than advice, adding that the Liberals had not asked him to rule on the appropriateness of the first part of the opposition motion, which said that the “Prime Minister should ask her Excellency the Governor General of Canada to dissolve the 38th Parliament and to set the date for the 39th general election for Monday, February 13, 2006.” In other words, Milliken likely knew that the motion asked him to tell the governor-general that she should expect and perhaps assume that such request for dissolution was forthcoming. It is unlikely that the governor general would have felt any obligation to act on the request regardless of its wording. But the Speaker’s evasive answer nonetheless suggests that he would have ruled differently if the House had voted that the Speaker should advise the governor-general to dissolve Parliament on a particular date. Regardless, the government declared that it did not believe itself bound by this resolution and made no attempt to comply with it. Nor did the Speaker ever transmit the resolution to the governor-general, because several days later, the Martin minority fell on an explicitly worded motion of non-confidence clearly recognized as such by all involved.528

No such uncertainties plagued the first Harper minority. But we will see in the relevant chapter that it used the confidence convention as an offensive weapon, sometimes creatively, but generally outside accepted constitutional bounds. Consider the following examples. When the first Harper minority tested the confidence of the 39th Parliament at the start of its Second Session in October 2007 with the traditional Speech from the Throne, it saddled its speech with an unusual rider: if the opposition was going to pass the Speech, they could therefore not oppose the bills that would flow from it. From now, Russell notes, “(on) every issue, it would be Harper’s way or no way; defeat

on any issue would be treated as a non-confidence vote.”

Harper, in other words, used the confidence convention as a tool for brinkmanship. By way of preview, it worked in the sense that it chastened the Liberal opposition. This pattern continued through the session and took an unusual turn in early 2008 when Justice Minister Rob Nicholson urged members of the Senate Legal and Constitutional Affairs Committee to pass Bill C-2 (Tackling Violent Crime Act) without amendments by the end of February 2008. Otherwise, he would advise Harper that, "this (bill) is a confidence measure” in threatening an election.

This threat aimed at the unelected Senate, which is not a chamber of confidence, “amounted to one House invoking closure on another” in completely undermining the “essence of bicameralism and the intentions of the founders to create an independent Chamber of sober second thought.”

Constitutional expert Errol Mendes of the University of Ottawa told the Globe and Mail at the time that he was not aware of comparable confidence motions such as the one that the Tories had unveiled. "This is insane," he said in commenting on Nicholson’s condition. May be. It was also effective. While Dion described it as “a juvenile trick by a government desperate to fall,” he also made it clear that he was not prepared to fight an election over this issue, despite objections from some Liberal senators, who were threatening to amend the crime bill. Their eagerness, however, clashed with certain realities. Then-national campaign co-chair David Smith had earlier told his colleagues that their party was not ready to mount a national campaign. Accordingly, the Liberals backed off and the bill received Royal Assent. This Liberal concession to political reality however does not condone the Conservatives’ choice to re-design Canadian parliamentary institutions for their immediate political purposes, as effective as it might have been.

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529 Russell, Two Cheers for Minority Government, 57.
531 Laghi and Taber, “Tories put on election on line for crime legislation,” Globe and Mail.  
532 Ibid.  
533 Jane Taber, “Liberal decision comes after long testy meeting,” Globe and Mail, February 27, 2008.  
534 Ibid.
This commentary demonstrates several larger points. First, it highlights the interpretative nature of conventions. Rightly or wrongly, the opposition believed in May 2005 that it withdrew the Commons’ confidence in the Martin minority. The government of the day disagreed and simply carried on with business. Worse, the situation did not immediately resolve itself. Qua convention the governor-general could only take advice from the person whose legitimacy had suffered a blow at the hands of the Commons. And if even the May 2005 motion was procedural in nature, it nonetheless sent a clear signal that the Martin minority was skating on thin ice. Indeed, it could have easily tried to assure the public that it had indeed the confidence of Commons by scheduling a vote to said effect, as the second Pearson minority did during a comparable situation.\footnote{The occasion was a lost budget vote during the final days of the second Pearson minority. But with neither government nor the Conservative opposition eager to go to the country, both sides agreed to ignore the vote. Instead they scheduled a confidence vote that essentially allowed both sides to save face.} Yes, such a vote in Martin’s case was one week away. But as we heard, part of the opposition used the intervening period as an opportunity to undermine the workings of Parliament. While the effects of this action were likely limited, the incident itself set a dangerous precedent. Future minority governments will now able to avoid comparable non-confidence motions citing precedent and future opposition parties will be able to respond accordingly. And nothing guarantees that future incidents of this sort will not have more serious effects with negative consequences for the perception of parliamentary government generally and minority government specifically. Second, the procedural nuances that surrounded these ignored confidence motions were likely lost on the public in confirming a growing disconnect between a modern litigious society whose political system still functions according to customs that date back centuries. Finally, turning to the first Harper minority, its offensive use of the confidence convention confirms concerns in the literature that the prime minister of the day may be tempted to exploit the confidence convention for partisan gains. For example, the prime minister of the day may use the confidence convention to engineer its own defeat, as the Trudeau minority did. It may also entirely ignore the confidence convention. This could of course change in the wake of institutional reforms. They may include any of the following: (i) changes to the office of the governor general designed to give it genuine influence and legitimacy; (ii) provisions which clarify what counts as a motion of confidence and what does not; and
(iii) measures that govern the transitional process in case a government loses confidence. But if these reform proposals are well known, they are just as unlikely to be realized.

4.3 Minority Government: Questionable Input Legitimacy

The previous section has shown that minority governments have exploited Canada’s constitutional conventions for partisan gains. This section considers the often-heard claim that minority government enhances the procedural legitimacy of parliamentary government by tempering the tyrannical instincts of majority government. According to this theory, minority governments temper the urge of dictatorial prime ministers and their respective bureaucratic mandarins to push ahead with ill-fated policies. Yes, minority governments might not always move as quickly as majority governments. But they can nonetheless accomplish a good deal. They certainly promise to enhance policy making process and can produce widely acceptable policy outcomes if we make the two Pearson minorities our measuring stick in terms of policies that promote the ‘public’ good. If anything, minority government helps move Canada’s majoritarian system towards a consensus-oriented system by giving more voices more chances to be heard. Minority governments certainly promote this perspective, especially if they replace a party that had been in power for an extended period of time. But even majority governments, who were demoted to minorities, are trying to create this impression, perhaps sensing that such penance might benefit them. Not surprisingly, incoming minority governments often present themselves as defenders of improved public input and the Pearson period will show, albeit in a limited way, that periods of minority government can indeed yield beneficial procedural reforms that enhance public input. Yet this self-presentation is misleading.

First, it is important to note that defenders of minority government often rely on a distorted image of majority government. Consider the two majorities that sandwiched the Trudeau minority. While one be might tempted to agree with the argument that their policy process left plenty of room for improvement, neither was in any way dictatorial. In fact, both majorities could have easily benefited from a more dedicated and disciplined prime minister. To put it plainly, the flaws that defined the majorities of Trudeau before and after his minority government were not the flaws of majority government per se. They were first and foremost Trudeau’s flaws as a politician. Yes, minority government
disciplined Trudeau. But its transformative effects were temporary at best and hardly inevitable, as the Clark minority demonstrated. An arrogant, inattentive government is an arrogant, inattentive government regardless of whether it is a majority or minority. In short, it would be a distortion to suggest that minority government can correct the perceived deficiencies of parliamentary government. In fact, they often have exaggerated partisanship. And yet, minority governments have a tendency to frame themselves as reformers, when in fact their respective agendas revolve around escaping the constraints of minority government as quickly as possible.

What follows next details this two-faced behaviour by presenting relevant evidence from the surveyed minority governments. In terms of structure, I will present my evidence chronologically, starting with the first Diefenbaker minority. We will see in the next chapter that it won power in 1957 by questioning Liberal attitudes towards Parliament generally and the House of Commons specifically. Not surprisingly, a review of the Conservative platform in 1957 reveals that the Tories promised to restore the relevance of Parliament. Specifically, Diefenbaker pledged that he would (i) appoint a permanent speaker; (ii) abolish closure, (iii) revitalize parliamentary committees; and (iv) call a dominion-provincial conference on Senate reform. Readers at this point might have experienced a case of déjà vu. The record certainly reveals that the Tories took some initial steps towards fulfilling these promises. Soon after assuming office, Diefenbaker asked CCF deputy leader Stanley Knowles, widely considered the foremost authority on parliamentary procedure, to become the permanent speaker. While Knowles rejected the offer citing legislative goals, he also praised Diefenbaker’s government for restoring the influence of parliamentary officers, albeit with reservations. That said, the first Diefenbaker minority largely failed to fulfill its promises on parliamentary reform, despite that it had heavily campaigned on the topic.

One aspect of the Commons in desperate need of repair at the time was the post

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of Speaker. From the beginning, it has been a gift of the victorious party, with the appointment made by the prime minister and cabinet often without consulting the majority caucus, never mind the opposition. Since 1879, the position had also altered by French- and English-speakers. These factors have subsequently prevented the office from acquiring the attributes it had gained in the United Kingdom, namely, “protracted tenure, impartiality, unquestioned authority, and prestige.” While Canadian Speakers would eventually develop a reputation of fairness, many felt the system needed reform. The first step had actually occurred in 1953, when the Liberal Prime Minister Louis St. Laurent and Conservative leader George Drew nominated Louis-René Beaudoin as Speaker. But his term ended under a cloud of controversy during the Pipeline Debate of 1956 when the opposition accused him of bias towards the government and eventually asked him to resign. Beaudoin, for his part, actually tendered his resignation twice, only to withdraw it at the urging of St. Laurent. This history underpins promises by the Tories to change the speaker’s office. Alas, it would not undergo significant changes until 1985 with changes to the Standing Orders that eventually led to the 1986 election of John Fraser as speaker, the first who truly belongs to the House. Of course, closure still remains on the books and was famously used during the Flag Debate of the first Pearson minority.

In fact, critics contend that the first Diefenbaker minority actually robbed Parliament of its very raison d’être – the power of the purse. During its ten months in office, Diefenbaker’s first minority never tabled a regular budget – an aspect of its rule that aroused heated debate with some alleging that this action, or lack thereof, was unprecedented. Equally unusual was the decision of the government to take over the unapproved estimates that the Liberal government tabled before its defeat in June 1957. While the Conservatives eventually re-tabled these estimates, the short Parliament managed to approve appropriations for only one department. The first Diefenbaker minority government in turn relied on passing interim supply bills and three warrants issued by the Governor-General to bridge the time between parliaments. While the Diefenbaker majority subsequently promised MPs that they would receive a chance to debate all of these measures, critics felt that this offer “scarcely (repairs) the harm done to

541 Ibid.
the ancient principle of parliamentary control of the purse.” 543 In fact, the Tories’ handling of financial matters during the first Diefenbaker minority was the source of a parliamentary confrontation during which the Tories exploited the very institutional deficits they had promised to fix following the Great Pipeline Debate. This controversy, which occurs in the middle of December 1957, revolved around PC plans to reduce personal income rates and an excise tax on car sales. The CCF however challenged these changes, because the Commons deserved to debate them as part of formal budget deliberations, something that would require an eight-day debate. The Tories however insisted that they were within the balance of the estimates debated the previous spring. This fact entitled them to proceed without additional scrutiny, they argued. The presiding House speaker endorsed this position in siding with his side of the House. The CCF accepted this ruling, but argued that it had given them and all other members the right to introduce new amendments. One such motion came from Knowles, who proposed that the excise bills on car sales be reduced to five per cent from 7.5 per. While the amendment failed, its mere tabling opened the door for the opposition to propose a whole series of amendments.

This development eventually forced the hands of the Tories to over-rule the presiding speaker after he had allowed the CCF to table a costly amendment following complaints from Knowles, who drew a comparison to the infamous Black Friday of the Great Pipeline Date. “May I point that this is not only Friday the 13th, it is Black Friday the 13th.” Other members of his caucus were even more explicit in their charges of hypocrisy, reciting at length the very words Progressive Conservatives had used during the Great Pipeline Debate. This rhetoric inspired some but not all Liberals 544 to join the CCF and Social Credit in trying to stop the Tories from over-ruling their own nominee for speaker, an unusual spectacle. In the end, the Conservatives overruled their own chair by 72 to 60 votes. Parliamentary experts noted that this vote could have been a vote of confidence for the government if it had chosen to announce it as such. Alas, it did not. Naturally, the Tories defended their actions. First, they noted that only the government could make motions that change taxation. As for the charge that the Conservatives used

the very tactics that they had decried while in opposition, their spokesperson noted that the government lacked a parliamentary majority. Therefore the opposition could not accuse the government of trying to force legislation past legitimate opposition. Reactions to this incident varied. Duffy notes that the government acted within the rules and nothing like the Liberals during the pipeline debate. At the same time, he showed sympathy towards the opposition. “It wasn’t a Black Friday by any reasonable standard,” he says. “But there was some tattle-tale grey here and there through the week’s business.”

This episode highlights several points. First, it underscored the institutional deficits that defined the Commons at the time. I refer specifically to the role of the Speaker. As the principal officer of the House whose loyalties lie with neither the government nor the opposition, the Speaker’s job is to ensure that all proceedings of the House unfold with fairness and impartiality. In this role, the Speaker protects the freedom of speech of the members subject to the rules and practices that guide parliamentary proceedings. In essence, the Speaker protects the deliberative qualities of the House. Yet the episode just described suggests that these qualities are subject to expedient revisions, even during minority governments. Yes, the government of the day needs to get on with its business. At the same time, Franks says “it cannot be so insistent that it rushes business through parliament without an adequate opportunity for discussion, consideration of the issues, exposure of faults as well as virtues, and (crucially for our purposes) the formation of an informed opinion in parliament and the country.”

Second, despite lacking a parliamentary majority, the first Diefenbaker minority was confident enough to flex its procedural muscles, secure in the knowledge that it would likely win a majority if ‘pushed’ into an election by virtue of Diefenbaker’s power to dissolve Parliament. Supporters of minority government frequently argue that the lack of an outright legislative majority promises to temper the executive. The behaviour of the first Diefenbaker minority suggests otherwise. In fact, the calculated absence of several Liberals merely underscored the somewhat staged nature of the whole episode. Genuine deliberation, arguably, has a different appearance. Third, it alerts us to a common pattern

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547 Ibid., 127.
among parties that go on to form minority governments. When in opposition, they frequently frame themselves as defenders of parliamentary supremacy in promising improvement. Actual practice suggests otherwise. Minorities are as unwilling to cooperate with the opposition as majorities are.

As for the second Diefenbaker minority, it too failed to pass a budget in preventing the Commons from performing its elementary function during what was a short by raucous Parliament that only lasted a few months. Weakened by previous controversies such as the Coyne Affair and increasingly divided over the planned presence of nuclear weapons on Canadian soil, the first Diefenbaker minority lurched from crisis to crisis as the Liberals under Pearson spoiled for an early election. Not surprisingly, the second Diefenbaker minority achieved little during its short tenure in office, which it largely owed to support from Social Credit. I use the term ‘owe’ intentionally because the second Diefenbaker minority stands accused of committing outright bribery. According to Plamondon, the Tories had sent regular payments to the Socreds and the eventual end of this practice contributed greatly to the eventual demise of the second Diefenbaker minority. 548 This rather serious charge would very much violate the conditions of genuine deliberation according to the criteria developed by Chambers, 549 not to mention basic principles of parliamentary democracy and several laws. All in all, it would be more than fair to argue that Diefenbaker governments Diefenbaker did little to improve the deliberative capacity of the Commons. To be fair, the Diefenbaker minorities governed during one of the most fractious period in Canadian history and its perceived dysfunction echoed through the chambers of the Commons. Four out of the five federal elections held between 1957 and 1963 produced minorities: the two minorities of Diefenbaker that sandwiched his majority and the two Pearson minorities that followed the second Diefenbaker minority. While these minorities

548 For the sake of accuracy, here is the relevant section as told by Plamondon “While not revealed then or since, in the years before his death Dalton Camp told CBC Reporter Keith Boag that the Diefenbaker government was kept alive by Social Credit because it was receiving regular cheques out of Tory coffers. Camp put an end to the payments, which contributed greatly, he observed, to the defeat of the government. Camp told Boag that he intended to reveal the tawdry dealings in his memoirs, but his passing prevented the story from coming to light.’ Robert E. Plamondon, Blue Thunder: The Truth About Conservatives from MacDonald to Harper (Toronto: Key Porter Books, 2009), 251.
549 Chambers specifically identifies threats, coercion and bribes as inappropriate inducements. Chambers, “Discourse and democratic practices,” 235-238.
differed in their respective effectiveness, they appeared to share at least one common feature – none enjoyed a strong reputation.

Perhaps illustrative of this opinion is a *Globe and Mail* editorial that appeared October 8, 1963. Titled “The Decline of Parliament,” the editorial noted that parliamentary democracy “attempts to reconcile the rule of the majority with the rights of minorities to permit strong leadership while retaining checks and balances in the Legislature to provide for the free clash of political ideas within the confines of orderly procedure and debate.” The editorial went on to say that this system could work unless its participants understood and cherished it. Particularly, it required a government willing and able to govern within the limitations imposed by precedent and procedure and a loyal opposition ready to challenge said government, while always remembering that governance must go on. “These qualities,” the editorial noted, “have been lacking in Ottawa for several years, dating back to the last days of Conservative majority rule, but with the shortcoming emphasized by the fact of two minority Governments in a row. We have had Governments unable or unwilling to govern, plagued by indecision, inept in leading the Commons, and frightened of facing the voters. And we have had Oppositions which have forgotten how to be loyal, obsessed with partisanship and more interested in wrecking the machinery of Parliament than making it work.” This commentary, it should be said, might have taken specific aim at the Diefenbaker years, but also criticized the first Pearson minority, which at time found itself in the middle of one of the most notable episodes of procedural wrangling during this era of minority government – the question of whether the Ralliement des Créditistes around Real Caouette should receive recognition as a party and all the procedural and financial perks that come with this status.

The foregoing group of MPs largely representing rural ridings in Quebec had split from Social Credit following internal feuding between Caouette and the Socred leadership and was now aiming for official recognition as a party. Caouette pressed his point by threatening to hold up legislation, a move that merely hinted at larger problems, according to the *Globe and Mail*. “Let us not underestimate the seriousness of our situation,” it stated. “Mr. Caouette and his filibuster are temporary problems of no great importance: the inability of our major parties to operate the Parliamentary system is a
major threat to national welfare.” The logic behind this criticism is rather straightforward. Without an effective legislature that performs its various functions with the necessary dignity and seriousness, it will lose its relevance and by extension legitimacy in the lives of citizens, who seek to govern themselves. As we will see later, the first Pearson minority eventually brokered a compromise that allowed all involved parties to save face in greatly contributing to the overall effectiveness of the first Pearson minority. But the Pearson Liberals hardly remained above criticism. During the Great Flag Debate, the first Pearson minority invoked closure, perhaps a prudent move in light of its reported intensity and divisiveness. And as we have already heard, the second Pearson minority lost a vote of confidence, which should have led to its resignation, had it not been for some procedural backtracking.

The Pearson years did witness several attempts to improve the deliberative capacity of the Commons. Ironically, the problem of this period was not enough debate but too much superfluous debate, the sort of debate that does not rely on the force of the better argument, but on threats, coercion and other kinds of communication (such as impromptu singing) that distract from the substance of the issues. And it is precisely this sort of rhetoric that would rationalize the use of closure, a vicious circle if there ever was one. Of course, the difficulty lies in finding the “nebulous point of debate between full and free investigation and prolonged obstruction when closure should be used,” as Page says. It also goes without saying that the use or non-use of closure is only one aspect of parliamentary procedure that vexed parliamentarians during this period. Other key issues include the impartiality and powers of the speaker’s office, whether debate should be limited, and the legislative process itself. Parliamentary procedure must do several things at the same: it must ensure the government’s orderly transaction of business without making the House a rubber-stamp of cabinet; it must respect the right of the opposition to examine legislation, spending, and administration in a way that is thorough without being obstructive; it must give each elected representative ample opportunities to express
opinions in a succinct and cogent manner; and it must be possible for Her Majesty’s Loyal Opposition to become the government. 554 While these conditions apply at any time during the course of a Parliament, they gain additional currency during this era of minority governments, because governance itself has become more complex. Whereas previous parliaments often found themselves hard pressed to find sufficient work, the creation of the modern-welfare state following the end of the Second World War radically increased the volume of legislation, not to mention its complexity. Referring specifically to the Canada Pension Plan bill passed by the first Pearson minority, Page notes that the bill could not be passed as quickly as the simple legislation of past decades. 555 Conscious of said conditions and concerned about the legitimacy of parliamentary government itself, the first Pearson minority proposed and passed a series of procedural reforms in June 1965. These measures include among various reforms that ‘streamlined’ debate in an attempt to keep deliberations on topic. They also changed the committee system by increasing the number of standing committees and increasing their powers.

Looking at the larger picture, these reforms did increase the deliberative capacity of the Commons by opening up more avenues for deliberation through the committee system and reducing the potential for obstruction. These reforms then set the stage for additional reforms in the Trudeau era. But these developments were overshadowed by larger developments that actually countermanded these improvements, as incomplete as they might have been. Key pieces of social legislation passed during this period such as the Canada Pension Plan or the Medical Care Act possessed a distinct federal dimension. As Kent shows in his detailed history of the Canada Pension Plan, Parliament only took the matter after Ottawa and the participating provinces had agreed on the basic framework. 556 Yes, the legislation underwent extensive review by a special joint Senate-House of Commons committee that met for nearly three months and heard more than one hundred witnesses during the course of 51 sessions starting late November 1964. Notably, the committee hearings reveal that the Liberal pension scheme is not generous

554 Ibid., 28.
555 Ibid.
enough with both Tories and New Democrats calling for revisions. Following a few and entirely acceptable amendments, the bill eventually passed the Commons at the end March by margin of 159-12 following 26 days of debate, many marred by procedural give-and-takes, which of course speaks to an earlier point about the need for reform. Five Tories and seven members of Social Credit eventually voted against the bill during the final roll call with 95 MPs absent. But the central players in the policy formulation process were Pearson and the premiers, as well as their respective bureaucracies, not parliamentarians. Yes, they did get their say in revising the legislation. But their revisions were if anything politically convenient for the government at the time because they reflected the consensus at large.

Canada’s fifth minority government since 1945, the Trudeau minority (1972-74) can also claim to reflect broader societal consensus. As Russell notes, the left-leaning policies of the Trudeau minority enjoyed considerable support among Canadians. But the arrangement that led to them, an uneasy legislative alliance between the Liberals and the NDP, did not exactly conform to the principles of deliberative democracy, which insists that decisions emerge out of rational discourse with the force of the better argument prevailing above else. Yet the record clearly reveals that the Liberals and the New Democrats used each other as instruments in the pursuit of their respective interests. In fact, it would not be an exaggeration to suggest that the Liberals used the public purse to ‘bribe’ the NDP to stay in power, only to terminate this arrangement at the most opportune occasion. Similar comments also apply to New Democrats, who used their power to extract concessions from the Liberals, for as long as they saw fit. In fact, New Democrats were itching to end their relationship with the Liberals despite polls that showed that the public generally approved of their influence on the direction of the federal government. In fact, the NDP leadership actually expressed regret when the Liberals relented to their demands. In other words, they were spilling tears over the fact that they had ‘forced’ the Liberals into spending more public funds instead of an election. In short, minority government did not transform the Commons into a deliberative chamber. Rather, calculation, deception, bribery betrayal remained accepted forms of

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557 Ibid., 290.
conduct in the resolution of political conflict, despite the fact that Trudeau had promised to transform the tone and tenor of Ottawa.

The Trudeau years did witness several steps to improve public engagement and rationalize policymaking. Notably, it was the Trudeau minority that began the process of introducing television into the Commons, after a 1970 Senate report had found that two in three Canadians watched the news daily on television and more than nine in ten watch television news at least once a week.\(^{559}\) While not a tool of deliberation per se, electronic mass media such as television have the potential to enhance the broader public discourse. Whether they have in any discernable manner – be it positive, negative or indifferent – is of course an entirely different question and beyond the scope of this research. But the bulk of these reforms had taken place during Trudeau’s majority. The results of these steps were not encouraging as the first Trudeau majority (1968-1972) fell into the hands of powerful bureaucrats, a development that nearly cost Trudeau power because it lessened the influence of the Liberal caucus in policy making and with it the ties between the Liberal party and the public at large. If anything, the uncertainties of minority government forced Trudeau to re-engage with the public through the Liberal parliamentary caucus in confirming the importance of parties as instruments of policy formation, a point expanded below. As an aside, Trudeau seemed to have forgotten this lesson during his second majority (1974-1979). Simply put, it lacked any sort of mooring, be it in terms of personnel, policy or philosophy, as it drifted from one scandal to another on its ways towards losing its grip on the purse and eventually power to Clark minority.

Turning to the Clark minority, the record shows that its titular head said all the right things about improving the relevance of the Commons. The Great Pipeline Debate of 1956 had been a defining moment in Clark’s political education and socialization.\(^{560}\) Another source of inspiration was John Kenneth Galbraith and his emphasis on collective decision-making. Once Clark had become Tory leader, committees popped up throughout the party. As he told party members during a 1976 fundraising dinner, the “party must hear and heed contributions from all sources.”\(^{561}\) Clark certainly recognized the political benefits of appearing more transparent and more accessible to the public. As we heard

\(^{560}\) Ibid., 36.
\(^{561}\) Ibid., 40.
earlier, it was Trudeau’s minority that promised full broadcast coverage of Parliament. When television coverage of the Commons began in October 1977, Clark immediately recognized television as an ally. Conscious that a weak economy would benefit the PCs, Clark cleverly combined his message with the new medium when he charged that, “among the Canadians who are watching us here now are a large number of the army of Canadian unemployed who, because of the policies of this government, have nothing else they can do with their time.”\(^562\) While campaigning in 1979, Clark made parliamentary reform a central plank of his platform. In doing so, he echoed the first campaign of Diefenbaker, who had also made good use of this issue. Similar to the way Diefenbaker had attacked St. Laurent, Clark accused Trudeau of reducing Parliament to a rubber-stamp for decisions, in this case, made by unelected bureaucrats operating out of the PMO’s office, a charge that had some traction.

Clark for his part promised that he would “restore the supremacy of Parliament.”\(^563\) In fact, he would allow and encourage Tory MPs to speak out when they disagreed with government policy. Yes, this openness might embarrass the government from time to time. But these men and women were “your M.P.s, not my M.P.s.”\(^564\) Saskatchewan Alvin Hamilton, a former Diefenbaker cabinet member, tested this theory when he became a spokesperson for Tory MPs from western Canada, who questioned that high interest rates were hurting economic development in their home regions, a charge denied by Tories from Ontario. Clark, who had campaigned against high interest rates, insisted they were necessary to keep investors from abandoning Canada in search of higher profits. If the government were to lower rates, the Canadian dollar would drop vis-à-vis the American dollar because of a worsening international balance of trade; and a lower Canadian dollar would cause higher inflation in a country, where many consumers and corporations depend on foreign goods.\(^565\) Hamilton received his day in the public spotlight and Clark received credit for allowing him to speak. Specifically, Clark noted

\(^562\) Ibid., 102.
\(^564\) Quoted in Ibid., 167.
\(^565\) Ibid., 170.
that, “the caucus of the Government party is no longer a caucus of sheep.”  

But the rest of flock ostracized Hamilton, with the implicit understanding of Clark.

A review of the practical parliamentary reforms that Clark had proposed also revealed flaws. Some of the proposed measures would have been potentially valuable, others less so. On the positive side of the ledger, speeches in the House would be shortened from a maximum of forty minutes to a maximum of twenty minutes in most cases. This move would have reduced superfluous debate and allowed more speakers. The proposed lengthening of Question Period from forty-five minutes to sixty minutes would have also allowed more voices to be heard. Finally, Clark would have given committees the right to initiate inquiries without Parliament’s prior instruction or approval if fifty MPs (including ten or more from each of at least two parties) requested a probe. But committees were to be refused the opportunity to hire permanent staff without which they would have never graduated to full effectiveness. This sort of ‘good-news/bad-news’ dichotomy defined many of these proposed reforms. Clark, for example, proposed that the House would be permitted to question cabinet ministers about their former portfolios. This proposal, if realized, would have been very good news. The Liberals had avoided tough questions about alleged RCMP misconduct by playing what Troyer called “musical solicitor general.” This little game allowed the former occupant to claim that the file was now in the hands of the new occupant, who in turn could claim unfamiliarity with it. But this new initiative would apply only to ministers still serving in cabinet. Former ministers ‘reduced’ to the status of an ordinary MP would be exempt.

Arguably the most appropriate assessment of these proposed reforms came from the Commons’ dean, New Democrat Stanley Knowles, who called them “superficial.” Ultimately, these reforms were also academic, because they died with the government, their time in the public spotlight as fleeting as the government itself.

However the Clark minority was not above the use of closure, even after it had severely criticized the Liberals for threatening the use of closure in their passage of the

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566 James Rusk, “PM, Crosbie defend bank governor’s moves,” Globe and Mail, October 12, 1979, 1.
567 Troyer, 200 Days, 170.
568 Ibid., 171-172.
569 Ibid., 171.
570 Ibid.
571 Quoted in Ibid., 170.
Energy Supplies Emergency Act of 1979, the very legislation serving as legal basis for the Energy Supplies Allocation Board promised to the Créditiste leader Fabien Roy, whose party was propping up Clark’s ministry. In fact, the Tories’ use of closure was entirely consistent with its arrogant attitude towards the parliamentary opposition in contributing to its defeat. At the issue was Bill C-20, an act that was to give Canadian homeowners a tax credit of up to $1,500 for their mortgage interest payments at a total cost of $2.5 billion per year. Clark had promised the measure during the campaign and his government was anxious for Canadians to starting claim this credit in time for the 1980 tax returns, even though the credit was barely enough to cover rising mortgage interest payments. But the measure ran into resistance from the opposition, particularly from New Democrats and Créditistes, who argued it did not help renters. The Liberals also questioned the measure, but with less vigor. The stalemate intensified and Clark eventually had enough in announcing closure. Despite protest from the opposition, Liberals and New Democrats lacked the votes to continue their filibuster of the legislation. On December 10, 1979, the House agreed by a vote of 120 to 85 that the debate on Bill C-20 would not last more than a day. Closure motions do not count as confidence votes. But this particular closure motion created momentum for one. Consider this observation from a research aide working for one of the opposition parties.

“That night, it was clear that this government was going to roll right over anybody who got in their way. They really didn’t think the opposition members were prepared to say ‘shit’ if they had a mouthful; they’d take anything that Clark and Baker pushed at them. A lot of M.P.s started getting blood in their eye that night. And it was just seventy-two hours later that they got their own back and defeated the government.”

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574 Cheveldayoff, “Federal Liberals caucus can’t agree on mortgage, tax credit,” 9.
576 Quoted in Ibid., 174.
In short, the Clark minority badly misread the mood of the Commons. More importantly, the Clark minority goes down as yet another minority government that failed to improve the deliberative capacity of the Commons.

A lack of discussion was certainly not responsible for this development. Both the Lambert Commission and the Business Council on National Issues had all weighed in on the issue of parliamentary reform when Clark announced that his government was prepared to make fundamental changes to Canada’s parliamentary structures. Not surprisingly, both the Lambert Commission and the Business Council on National Issues had focused on ways to improve the performance of parliamentary committees by investing them with additional powers and resources. As noted previously, committees often appear as the best hope for greater parliamentary influence within the policy-making process. But it would be a mistake to gauge the vitality of the Commons by the autonomy of committees and other avenues of reform are also open. So why did the Clark minority fail? Part of the answer obviously lies in the fact it did not did not last very long. But even if it had lasted longer, the available evidence suggests that the proposed reforms would not have measured up to the expectations of reform advocates. Even a brief review of the literature on parliamentary reform – and among it I would include contributions that praise minority governments – reveals a certain naïveté about the actual practice of parliamentary government. Yes, the prime minister has a lot of power, but it would an exaggeration to denounce the occupant of that office as dictatorial. Yes, the gap between the theory of parliamentary government, which places individual parliamentarians representing specific ridings at its centre, and its practice, which centres on the cabinet with the prime minister as its central figure, is undeniably regrettable and in need of reform. Indeed reform is possible, but only if its advocates acknowledge certain realities, starting with the reality that “party is king.”

All of the structures and procedures found within the Common function on the basis of party. In fact, most of the actions by individual MP are forms of party behaviour. So for better or worse, party discipline and partisanship is the lifeblood of parliamentary governance. This insight also informs Thomas when he notes that the drive for a stronger

578 Thomas, “Parliamentary Reform Through Political Parties,” 326.
committee system dating back to late 1960s has ignored, or least underestimated, one of the most basic findings of comparative legislative research, “namely, that the strength of a legislative committee varies inversely with the strength of the party system.” Jackson and Atkinson reach a similar conclusion in their assessment of the parliamentary reforms proposed by the Clark minority. While specific in their context, their comments are also universally applicable. “The genius of the British constitutional system rests on its provision of a strong executive,” they wrote. “It is the executive, not parliament, that has the mandate to govern the country.” Canadian parliamentary committees are relatively weak because they are designed this way, they noted. The important action takes place in the adversarial setting of the House, where opposition members should not be expected to contribute directly to the efficient management of the public service or the effectiveness of government program. Nor should any one pretend that the relaxation of party discipline would somehow encourage “reason to prevail.”

Reform is possible, but only under certain circumstances. “First,” they wrote, “no government will accept organizational or procedural changes, regardless of the theoretical justifications, unless it is assumed that changes favorable to the government will also be adopted.” Second, Jackson and Atkinson warned against procedural changes ostensibly designed to reduce partisanship, which Thomas says actually increases during minority governments. “In Canada we don’t need less partisanship,” they wrote, “but partisans who are capable of clearly defining fundamental differences in party policies.” So any future reforms of Parliament should be done with parties in mind, they concluded. So where does this commentary leave our discussion concerning the procedural legitimacy of minority government? It actually suggests that minority government might create a false sense of hope. Far from improving the procedural legitimacy of parliamentary governance, minority government might actually exacerbate certain aspects of parliamentary government. And if we read scholars like Jackson, Atkinson and Thomas closely, this development might not be an unwelcomed development, provided its energies are channeled in the right direction.

579 Ibid., 331.
581 Ibid., 7.
582 Thomas, “Parliamentary Reform Through Political Parties,” 328.
Yet calls for reform have become increasingly urgent, particularly during the Chrétien period, a period of democratic disengagement. Voter turnout declined through the 1990s and reached a historic low in 2000 election with a turnout of sixty-one per cent.\footnote{Jon H. Pammett, “The People’s Verdict,” in \textit{The Canadian Federal Election of 2000}, ed. Jon H. Pammett and Christopher Dornan (Toronto: Dundurn Press 2001), 309.} Reasons for this state varied, according to a special Elections Canada study.\footnote{Jon H. Pammett and Lawrence LeDuc, \textit{Explaining the Turnout Decline in Canadian Federal Elections} (Ottawa: Elections Canada, 2003).} Politics had become a “matter of marginal interest” to a growing number of Canadians especially young people and elections had become non-events. Part of the problem was the longevity of the Chrétien majority itself. The lack of credible alternatives discouraged many Canadians to cast their ballots. Canadian voters have never strongly identified with their political parties and this declination to identify with any of the federal parties was particularly pronounced during this period as almost three out ten voters identified with none of the parties.\footnote{Lawrence LeDuc, John H. Pammett, Judith I. McKenzie and André Turcotte, \textit{Dynasties and Interludes: Past and Present in Canadian Electoral Politics} (Toronto: Dundurn Group, 2010), 469-470.} But the lack of competition for the Liberals was only one of the reasons for the declining turnout. The days when “civic duty” propelled Canadians to the polls, regardless of the electoral choices before them, were fading into the past.\footnote{Ibid., 471.} In fact, the low turnout of this period was only one symptom of a larger democratic malaise that inspired calls for reform in at least four areas: (i) enhanced government legitimacy; (ii) more representative legislature; (iii) greater responsiveness in governance; and (iv) increased accountability of legislators.\footnote{F. Leslie Seidle, “Democratic Reform: The Search For Guiding Principles,” in \textit{The Oxford of Canadian Politics}, ed. John C. Courtney and David E. Smith (New York: Oxford University Press, 2010), 507-510.} Efforts to improve these aspects have inspired a number of institutional reforms, most of them focused on three specific institutions – the Senate, the electoral system and ethics legislation.\footnote{Ibid., 510.}

It is against this background that we turn towards the efforts of the Martin minority to fix the so-called “democratic deficit” which Aucoin and Turnbull define “as the gap between what Canadians expect of their political institutions in terms of democratic governance and what they perceive as reality.”\footnote{Peter Aucoin and Lori Turnbull, “The democratic deficit: Paul Martin and parliamentary reform,” \textit{Canadian Public Administration} 46, no. 4 (2003): 436.} First proposed during a
major speech on the subject in the fall of 2002, Martin’s reform agenda includes six major points. For the sake of comprehensiveness, his original comments appear below.

- “First, we must loosen the hold of party discipline over Members of Parliament so that they can more freely and more frequently employ their own judgment on individual legislative matters.”

- “Second, we should boost substantially the capacity of individual Members of Parliament – from all sides of the House – to shape legislation before, rather than after, it gains the imprimatur of legislative approval.”

- “Third, we should increase the capacity of individual Members of Parliament to initiate legislation by overhauling the system for introducing private members’ bills.”

- “Fourth, the House of Commons standing committees should be overhauled to provide increased independence and expanded authority.”

- “Fifth, we should reform the process surrounding government appointments.”

- “The sixth and final proposal I would submit today goes back to the original Red Book with which I had some involvement, and that is the creation of an independent Ethics Commissioner who would report to Parliament.”

Without commenting on each item specifically at this stage, these measures had three large aims. The first was to increase the influence of committees in matters of government legislation and appointments. As noted earlier, some of the relevant literature finds a direct relationship between the strength of the committee system and the overall deliberative quality of a legislature. Second, the measures aimed to lessen the bounds of party discipline. Individual MPs would have more room to bring forward their own legislative proposals under reformed procedures governing private member bills. Individual MPs would also have more opportunities to scrutinize, amend and if appropriate, vote against proposals coming from their respective parties, including the government side. Ultimately, this promise would have redefined the very nature of responsible government, since some votes inevitably test the ‘confidence’ of the Commons in the governing executive. Finally, the measures, specifically the sixth item,

can be seen as a broader response to the sponsorship scandal. Martin’s use of the term “democratic deficit” was certainly a “fortuitous” choice of words for the former finance minister, whose principal claim to fame was his slaying of Ottawa’s fiscal deficit.592

Globe and Mail columnist Hugh Winsor later noted the resonance of Martin’s rhetoric when he wrote that sometimes “a catchy phrase such as ‘democratic deficit’ lands on such fertile ground, it becomes the caption of an era, spinning off political synergy that goes far beyond the dreams of its progenitor.”593 Martin, it should be said, was not the first Canadian politician to use this phrase, having possibly borrowed it from Europe, where concerns about the democratic legitimacy of the European Union have been pervasive. But Martin’s use of it at that particular point in time nonetheless grabbed the public’s imagination. This rhetoric also provided Martin with what Aucoin and Turnbull would call a “convenient cover”594 to criticize the domineering legacy of Chrétien without attacking him overtly. Finally, Martin’s very decision to raise the issue spoke to a wide range of democratic discontents, from MPs who wanted more power, to reformers who wanted to adopt proportional representation, and to citizens who called for greater transparency and accountability in governance.595 It also indirectly stoked the Liberal civil war. To borrow Simpsons’ evocative but arguably pejorative phrase, Chrétien’s “friendly dictatorship” created an unintended problem for the Liberals. Their large majorities, which actually grew towards the end of Chrétien’s mandate, meant that they had limited ways to keep backbenchers happy.596 Unburdened and unchallenged by a credible opposition, these caucus ‘discontents’ started to become the ‘real’ opposition to the Chrétien government. And many of these were Martin supporters.597

Chrétien himself categorically rejected these proposals. He argued that the removal of some these “essential” controls over caucus members would lead to the Americanization of Canadian politics, in which individual MPs would be captured by lobby groups and money would play an increasingly important role in determining policy. We will see below that academics share this concern. In fact, we will hear from

592 Ibid., 428.
595 Ibid., 428.
596 Brooke Jeffrey, Divided Loyalties: The Liberal Party of Canada, 1984-2008 (Toronto: University of Toronto Press, 2010), 337.
597 Ibid., 337.
scholars who argue that Martin’s reforms would have required fundamental changes to the institutional nature of Canadian politics to the point of abandoning the parliamentary system of democracy and adopting a presidential system that would separate the executive from the legislative branch of government. More practically, Chrétien also noted that Martin’s reform proposal “cannot be put in place overnight. It will take some time, and possibly two budgets…to set the legislative and fiscal framework.” Not surprisingly though, Martin pushed ahead with his plans soon after becoming Prime Minister. On the day that his government was sworn in, Martin introduced the “three-line vote.” Based on the British three-line whip, it established a hierarchy of votes concerning matters of confidence. One-lines votes are “free votes” that would allow all government MPs including ministers to vote any way they wish would remain. This is in itself did not represent a change. What was different was the introduction of a two-line vote – a vote on government legislation or a government motion that would not be deemed a confidence vote. In this case, the government would “recommend a preferred outcome to its caucus.” But backbench MPs would be free to vote against the government without running the risk of the government losing the confidence of the house and thus having to resign or call an election. Three-line votes, meanwhile, would be reserved only for key parts of the government agenda. Proponents of this system argue it allows for more debate and compromise on less important bills, while still allowing the government to demonstrate that it has the confidence of the House.

The Martin government, then still a majority, also announced other measures through its Action Plan for Democratic Reform. In addition to the three-line voting system, the Martin government also (i) increased the number of government bills going to committee before second reading in attempt to garner more input from legislators; (ii) gave standing committees more power to review budget estimates; and (iii) granted standing committee the right to review government appointments, with the final appointment power remaining in the hands of the Prime Ministers. It should be noted that some of the changes were not necessarily novel. Governments had had the option of sending bills to committee before second reading since 1994, but rarely used it.

598 Ibid., 383.
Comparable comments also apply to the second and third item. The incoming Martin government also made other notable changes. First, it revised the procedures concerning private member bills, hoping that it would encourage more individual legislators to bring forward their own policy proposals. Second, it accepted an opposition motion that enhanced the independence of the standing committees by granting their members the power to select their own committee chairs by secret ballot. In the past, the government had appointed committee chairs, much to consternation of the opposition and Martin himself.

Aucoin and Turnbull offer a generally positive assessment of the proposed reforms. But they also noted at the time that the success or failure of the reforms hinged first and foremost on the willingness of the government to follow through on its promises. First, they would have to make it clear that it would not treat the majority of its legislative agenda as a matter of confidence. Second, the relaxation of party discipline would require a number of changes in the way that government would operate. First and foremost, ministers would have to inform and consult more extensively with their own MPs on legislation. These consultation would not only have to take place much earlier in the legislative process as previously, but also be more open to more stakeholders, lest the government caucus itself becomes a decision-making forum closed to public scrutiny as the cabinet decision-making system has always been. Simply including government MPs more fully in the internal government decision-making process might be a very good idea for reasons other than parliamentary reform. But if it is done simply to “buy off” disgruntled government MPs, it would not constitute parliamentary reform. Inviting more stakeholders to the legislative process could also create the very prospect against which Chrétien had warned: individual MPs being lobbied heavily by potentially powerful forces. Aucoin and Turnbull also warned against a unilateral relaxation of party discipline on behalf of the government. “In one sense, what opposition parties do with party discipline is much less important than what the government does to the successful implementation of parliamentary reform,” they wrote. “In another sense, the successful impact of parliamentary reform in changing public and media perceptions of

600 Ibid.
parliamentary democracy will require that the opposition parties also shed the kind of party discipline that produces what is viewed as “mindless adversarialism.”\[^{603}\] That said, they predicted that presumably opposition leaders would “find it difficult not to go along with Martin’s parliamentary reform since his plan speaks to the main proposals virtually all reformers and media commentators have advocated over the past decade or so. As a result, they will be hard-pressed to impose party discipline whenever their own MPs want to act independently.”\[^{604}\]

This prediction however did not come true. In fact, the 38th Parliament was rife with partisanship and personal acrimony. Despite promises to make Parliament work, the four parties barely managed to keep it functional, a fact no doubt owed to the weakened state of the Liberals in the aftermath of the sponsorship scandal and their internal civil war. There are those who have actually praised Martin and his minority for improving democratic accountability and raising the deliberative quality of the Commons. One such voice is Paul E.J. Thomas. While most MPs found the 38th Parliament to be “most disagreeable,” it ended the days when “Parliament served as a rubber stamp for the government’s legislative program.” In that sense, it marked the first time in more than two decades that all parties and all MPs including independents such as Chuck Cadman had a genuine ability to influence the outcome of parliamentary proceedings. “Since Canada’s democracy rests on the premise that MPs are elected to represent their constituents in the political process, the 38th Parliament may therefore have been the most democratic assembly that Canada has seen since the Clark administration,” he wrote.\[^{605}\]

It was certainly unique in the sense that it allowed scholars to survey the impacts of procedural reforms designed to improve democratic accountability and deliberation during a period of minority government, which creates its own sense of accountability and deliberation. Turning to specific evidence, Thomas points out that the 38th Parliament witnessed a good deal of legislative compromise, of which the 2005 budget deal between the Liberals and NDP was the most obvious example. Thomas also notes that the 38th Parliament increased the ability of Commons to keep the government accountable by way of amending the Throne Speech, the budget and passing motions of non-confidence.

\[^{603}\] Ibid., 431.
\[^{604}\] Ibid.
enough, but these developments were in and of themselves hardly unusual, certainly not within a minority context. Yes, it was unusual for the Martin minority to amend its Throne Speech. But this was a deliberate choice that actually reflected the poor quality of decision-making that characterized the Martin minority. The public would have likely blamed the Conservatives for forcing an early election, not the Liberals, who could after all claim a mandate to govern, albeit a limited one.

In fact, Thomas’ account reminds us that partisanship actually increases during periods of minority government when he writes that “each vote became a miniature crisis, with the house leaders attempting to secure support from the other parties while the whip frantically tried to ensure that sufficient members would be present to prevent (or ensure) the defeat of the matter in question.”606 This tension, he added, “existed not only in the usually boisterous setting of the House of Commons, but also in the typically more sedate location of standing committees, which became battle grounds over the passage of legislation, budget estimates and motions for government action.” 607 Partisanship, in other words, was a pervasive condition of this particular minority. And what made it arguably worse was the fact that this pervasiveness contradicted the expectations of Canadians in the Martin minority specifically and minority government generally. Martin came to power on the promise that he would practice a different sort of politics. His democratic reform proposals meant to underscore this difference, but they themselves premised on a fundamental misunderstanding of parliamentary politics, as Aucoin and Turnbull show in arguing that the reform would not have brought an end to party government. Among other points, they note that that “(party) discipline…is not entirely something that is imposed on MPs by their party leaders and whips; it is also a form of individual and collective self-discipline that derives from the fact that MPs are members of a political party and have been elected as a party candidate. They may toe the party line under a threat of sanctions or a promise of rewards, including promotion to positions as parliamentary secretary or minister. But voting the party line is also a function of team loyalty as well as a requirement to meet constituents’ expectations that their MP adhere to

606 Ibid.
607 Ibid.
her or his party’s position.” The Westminster system of ‘responsible’ parliamentary government requires parties to be disciplined precisely because parties compete against each for power, they add. Yes, individual MPs might not always appreciate being told how to vote. “Yet, with a few exceptions, they are not likely to stray very far from their party line if in doing so they diminish their party’s capacity to remain in office or to compete for office,” Aucoin and Turnbull note.

They also take aim at the mythical claim that a golden age of parliamentary government waits to be awoken from its slumber. Yes, such a period existed briefly immediately after Confederation when the two parliamentary parties developed their national profile, while trying to overcome the disruptions of Confederation itself. “During this period,” Aucoin and Turnbull write, “there was a small but significant number of MPs who, at times, exhibited a considerable degree of independence from parliamentary party leaders.” But this period would end within no more than two decades and disciplined parties have since been the norm. In fact, it can be argued that stable parliamentary democracy depends on the disciplined parties. Martin’s attack on the “democratic deficit” also falsely assumes that individual legislators play an active role in governance. For most of the time, they perform a reactionary role in the sense that they debate the public policies proposed by the executive. By watching and discussing, legislatures ‘control’ the actions of the government but only in the sense of setting the parameters of acceptable behaviour and holding the cabinet responsible. The power of Parliament to make policy, if it ever genuinely existed, has long ago migrated into the hands of the bureaucracy, pressure groups and other institutions, arguably first and foremost cabinet. So Martin’s proposal to permit more private member bills would not have remedied this reality. Ultimately, it also means that it would be better to recognize what legislature are really like than to chase illusions about what they might be. Even Thomas seems to scale back his expectations when he laments the fact that the Martin minority matched the low rates of private members bills generally associated with

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609 Ibid.
majority governments. 611 Ironically, individual legislators can only gain more influence if the executive branch is separated from the legislative branch, as it is in the United States. But such a separation would require fundamental constitutional reforms. And such a step would create a different set of problems by dispersing power and blurring accountability. 612 Finally, the democratic reform proposals associated with the Martin minority actually allowed the Liberal government to preempt two rival reform agendas, 613 namely (i) populist demands for forms of direct democracy (referenda, citizens’ initiatives) as proposed by Reform and the Canadian Alliance and (ii) calls for proportional representation as proposed by ‘minor’ parties such as the NDP and the Greens. Each of these agendas would create their own respective set of direct and indirect externalities, if implemented, and it would presumptuous of this space to discuss them with any sense of certainty. But both would likely shift the locus of democratic sovereignty and legitimacy away from the benefactors of the current system.

Perhaps mindful of the public’s distaste for political gamesmanship after the Martin minority, the first Harper minority initially promised that it would work within the numerical constraints of the Commons. This promise however would prove to be perfunctory. Once it had appreciated the weakness of new Liberal leader Stephane Dion, the first Harper minority frequently engaged in political brinkmanship that frequently placed the Liberals “between a rock and a very hard place.”614 Burdened by a weak leader, the Liberals could either appear weak by enabling the Harper minority or invite electoral defeat. Consequently, the first Harper minority devoted a great deal of time to designing its own defeat, 615 only to be sustained in office by the Liberals time after time. To appreciate this point, it is important to note that the first Harper minority was the weakest minority government in Canadian history. Yet its effective brinkmanship also created, in the words of Travers, an “alternate universe where weak is strong and the will of Parliament is merely a suggestion.”616 Sachs has even suggested that this brinkmanship was a deliberate ploy with which Harper was trying to “make minority government itself

unpalatable.” By turning the 39th Parliament into a “dysfunctional House of Ill Repute,” Sachs wrote, Harper was trying to replace “the bogeyman of Conservative majority” with an “instinctive repulsion for minority rule.” While Sachs’ evidence for this thesis is somewhat sparse, the relevant chapter on the first Harper minority shows that it had no genuine interest in governing within the confines of a minority parliament beyond the time frame he deemed necessary to prepare for the next go-around at the polls. Harper’s distaste for minority government was hardly unusual. The “art of minority government is engineering defeat on the most favorable terms,” according to Travers and the first Harper minority undeniably worked towards the end.

While it would be deceptive to deny the opposition’s role in the chaotic climate that eventually characterized most of the first Harper minority, it is clear that the first Harper minority generally favoured confrontation over compromise in its dealings with the opposition. This attitude was not necessarily obvious when the first Harper minority assumed office. But it appeared soon after. The first occasion concerned the appointment of House committee chairs. While in opposition, Harper forced Martin to change the appointment process. Under the change, committee members had received the right to elect their respective chairs by secret ballot. Once in power, Harper realized that these appointments were too important to remain outside his control. So he insisted on pre-selecting Conservative MPs as chairs. Of the twenty-two permanent House committees, he put Conservative members in control of all but three. Shortly after this episode, Harper suffered a “stinging and public rebuke” when he withdrew the candidate, whom he had chosen to head a committee tasked with reviewing new government appointments under new accountability legislation. Opposition members holding the balance of the power on the House committee charged with reviewing the candidacy of Gwyn Morgan eventually rejected him, because they saw him as a

620 Recall the earlier discussion concerning Conservative threats towards the Senate Liberals. Laghi and Taber, “Tories put elections on the line for crime legislation,” Globe and Mail.
621 Martin, Harperland, 68.
patronage appointee heading a commission tasked with curtailing patronage.\footnote{623} Morgan was not only a personal friend of Harper,\footnote{624} but also a prominent party financier.\footnote{625} The opposition also charged Morgan for possessing controversial positions about immigrants.\footnote{626} But instead of working with the opposition in finding a more agreeable candidate, Harper simply proclaimed that he would not put forward another candidate until his party possessed a parliamentary majority\footnote{627} in annulling the entire commission.

While these early developments hardly resonated beyond certain circles, they nourished the emerging narrative that Harper’s authoritarian tendencies were starting to assert themselves. *The Globe and Mail*, for example, lamented in an editorial that Harper was reversing himself on many promises concerning about government accountability.\footnote{628} Other observers were also starting to agree with comments from Harper biographer William Johnson who had earlier warned about Harper’s excessive partisanship.\footnote{629} Specifically, he had written that Harper “constantly displays an excess of partisanship” that possesses “a harshness, a lack of humour, humanity, and moderation, that disregards the traditions of Parliament where all members have a right to be treated as honourable.”\footnote{630} Consider for example from Harper after the opposition had attacked defence minister Gordon O’Connor for his handling of the Afghan detainees’ file. The issue – which raised serious questions about Canada’s commitment to international law\footnote{631} – was an incentive for Harper to question the patriotism of his parliamentary opponents, including Dion’s. “I can understand the passion that the leader of the opposition and

\footnote{623} Liberal MP Stephen Owen said the appointment of Morgan would have run against the principle that the commission itself should be appointed in a non-partisan way. Martin, *Harperland*, 69.
\footnote{624} Ibid., 69.
\footnote{625} Russell, *Two Cheers for Minority Government*, 49.
\footnote{626} Specifically, they charged that Morgan had questioned the value of multiculturalism in suggesting that it divided Canadians. He also blamed gang-violence crime on immigrants from places like Jamaica and Southeast Asia. Martin, *Harperland*, 69.
\footnote{627} Russell, *Two Cheers for Minority Government*, 49. According to Martin, Harper said the incident confirmed that Conservatives “won’t be able to clean up the process in this minority Parliament. We’ll obviously need a majority government to do that in the future.” Martin, *Harperland*, 69.
\footnote{628} Ibid., 68.
\footnote{629} Ibid.
\footnote{631} The issue revolved around the question of whether Canada participated in the torture of Afghan prisoners by handing them over to Afghan authorities. Reports eventually confirmed that detainees transferred by Canadian troops to local authorities were indeed tortured. The affair eventually led to the resignation of O’Connor. Martin, *Harperland*, 99-101.
members of his party feel for the Taliban prisoners,” he stated. “I just wish they would show the same passion for Canadian soldiers.” 632 Dion for his part demanded an apology, but Harper refused. In fact, other Tories started calling Layton “Taliban Jack.” 633

This issue, which would re-surface during the second Harper minority, was also a source of considerable conflict at the committee level in May 2007 when Conservative MPs filibustered the Commons’ ethics committee to prevent an investigation into the censorship of documents related to Afghan detainees. 634 Within this context, readers should be aware of a Conservative document that coached “how to unleash chaos while chairing parliamentary committees.” 635 First reported by in the National Post on May 18, 2007, it taught “how to favour government agendas, select party-friendly witness, coach favourable testimony, set in motion debate-obstructing delays and, if necessary, storm out of meetings to grind parliamentary business to a halt.” 636 The document also painted “in vivid detail what Conservatives should say when confronted by challenges to their authority, how to rule opposition MPs out of order during procedural wrangling and even tells government MPs how to debate at committee when a hostile motion is put to a vote.” 637 While Conservatives challenged the conclusion from opposition critics that they had designed this document with an obstructionist agenda in mind, 638 they clearly used some of its tactics. 639 So Conservatives contributed to the very delays, about which they were complaining throughout the 39th Parliament. Coincidently, news of this document broke around the Conservative filibuster of the Commons’ ethic committee.

This episode was one of only several clashes between the Harper Conservatives and the opposition parties during the same period. Freed from the prospect of a spring election, opposition parties stepped up their efforts to embarrass the Conservatives, who responded with steps to shut down the opposition. 640 In fact, the Conservative response publicly questioned the right of the opposition to challenge the government.

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632 Ibid., 100.
633 Ibid.
635 Martin, Harperland, 97.
637 Ibid.
638 Ibid.
639 Martin, Harperland, 97-98. See also Gervais, “Minority Governments in Canada,” 296-297.
Conservative whip Jay Hill for example accused the opposition parties of “increasingly behaving as though they’re a coalition government cooking up deals behind closed doors...Canadians elected a Conservative minority government, not a coalition of opposition parties.”641 Opposition leaders, for their part, reminded the public that the Conservatives were in the minority. 642 The consequences of this parliamentary squabbling were predictable. Parliamentary proceedings (particularly at the committee level) largely stalled 643 for the remainder of the parliamentary session. Conservative attitudes towards parliamentary compromise and decorum eventually morphed into outright contempt for Parliament during a dispute with the opposition over the Kyoto Protocol Implementation Act, a private member’s bill passed by the three opposition parties on February 14, 2007. The bill called on the first Harper minority to produce a plan with which Canada would meet its climate change commitments under the Kyoto Protocol, a Liberal commitment. Senior Conservatives however dismissed the act as a “mischief bill” and “bad political joke”644 in claiming that it violated the government’s prerogative to control the tabling of money bills.645 Liberal Speaker Miliken subsequently rejected this Conservative interpretation, ruling that the bill did not force the government to spend money.646 Therefore the bill did not violate Canadian constitutional law.647 This disagreement, which clearly favoured the opposition648 on the basis that the “executive must execute and implement the policies which have been enacted by the legislature in statuary form,”649 eventually led to a parliamentary stand-off between the opposition and the first Harper minority that did not resolve until June 22, 2007 when Parliament broke

641 Martin, “Tories have book on political wrangling,” National Post.
642 Consider Bloc Québécois Leader Gilles Duceppe, who argued that the Conservatives are just upset at not getting their way. ”They got 36 per cent in the elections, they are in the minority here. This is the bulldozer method, and I say to myself that we're lucky that they are a minority. Imagine if they were a majority.” Clark, “A House divided against itself,” Globe and Mail.
643 Ibid.
645 Robert Dufresne, Kyoto Protocol Implementation Act: Implementation and Consequences (Ottawa: Parliamentary Information and Research Service of the Library of Parliament, 2007), 4. While the bill does not explicitly call for the expenditure of money, it calls for the government to produce a plan including “spending or fiscal measures or incentives.” See also Russell, Two Cheers for Minority Government, 123.
647 Russell, Two Cheers for Minority Government, 123.
648 Mendes, “Harper has legal obligation to respect Kyoto,” Toronto Star.
649 Dufresne, Kyoto Protocol Implementation Act, 6.
for the summer. Under the eventual settlement, Conservative Senators ended their own filibuster of the Kyoto Protocol Implementation Act. In exchange, the Liberal majority Senate approved the very budget that their colleagues had opposed in the House of Commons.

This bargain, which provided “new examples of the strange calculations and concessions that take place in a minority Parliament” lacked good faith from the Conservatives, however. While legally bound to implement the Kyoto Protocol, the first Harper minority made it clear that it would not honor the bill, even after it had become the law of the land. Harper also used this particular occasion to “declare war on the Senate,” blaming it for holding up his agenda, a questionable claim in light of scholarship from Conley, who has found the following. First, the Senate rarely rejects House bills. Since 1953, it has rejected a total of House seven bills, while amending on average less than five per cent. Yes, government bills passed in the House of Commons by a minority government face statistically significant lower success rates in the Senate (forty-two per cent) than government bills first passed by a majority government (sixty-two per cent). Readers, however, may be surprised to learn that split-party control of the House and the Senate (as it was the case during the first Harper minority) makes no significant difference, at least from a statistical perspective. Summarized, we are left with the impression that the first Harper minority faced no better or worse odds to push its agenda through the Senate. This fact however did not stop the first Harper minority from weaponizing the confidence convention and using it against the Senate as described earlier.

650 Curry, “Backroom deal ties Tories’ hands on Kyoto,” Globe and Mail.
651 Ibid.
652 Ibid.
653 Ibid.
654 Ibid.
656 Whittington and Brennan, “Harper warns Senate to face ‘consequences,” Toronto Star.
658 Ibid.
This polarizing approach was effective in that sense and only intensified during the second Harper minority, especially after the Coalition Crisis. In fact, the second Harper minority actively antagonized the opposition on the premise that it would frame the next election as a referendum on the phenomenon of minority government. This choice in turn more or less precluded the second Harper minority from cooperating with the parliamentary opposition beyond what was necessary to stay in office. As we will see in the relevant chapter, this polarizing approach proved to be rather effective as the Conservatives converted their minority into their long-desired majority in 2011. It should be noted though that even the losing side of this election appeared pleased that it did not produce the fourth minority government in as many elections, despite the fact that such an outcome might have granted it considerable influence in the affairs of the Canadian state. The reason for this counter-intuitive response was surprisingly straightforward. With the election of a Conservative majority, neither New Democrats nor Liberals had to contemplate the contingency of resurrecting their aborted proposal for a coalition as an alternative to a Conservative minority. Otherwise they have might have run the risk of being brand-marked once again as enemies of democracy, as they were during the Coalition Crisis of 2008 when Harper had denounced their proposed coalition as illegitimate.

Overall, I find myself in agreement with Aucoin. Writing in 2006, on so on after the Martin minority and during the first Harper minority, he notes that “Canada…has yet to benefit from the change in the balance of power between the Government and Parliament that can come with minority government, or coalition majority government, if that outcome is regarded as normal, that is, not merely temporary or transitional.” But as Aucoin notes himself that is precisely how minority governments approach their mandates. In fact, the parliamentary opposition often takes the very same view. This perspective in turn reduces the incentive for day-to-day collaboration and lasting institutional reform. Why would a minority government – or for that matter the Official Opposition – be willing to reform a system that they eventually hope to exploit at some point in time, whose moment may come sooner rather than later? While this political

657 Sears, “Quebec Storm Sweeps Canadian Electoral Landscape,” 25.
calculus may sound cynical, it is actually encouraged by a series of institutional incentives, such as the electoral system, or in case of the government, the ability to choose the timing of the next election through the exercise of various constitutional conventions, which themselves leave a lot of room interpretation. Minority government, in other words, can only produce the promised procedural improvements if it becomes more stable, more predictable. Yet such stabilizing measures would likely require fundamental alternations to the constitutional foundation of minority government, a prospect that strikes me as unlikely.

4.4 Conclusion

Returning to our guiding question concerning the legitimacy of minority government, it is difficult to challenge the legitimacy of minority government, according to the constitutional convention that requires the government of the day to enjoy the confidence of the Commons. We can however also conclude that the actual process of a minority government assuming power can be rife with complications. As noted earlier, a minority government can take power with or without an election. In the former case, the process is relatively straightforward. It is less so in the latter case, as we have seen during the Coalition Crisis of 2008. On the one hand, its circumstances bear certain similarities to the events of 1985 in Ontario. An arrogant Conservative minority government overestimates its hold on power and in doing so, unites a previously divided opposition against it. On the other hand, this is also the point where the comparisons end in many ways. Never mind the fact that the Coalition Crisis unfolded during the Great Financial Crisis. And never mind that the proposed Liberal-NDP coalition would have governed with support from a Quebec separatist party, although that fact surely played a role. Perhaps what ultimately mattered was the fact that the second Harper minority was willing to exploit the wide discretionary powers granted to its titular head to its fullest advantage. I speak of course of the convention that the governor-general takes the advice of the prime minister on matters concerning the summoning, dissolution and prorogation of Parliament. Yes, the request for prorogation could be seen as routine. But there is arguably nothing routine about requesting such a move days before a pending confidence vote. As noted earlier, conventions should be exercised rarely and with a sense of fair play. However it is not clear whether the second Harper minority met those conditions.
Granted, the nature of fair play lies in the eye of beholder. But that is precisely the point. As long as this important convention remain open to personal whims, they are bound to invite abuse, or least the perception of abuse. Others however might argue that Harper’s prorogation was entirely legitimate, according to the powers accorded to him and his exercise of the same. Such disagreements however strike me as fatal, because they seem to lack any firm basis of resolution. And if they were to be resolved, there would be no way of enforcing them. Yes, minority governments, which play fast and loose with Canada’s constitutional convention, run the risk of incurring political penalties for their behaviour. But these penalties strike me as rather ephemeral. In fact, you can make the case that this behaviour is more beneficial than otherwise.
CHAPTER 5 DIEFENBAKER AND PEARSON MINORITIES

5.1 Opening

This chapter examines the effectiveness of four federal minority governments – the two minorities under Progressive Conservative (PC) Prime Minister John Diefenbaker that bookended his majority government (1958-1962) and the two Liberal minorities under Prime Minister Lester Pearson that followed the second Diefenbaker minority and paved the path for the Trudeau era. I have chosen to combine this quartet of minority governments in a single chapter to recognize their dialectic nature. To separate the Diefenbaker minorities from each other not only interrupts the narrative, but also runs the risk of denying readers the necessary context. The same logic applies to the two Pearson minorities, since they responded to the Diefenbaker era. While much of its reputation stems from Diefenbaker’s majority, an interlude rather than a dynasty, this is not reason enough to treat the Diefenbaker minorities as mere bookends of his majority government. This singular approach also recognizes the larger link between the party system and the emergence of minority governments. As noted earlier, minority governments often appear during periods of societal instability and this specific quartet coincided with one of the most turbulent but also creative eras in Canadian history with consequences for the party system and the effectiveness of minority governments.

Defining developments included population growth owing to natural increases and immigration; the decline of primary industries such as agriculture coupled with the rise of secondary and tertiary industries in manufacturing and services; the emergence of new technologies in the fields of transportation, communication and medicine; the growth of consumer culture; the flourishing of various social movements committed to the expansion of civil liberties; growing public anxieties about the global spread of nuclear weapons and government hesitations about the presence of such weapons on Canadian soil following the Cuban Missile Crisis of 1962; federal-provincial tensions caused by constitutional uncertainties such as the search for an amending formula, uneven economic


660 Regenstreif, The Diefenbaker Interlude, 42

growth across regions and rising popular demands for social services of various kinds; Quebec’s Quiet Revolution and the federal response to it; and finally, laments about the growing influence of the United States in Canadian political life at the expense of the United Kingdom and its political tradition.  

Such cleavages often reveal themselves clearly when citizens exercise their franchise and the distemper of that time defined the Canadian party system. It shows that Canadians changed their government twice during the course of four federal elections held between 1957 and 1963. Yet neither of the two major parties, each grappling with unsettling changes themselves, claimed a genuine national mandate. Canadians were eager to experiment and cautious of commitment. Yes, Diefenbaker led the Tories to the largest majority in Canadian history in 1958. But that outcome actually ratified the unsettling volatility of the period. Only one of the two major parties can be a genuine brokerage party at any moment and Diefenbaker simply lacked the means to recast the moorings of the party system in his favour because the Liberals and regional critics of the brokerage system eventually recovered. The vacillating political pattern of this period revealed itself in the following figure. Between 1953 and 1963, only twenty-six per cent of the 265 federal ridings stayed in the hands of the same party. It is therefore not difficult to agree with claims that minority governments are symptoms of divided societies bereft of certainty and besieged by dysfunction, a point that pervaded popular accounts from the period. It was certainly fractious, its divisive tenor most audible in the House of Commons, where the primary protagonists of the period – Diefenbaker and Pearson – frequently used the Commons as a private stage for their Punch and Judy show with Diefenbaker landing far more blows than Pearson by nature of

663 Regenstreif, The Diefenbaker Interlude, 2.
665 Regenstreif, The Diefenbaker Interlude, 41-43.
666 Referencing King’s famous aphorism, Newman summed it up as follows: “During that unsettled period Canada, which had always been blessed with more geography than history, fell at last into the grip of both. We had spent a hundred years trying to become a nation; now, we were a nation and it was hell.” Newman, Distemper of Our Times, xi.
their very distinct, but perhaps complimentary personalities. If this statement sounds contradictory, it is in line with the rest of period. It brimmed with unbridled creativity and witnessed state activism on an unprecedented scale. Chaotic crisis management, scandal and partisanship however also defined it.

Yet many scholars see this period as the pinnacle of modern Canadian governance. In 2003, a panel of thirty leading historians, political scientists, former government officials commissioned by Policy Options chose Pearson ‘by a landslide’ as the best Canadian prime minister during the second half of the 20th century for leaving behind in the words of English a “record of remarkable achievements” on files such as national unity, social policy and federalism without ever having won a majority. Diefenbaker, meanwhile, finished sixth in the ranking, as most panelists considered his tenure a succession of missed opportunities and failed policies. Yet Diefenbaker also received recognition for several accomplishments such as the Bill of Rights and Granatstein praised his first minority government for breathing some much-needed fresh air into Canadian politics after twenty-two years of dynastic but increasingly stale Liberal rule. While subjective, assessments of this sort point to the paradox that defines this “era of minority governments.” It receives praise and condemnation all at once. This chapter aims for greater clarity in its assessment and advances two major points.

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667 McCall promotes this position. Specifically, she writes: “Decades after I first encountered them in person in the 1960s, Pearson and Diefenbaker still seem to me to have been distinctly dissimilar men. But their individual qualities and ideas were nonetheless historically complimentary. In retrospect, their curiously symbiotic regimes can be seen as having generated innovation while assuring continuity. John Diefenbaker’s prairie populism was a creative force that challenged the old consociational consensus by confronting the business and bureaucratic elites’ hammerlock and by calling for better treatment of the disadvantaged. Mike Pearson in office became as catalytic a force domestically in the mid-1960s as he had been internationally in previous decades, filling the policy void left behind by his predecessor with far-reaching initiatives.” Christina McCall, “The Unlikely Gladiators: Pearson and Diefenbaker Remembered,” in Pearson: The Unlikely Gladiator, ed. Norman Hillmer and Jean Chrétien (Montreal: McGill-Queen’s University Press, 1999), 67. For context, see also J.L. Granatstein, “Pearson and Diefenbaker: Similar Men?” in Pearson: The Unlikely Gladiator, ed. Norman Hillmer and Jean Chrétien (Montreal: McGill-Queen’s University Press, 1999), 51-57.


First, the four minority governments that governed Canada for all but four years between 1957 and 1968 cover the complete spectrum of effectiveness. The first minority under Diefenbaker (1957-1958) and the second Pearson minority (1965-1968) qualify as effective because they set the stage for majorities in the following election. Yes, Pearson never governed with a majority. Yes, Canada succumbed to Trudeau-mania in 1968. But if political victory has many fathers, we can surely count Pearson among them. As for the first Pearson minority, it was partially effective because it set the stage for a strengthened Liberal minority. The process of elimination therefore leaves us with the second minority under Diefenbaker, a highly ineffective government that failed to reverse the declining confidence of Canadians in Tory governance during a time of economic decline. But if voters chased the Diefenbaker Tories out of office, their embrace of the Pearson Liberals was reluctant. In fact, if we see the Diefenbaker era in its entirety, it encapsulates one of my central points. Minority governments are “probationary majorities” that may serve as prologues or epilogues to majorities. The second Diefenbaker minority performed both tasks. It served as an epilogue to Diefenbaker’s overblown majority and a prologue to the minorities under Pearson, who set the stage for Trudeau.

Second, the record of this period shows a link between the effectiveness of minority government and its legislative productivity, specifically in the area of social legislation in the line with the prevailing party system. As noted previously, the first Diefenbaker minority signaled a transition in the Canadian party system, from the second to the third party system. Its defining characteristics included among others a consensus towards the creation of pan-Canadian programs. Effective and partially effective minority governments from this era honoured this consensus through the passage of appropriate policies. The Pearson minorities underscored this point. While Pearson never governed with a legislative majority, his two minorities nonetheless managed to pass an impressive body of legislation, often with the help of broad legislative coalitions, skillfully assembled and showing the touch of his diplomatic training. In doing so, his minorities created the conditions that eventually catapult Canada into the Trudeau succession. There is also a distinct link between the legislative performance of the first Diefenbaker minority and the majority that followed it. But this relationship between effectiveness and

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672 Regenstreif, The Diefenbaker Interlude: 42.
legislative productivity only appears within the specific context of this period (Table C.2 and C.3). Three major sections follow these introductory comments. The first surveys the Diefenbaker minorities, while the second turns to the Pearson minorities. A concluding section sums up major statements.

5.2 The Diefenbaker Minorities

This section surveys the effectiveness of the two Tory minority governments headed by Diefenbaker. It argues that two Diefenbaker minorities represented marked ends on our effectiveness scale. The first Diefenbaker minority was everything that the second was not: energetic, productive and ultimately successful. Whereas the first Diefenbaker minority led to the largest majority in Canadian political history, the second Diefenbaker minority failed to stop the Tories’ political slide. Before presenting my evidence in in additional detail, let me make a few general comments about Diefenbaker, arguably the central figure of this period, alternatively vilified and mythologized. Early accounts of Diefenbaker’s impact on Canada paint a devastating picture. Typical of such portraits is Newman’s treatise Renegade in Power. It depicts Diefenbaker as a skilled orator but incompetent administrator, whose messianic but unrealistic rhetoric rallies countless converts to the Conservative cause, only to repel them when his listless government fails to deliver on his vague, vacuous vision of a stronger, more united Canada that nonetheless fails to understand the aspirations of French-Canada. Prone to insecurities indecisiveness and poor decision-making on a long list of files, Newman’s Diefenbaker was also a vain, vicious person, who could not forget personal slights – real or otherwise. “There was in the end,” Newman says, “little logic or structure in his appeal, beyond that of a man trying to vindicate himself. A self-charmed politician, John Diefenbaker foundered because he couldn’t help believing his own legend.”

Subsequent accounts starting with Rogue Tory by Denis Smith aim for a more

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673 Ibid., 39.
674 Newman, Renegade in, xii.
675 Ibid., 3-6.
676 Ibid., 52, 72, 92-94.
677 Ibid., xvi.
678 Denis Smith, Rogue Tory The Life and Legend of John D. Diefenbaker (Toronto: MacFarlane and Ross, 1995).
balanced image of Diefenbaker.679 These efforts often emphasize his commitment towards civil liberties,680 his populist critique of Bay Street (which put him at odds with his party)681 and his vision for Canada that rejects hyphenated labels682 and revels in grand visions.683 Finally, Diefenbaker appears as a legend in George Grant’s Lament for a Nation: The Defeat of Canadian Nationalism, an instant classic following its publication in the spring of 1965. In eulogizing the dream of a North American alternative to American liberalism following the defeat of Diefenbaker in 1963, Grant frames Diefenbaker as the nation’s last, half-blind defender, a tragic but inadequate hero fighting a hopeless cause with courage.684 This narrative is ironic. It was Diefenbaker, not the Liberals, who shattered so many traditions when he became prime minister in 1957. It was Diefenbaker who profited from the fading memory of the Great Depression. It was Diefenbaker who won among young first-time voters and newly arrived immigrants flocking to Canada’s growing cities. It was Diefenbaker who benefitted from the growing willingness of Canadians to leave behind familiar patterns of stability rooted in the traditional family.685 So when Grant mythologizes Diefenbaker, he is really revising history. The complex task of reconciling these rivaling perspectives lies beyond the mandate of this chapter. But they nonetheless speak to the legacy that Diefenbaker has left behind, a legacy reflected in his two minorities, for they reflect the best and many of the worst qualities that define his tenure as prime minister.

What follows next argues that the first Diefenbaker minority ranks among the most effective minority governments in Canadian history for two reasons. First, it pursued a centrist legislative agenda in line with the emerging welfare state. Second, it ruthlessly exploited a major tactical error committed by Liberal leader Lester Pearson in taking full advantage of Canada’s constitutional conventions. The first Diefenbaker minority assumed office on 21 June 1957 after Canadians elected their 23rd federal Parliament on

679 Ibid., 514.
680 Ibid., 46, 209.
681 Ibid., 204.
682 Ibid., 158-160.
683 Ibid., 230-231.
684 Ibid., 516.
June 10, 1957. The results of this election (Table B.1) were surprising to say the least.\(^686\) Many observers predicted that the Liberals under the leadership of Prime Minister Louis St. Laurent would retain their grip on power for a sixth straight election, albeit with a reduced majority.\(^687\) Pre-election polls\(^688\) pointed in this direction and many members of the press including the editors of *Macleans’s Magazine* were certain of the even outcome before Canadians had cast their ballots.\(^689\) Voters had different ideas. Accounting for minor changes in party affiliations following the vote, Canadians elected 112 Tories, 105 Liberals, twenty-five members of the Co-operative Commonwealth Federation and nineteen Social Credit party members. Four independents also won seats to fill the 265 seats in the House of Commons.\(^690\) Mindful of this electoral math, St. Laurent eventually tendered his resignation June 17, 1957 to Governor-General Vincent Massey, who asked Diefenbaker to form Canada’s first minority government in more than 30 years. Subsequent readings of this result frame it as an epic,\(^691\) even revolutionary\(^692\) change in Canadian politics in light of the preceding conditions. They included among others a strong economy\(^693\) and a weak parliamentary opposition divided across three parties, none of them large enough to bother the Liberals under St. Laurent, whose charming yet poised demeanor had earned him admiration at home and abroad. So why did Canadians – who seemingly never had it so good – decide to “shoot Santa”?\(^694\)

My answer starts with a closer look at the results themselves. It reveals a divided, but also changing electorate, whose choices were at once familiar, but also evolving,

\(^{688}\) The final forecast issued by the Canadian Institute of Public Opinion showed Liberals leading Tories 43.3 to 37.5 per cent in popular vote. Newman, *Renegade in Power*, 56.
\(^{689}\) *Macleans’s Magazine*, like countless publications before and since, faced a predicament. Its immediate post-election had to go before the result had become available. Yet its editors seemed to possess the power of prophecy when they wrote that “(for) better or worse, we Canadians have once more elected one of the most powerful government ever created by the free will of an electorate.” G.G.W., “Political Change in Canada: The Conservatives Take Over,” *The World Today* 13, no. 7 (1957): 294.
\(^{692}\) Dennis H. Wrong, “Parties and Voting in Canada: A Backward and Forward Glance in the Light of the Last Election,” *Political Science Quarterly* 73, no. 3 (1958): 397.
\(^{694}\) Confident of this record, Liberals cautioned Canadians against a change in leadership. Powerful Liberal Trade and Commerce Minister C.D. Howe summed up this sentiment as follows: “You never had it so good – don’t shoot Santa.” Quoted in G.W.W., “Political Change in Canada,” 295.
reflecting larger demographic and economic changes within Canadian society. While the PCs claimed the largest number of seats in the Commons, the Liberals actually received more votes than the party in power – almost 130,000. Indeed, the Liberal share of the raw vote barely changed compared to 1953, dropping by less than 50,000. But the Liberals still managed to lose sixty-six seats. So the swing in the overall vote away from the Liberals was far less sharp than what the seat count in the Commons indicated. A detailed explanation of this development appears below. As for the Tories, their share of the raw vote rose by over 800,000 votes. Yet they still trailed the Liberals in the overall share of the vote. While the Conservatives won 38.5 per cent of the popular vote, the Liberals claimed 40.5 per cent. This result is remarkable for two reasons. First, it marked only the second time since Confederation that a party lost power while winning the popular vote. Second, it meant that the Liberal share of seats, 39 per cent, nearly matched their share of the popular vote. Similar comments also apply to the Conservatives and the other parties – the CCF and Social Credit. In the words of Corbett, “the number of seats won, by both the major and minor parties, are remarkably proportional to the popular vote,” when compared to 1953, when the Conservatives won 19 per cent of the seats on 31 per cent of the popular vote. Writing just months after the election, Corbett concludes that Canada’s 23rd Parliament “reflects, almost to the decimal point, the division of opinion within this country. Even with proportional representation, we could not have been more forcibly confronted with the results of a multi-party system, namely that no party, has a clear majority.” Of course, one vital difference exists. Under proportional representation, the Liberals would have likely stayed in office, because they would have won the plurality of seats instead of the Conservatives.

What explains these peculiar results? On the surface, the answer appears obvious. Compared to 1953, the Liberals saw their share of the popular vote drop by 7.8 per cent – exactly the same amount by which the Tory vote rose. This might lead to the assumption that all of the votes lost by the Liberals went to the PCs. The facts do not support this

698 Ibid., 262
assertion. In the final analysis, only one out of twelve voters who voted for the Liberals in 1953 abandoned the Grits for the Tories in 1957, a paltry number. In his analysis, Meisel identifies two central reasons – election turnout and population growth, as the electorate grew half a million between 1953 and 1957, a figure that merely hinted at the larger demographic developments during that time. Between 1953 and 1957 alone, the Canadian population grew by 1.7 million, of which 600,000 were immigrants. Concerning the first factor, Meisel notes that over seventy-four per cent of the eligible voters cast their ballots in 1957 election – an increase of more than six percentage points compared to 1953. In that year, observers blamed the relatively low turnout on the election date – August 10 – when many people were supposedly vacationing. Little evidence supports this contention. But whatever bears responsibility for the low turnout in 1953, the high turnout in 1957 likely reflected a spike in partisanship, largely caused by the Pipeline Debate and Diefenbaker’s energetic campaign during which he appeared far more dynamic than St. Laurent. As for the second factor, Meisel finds a nearly unassailable relationship between population growth and the Tory vote, strongest in areas with growing populations.

A regional analysis bears this point out. Generally, the Tories won additional votes and seats in every part of the country except in areas with a long history of voting for the Liberals such as Quebec, where Grits won sixty-two out of seventy-five seats. In terms of popular support, the PCs recorded their largest vote increases in British Columbia (18.3 per cent), the Prairies (11.5 per cent), the Maritimes (9 per cent) and Ontario (8.2 per cent). In Quebec, the Conservative share of the vote rose by 1.7 percent. Not

701 Newman, Renegade in Power, 58.
703 Ibid., 4, 240-241.
704 Diefenbaker spent 39 days on the campaign trail, whereas St. Laurent campaigned for 28. During his time on the trail, Diefenbaker covered a distance of 20,845 miles by rail, plane and car, delivered 103 speeches to audiences totaling more than 50,000 in 180 of the country’s 265 ridings. Newman, Renegade in Power, 52.
705 To test this idea, Meisel hypothesizes that there was no connection between an increase in the size of the electorate in any constituency and the increase in the Conservative vote. When submitted to the chi square test, this hypothesis proved untenable. Specifically, he finds a 99-to-1 chance that the two factors are connected. This hypothesis premises on the probability that Diefenbaker’s aggressive campaign style and promises of a vigorous economic development had more appeal among new voters – whether born in or outside of Canada – than among more established demographics. Meisel, The Canadian General Election of 1957, 246-247.
706 Ibid., 252.
surprisingly, the Tories managed to win only a handful of additional seats in Quebec, going from four to nine. That said, gains elsewhere were impressive. In the Maritimes, Conservative representation rose from five to twenty-one seats, while Liberal strength declined from twenty-seven seats to twelve seats. On the Prairies, the PCs won fourteen (up from six) and seven in B.C. (up from three). Gains appeared particularly impressive in Ontario, where the Tories won sixty-one out of eighty-five possible seats, compared with thirty-three in the previous election. The Liberals, meanwhile, elected twenty-eight members, down from fifty-one four years earlier. Toronto, highly contested in 1953, falls largely into Tory hands, as they win all but one of its 18 ridings, with the Liberals reduced to a solitary redoubt.\footnote{Ibid., 239-240.}

These trends very much reflect the uneven pattern of growth\footnote{Ibid., 4.} that had occurred in Canada since 1945 with Ontario, Quebec, British Columbia and Alberta growing faster than the other provinces, attracting Canadians from less dynamic provinces and new immigrants to Canada.\footnote{Ibid., 246.} Conscious of these conditions, the Tories catered their message towards these groups,\footnote{Ibid., 270} but also others left behind by Liberal policies such as Prairie farmers. The results rewarded their efforts. While the Tories did well among non-French, Protestant, Anglo-Saxon groups, they also made heavy inroads in many regions where they had fared badly since the 1930s in losing their reputation of being primarily a British party. This "new look" particularly paid off in the growing cities of Ontario, where new Canadians and others of non-British origins broke for the Tories.\footnote{Ibid., 254-255} As for the Liberals, Meisel shows that their 105 MPs represented three types of ridings – (i) French-speaking ridings (75 out of 105) inside and outside of Quebec; (ii) “frontier" ridings in northern, rural areas of the country; and (iii) ridings with strong local candidates.\footnote{Ibid., 252.} As for the CCF and Social Credit, these ‘minor parties’ won most of their seats in the Prairies,\footnote{Ibid., 239.} in confirming the larger point that these minor parties were first and foremost regional critics of the brokerage system.
On balance, we can make the case that the ‘new’ Canada as represented by the growing urban and sub-urban ridings of Ontario, British Columbia and parts of the Prairies broke for the Tories, while the ‘old’ Canada centered in Quebec and the margins of English-Canada remained loyal to the Liberals. Yet neither of these coalitions possessed enough support to form a national majority in face of regional protest parties largely based in western Canada and rooted in the lingering but fading trauma of the Great Depression. With this in mind, Diefenbaker’s first minority appeared almost inevitable. Yes, this account appears somewhat generalized, but nonetheless appropriate if we also consider other aspects of the 1957 election. As noted earlier, various new technologies were starting to re-shape the daily lives of Canadians. The Conservatives recognized this reality in effectively utilizing the emerging medium of television as a communication tool. The Liberals, for their part, dismissed, even belittled television. While it is not clear what role which communication medium played in the eventual emergence of the first Diefenbaker minority, the Tories’ effective use of television was nonetheless consistent with the larger changes that were occurring in Canadian society during this period, not to mention the party system.

One question remains unanswered. Did the ‘election’ of the first Diefenbaker minority reflect some genuine endorsement of the Progressive Conservatives and their brand of Toryism? Or did Canadians punish the Liberals for their failure to recognize new emerging realities? True to Hegel’s dictum that “the Owl of Minerva takes flight only when the shades of night are falling,” one school of thought suggests that political developments have a tendency to outstrip interpretations of the same. If so, the result of 1957 might well reflect the choice, which Canadians might have made in 1953, if they would have had the courage to act on their attitudes towards Liberals. That is the impression that Meisel creates in his account. Surveying the larger meaning of the 1957 election, he argues that it was a “textbook example” of what supposedly happens in a liberal-democratic parliamentary system. “A party, long in office eventually shows the corrupting influences of power. Self-satisfied and complacent, it ultimately ceases to satisfy the electors and is replaced by another party which, if it remains in office for too

714 Ibid., 266.
long, itself ultimately becomes subject to the same corroding process,” he says. According to this theory, all the outward signs of political success – strong and able leaders, good relations with the civil service, large majorities in the House of Commons, an attraction to well-established individuals who seek advantage through a political career – eventually undermine a governing party.717 to the benefit of the opposition. Liberal decline, in other words, was self-inflicted. The election of 1957 followed this pattern, with only its timing coming as a surprise. Parties might be states in a state, says Meisel. “Nevertheless,” he adds, “the people by a sure instinct compel a change in administration every now and then; but they move so slowly that a government well entrenched in office can usually outstay its welcome by one term of office.”718 Tom Kent, Pearson’s long-time policy advisor, admitted as much his assessment of the election.719

Whether the 1957 election truly represented a delayed reaction is an intractable question. But the record of the Liberals during the later stages of the St. Laurent era leaves few doubts that the party had lost its way. For one, the party was suffering from organizational problems before and during the campaign in many areas, including candidate recruitment. Had the Liberals prevented the loss of only four seats to the Tories, the Liberals would have had a plurality in the House and perhaps would have stayed in office. Whether the party would have recovered is a different question. Meisel certainly does not think so.720 Yet the Liberals ended up losing at least nine ridings by default because the nominated candidates in those constituencies lacked the endorsement of national headquarters.721 The Liberal machinery was also a shadow of itself in many provinces.722 But these serious problems were mere superficial fissures running across the

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718 Ibid., 277. Specifically, he writes that “(the) opposition, like the chorus in an ancient tragedy, interminibly comments on the gloomy performance on the political stage. Its comments become increasingly menacing, as the government ages and begins to make more and more mistakes. In the end the terrible forebodings of the downfall become realized and the chorus itself undergoes a metamorphosis: it appears on the stage as the principal actor.”
719 Kent, *A Public Purpose*, 7-41.
722 At the time of the 1949 election, provincial Liberals govern six provinces – five outright and one as part of a coalition. By 1953, the Liberals hold office in only four. In 1957, they hold only office in PEI and Newfoundland (represented by 11 members in the Commons) and in Manitoba. Meisel, *The Canadian General Election of 1957*, 178.
monolith façade of the party. By 1957, it had lost the capacity of self-scrutiny and failed to replenish its ranks with fresh faces. St. Laurent, who turned seventy-four in 1956, was suffering from the effects of an exhausting world tour. Like “Uncle Louis” himself, his two most senior ministers, C.D. Howe and Jimmy Gardiner, were also long past the point of feeling accountable towards the public. As for the rest of cabinet, none of its members had ever experienced the sting of opposition. This circumstance created a dangerous combination. On one hand, it had bred a sense of entitlement, one bound to discourage an open ear for the concerns of average Canadians. On the other hand, it meant cabinet lacked the taste for political combat and competition. Cabinet’s “vegetative mood” eventually spread to the Liberal caucus in the Commons. Meisel notes that the Liberals’ growing reliance on the civil service for governance had robbed the party of its vitality and its appeal among would-be candidates. The remaining Liberal MPs with a history of independent thinking had found themselves retired to Senate, while most of the remaining backbenchers had become a “listless, imaginative” crew, whom their chiefs considered mere vote-casting machines.

They certainly lived up to their reputation during the Pipeline Debate of 1956. The debate, which lasted roughly from May 14 to June 5 1956, revolved around the passage of Bill 298, a measure to lend American-owned Trans-Canada Pipelines Limited up to $80 million of public funds to construct a pipeline across the Prairies for the purpose of shipping natural gas from Alberta to Ontario with excess supplies shipped south to markets in the United States. The project was to Howe’s finally hurrah.

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723 Newman, Renegade in Power, 32.
725 Newman writes that St. Laurent, was “(like) a faulty radio, he would have his good and bad days, sometimes fully aware of the events around him, at other times fading out completely, and viewing the world with unknowing, glassy stare of the very old.” Newman, Renegade in Power, 34.
726 When Howe received a question about a $1 million item in his department’s estimates, he responded “What’s a million?” in dismissing the request for information as a mere trivial matter. On another occasion, he blustered, “Who’s to stop us?” when opposition members challenged him on policy. These two phrases - “What’s a million?” and “Who’s to stop us?” – typified the arrogance that had become habit for the cabinet generally and Howe specifically. Corbett, “Some Implications of the Canadian Election,” 31.
727 Regenstreif, The Diefenbaker Interlude, 10.
728 Newman, Renegade in Power, 35.
730 Ibid., 36-37.
731 In 1954, the Government of Alberta approved the eastbound export of 500 million cubic feet of natural gas per day. The federal government eventually granted Trans-Canada Pipelines Limited the right to sell 200 million cubic feet per day, in line of federal provisions that prevented the sale of natural gas to foreign
the terms of the agreement between Trans-Canada and Ottawa nonetheless created a timing problem for all involved. Trans-Canada claimed that it could not complete the work according to schedule, unless construction were to start on July 1, 1956. Since it would have taken three weeks to move the pipe from where it was being rolled, the money had to be available by June 7. So to get Royal assent, the Senate would have to pass the bill by 1 June. This deadline in turn meant that the House would have to pass the bill by May 31. Members of the Commons first heard of the bill on May 10 when Howe announced that government would introduce it at its next sitting on May 14, a timetable that left fourteen days for debate. This timing, as well as the substance of the bill itself, did not sit well with two of the three opposition parties, the Progressive Conservatives under Diefenbaker’s predecessor Drew and the CCF under Major James Coldwell, albeit for different ideological and tactical reasons. But they were united in their opposition and accordingly launched in the words of Mallory a “series of dilatory motions” and points of order to obstruct passage of the bill.

From that point, the government showed its determination. In tabling the bill, Howe told the Commons that the government would use closure to push the bill through markets unless domestic demand had been met first. In late April of 1956, the firm discovered (or revealed) that it could not immediately raise the $80 million. Officials for the company officials recommended that the project remained on hold until it could raise the money. The government disagreed, because it wanted to see project completed before the next federal election. Two alternatives thus emerged. The first called for the nationalization of the pipeline with the government building the pipeline up to the U.S. border. The second option was for government to lend the money to the company, subject to an ironclad security. If the company failed to repay the loan at five per cent interest by April 1957, the government would take over the line for 10 per cent less than its cost. Newman, Renegade in Power, 38. See also Smith, Rogue Tory, 201.

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732 English, Worldly Years, 156.
733 Newman, Renegade in Power, 38.
735 Newman, Renegade in Power, 39.
736 The CCF opposed the bill because it believed that the government – rather than a private enterprise – should build the pipeline. It was also strongly opposed to the parliamentary tactics of the Liberals. The reasons behind the Tories’ opposition appeared more complex. They questioned whether it was appropriate for the government to subsidize a private company with public funds when other groups could have been available to build the pipeline without government assistance. A touch of anti-Americanism also animated the Tories. Finally, they figured that this issue would inspire more public interest. While the Tories could claim a parliamentary victory against Howe during the extension of the Defence Production Act in 1955, they calculated that the proposed pipeline would have a wider appeal, especially with an election looming. The Social Credit Party – which supported the Tories in 1955– supported the Liberals in 1956, for the obvious reason that the pipeline would benefit Alberta. Accordingly, they supported the Liberals on all but one vote. Mallory, “Parliament and Pipeline,” 717-719.
the House. Under closure, a minister may move a bill (or resolution) to the top of the House agenda and that the “consideration of the same shall not be further postponed.” The move, first adopted by the House in 1913, also limited speeches to 20 minutes each and stipulated that the issue must go to a vote as soon as the member speaking at 1 a.m. had concluded speaking. Use of this procedure occurred only on seven occasions before 1956, with the Conservatives having used it six times, according to Newman. This move was therefore not only extra-ordinary in terms of parliamentary practice, but also against Liberal tradition. In fact, no democratic parliamentary institution anywhere had ever used this procedure before the start of debate. In the end, the Liberals use closure to push the bill through all of its stages – resolution, first and second readings, committee, and third reading, an unprecedented occurrence in Canadian parliamentary practice.

Arguably, the most regrettable application of closure occurred during committee, the stage during which the bill should have received the closest possible scrutiny from the opposition and the public. “In the pipeline debate,” says Thorburn, “this responsibility was almost completely evaded.”

While space prevents a detailed description of this debate, it reached a tumultuous a tipping point on June 1, 1956. Also known as Black Friday, this day raised serious questions about the impartiality of House Speaker Louis-René Beaudoin, a government appointee, and the relevance of the House. This view is not unanimous. Some contemporary observers argued that the opposition was merely trying to obstruct debate for the sake of obstruction. Thorburn disagrees. Opposition protests against closure and the rulings of the speaker, he says, “were earnest attempts of a few members to demonstrate to the country that what the Government was against the spirit of the constitution. They sought to demonstrate by argument and by obstruction that parliamentary government depends on fair play as provided for in the rules of the House.

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737 LeDuc, Pammett., et al., Dynasties and Interludes, 202.
741 Newman, Renegade in Power, 40. Mallory, for his part, noted at the time that any concerns about the Speaker’s impartiality assumed a tradition of strictly non-partisan authority, a tradition that has never really existed in Canada. That said, he agrees with calls to make the speaker a permanent position. Mallory, “Parliament and Pipeline,” 723, 726.
Genuine parliamentary debate, he notes, is not just an airing of views. Mallory agrees. “Parliamentary government,” he says, “is dangerously ailing if the Opposition in the House of Commons is kept cowed and dispirited. The Opposition is, after all, both a necessary part of the process of government and a potential government itself. A government which forgets this is doing constitutional government in Canada a serious disservice.”

The pipeline debate, with its aftermath and calls for procedural reforms, inspired similar reactions among Canadians in 1956. Polls showed a drop in Liberal support and the manner with which the Liberals had secured passage of the bill convinced many Canadians that “men so long accustomed to power had finally grown arrogant in their use of it.” To make matter worse, key Liberal figures including St. Laurent made light of the situation during the campaign. Specifically, he said the debate was as “nearly as long as the pipeline itself, and quite as full of another kind of natural gas.”

This sort of arrogance was water on the mills of the Tories during the campaign. In fact, no other incident or issue inspired more of Diefenbaker’s rhetoric. Of course, this fact did not relegate other issues. Both parties expended considerable energies on wooing farmers, a still important (but declining) group of voters. The role of Canada in the Suez Crisis of 1956 also resonated as the Tories accused the Liberals of siding with Russia and the United States against the United Kingdom during the conflict, whose resolution eventually earned Pearson the Nobel Peace Prize. But on other issues such as

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743 Ibid., 525-526.
744 Ibid., 517.
746 After the Senate had approved the bill after one day of debate and following Royal Assent, Trans-Canada received the funds on June 7. The company however did not start construction in 1956 because of a steel strike in the United States. Newman, Renegade in Power, 42-43.
748 Newman, Renegade in Power, 43.
749 Newman explains the Liberal behaviour as follow: Howe apparently threatened to resign if the bill were not pushed through the House in the required time. St. Laurent for this part tied his role in the upcoming election to Howe. Without Howe, St. Laurent would not available for the up-coming election. Ibid., 44.
750 Ibid., 37.
751 Ibid., 54.
753 Ibid., 47.
754 For a detailed description of the conflict and the role that Pearson plays in its resolution, see English, The Worldly Years, 107-146.
755 Newman, Renegade in Power, 44.
social security specifically and the logic of the welfare state generally, both major parties largely agreed with each other, partly because the PCs had moved their platform towards the left in 1956.\textsuperscript{756} In fact, the Tories actually promised to expand significantly public spending in health, veterans’ affairs and age-old pension.\textsuperscript{757} At this stage, supporters of Diefenbaker might also remind us about his role in 1957.\textsuperscript{758} To put it plainly, the Tories were facing an existentialist crisis in the 1950s as they had gone through a “bewildering succession” of leaders before 1957 – six in thirty years – and the emergence of Social Credit as a genuine threat on the right side of the political spectrum\textsuperscript{759} only intensified questions about the fate of the party.

Diefenbaker, who had assumed the party’s leadership in December 1956\textsuperscript{760} managed to reverse these trends. Under his leadership, the Tories ceased to be the party of Canada’s eastern financial interests. In fact, it became the champion of the underdog and reached out to Canadians whose ethnic origin was neither British nor French.\textsuperscript{761} Diefenbaker’s rhetorical abilities and understanding of television also proved assets on the trail. In the words of Kent, Diefenbaker’s rhetoric was “appalling” in terms of substance, but appealing in terms of style,\textsuperscript{762} a condition that translated well to the emerging medium of television. Yet for all its historical significance, Diefenbaker’s “masterful”\textsuperscript{763} performance in 1957 requires context. Diefenbaker’s unglamorous predecessor George Drew also deserves credit for renewing the party by reaching out to non-traditional voters and rehabilitating its reputation during the divisive parliamentary debates of 1955\textsuperscript{764} and 1956.\textsuperscript{765} The federal Tories also benefitted from a strong

\textsuperscript{756} Meisel, \textit{The Canadian General Election of 1957}, 44.
\textsuperscript{757} Ibid., 52.
\textsuperscript{758} Ibid., 270.
\textsuperscript{759} Ibid., 18.
\textsuperscript{760} Smith, \textit{Rogue Tory}, 210.
\textsuperscript{761} Meisel, \textit{The Canadian General Election of 1957}, 271.
\textsuperscript{762} Kent, \textit{A Public Purpose}, 37.
\textsuperscript{763} Regenstreif, \textit{The Diefenbaker Interlude}, 29.
\textsuperscript{764} Specifically, I refer to the amendment of the \textit{Defence Production Act}. In 1955, the Liberals tried to extend the act for an undetermined period by a striking its sunset clause. The act – which was set to expire 31 July 1956 – contained provisions that empowered the Minister of Defence Production – Howe – to interfere in the operations of defence contractors. The government could also use the act to comply defence companies to accept contracts “on terms and conditions which the Minister deems to be fair and reasonable.” Conservatives – charging that this proposed amendment would allow the Liberals to “extract campaign funds from the industry” – instead proposed a three-year extension. How did Howe respond? “That would mean coming back to Parliament in three years, and I’ve more to than spend my time amusing
provincial infrastructure in Ontario and their choice to concentrate resources in winnable ridings rather than ‘wasting’ them in Quebec, where Tory support had been historically low. Finally, the Tories’ advertising campaign as conducted by Allister Grosart and Dalton Camp revolutionized political marketing.

Ultimately, everything points to the fact that Canadians were more dissatisfied with the Liberals than enamored with the Conservatives in 1957. In spite of the fact that times were good, Canadians changed government for the sake of change, a point also made by other commentators from the era. Diefenbaker’s greatest contribution was to make sure that his party would be the chief beneficiary of this Gitterdämmerung, as English calls it. Specifically, he made it possible for the Conservatives to act like Liberals: propose popular programs that appealed to a broad range of voters in a way that prevented the growth of minor parties true to the logic of brokerage politics. In fact, the chief intellectual architect of Diefenbaker’s economic platform in 1957 was former Liberal Merrill W. Menzies, who had left party in 1953 because he rejected Howe’s free-market dogma. According to Menzies, it denied the state a positive role in the development of the economy and threatened to tear apart the east-west links binding the Canadian economy. Only a revived PC could save Canada from economic absorption by the United States, he argued. This positioning makes it

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766 Smith, Rogue Tory, 229.
767 Ibid., 233-234.
768 Ibid., 216, 227.
769 Meisel sums it up as follows: “It is, therefore, likely that the most effective issues which proved most immediately effective were those which were linked to the view that the government had been in office too long and that it had become insensitive to the wishes of the Canadian people. The pipeline, the old age pension, the government’s treatment of Parliament, the need to strengthen opposition in the House, were probably all instrumental in detaching the votes of former Liberal supporters and in inducing new voters to support Conservative candidates.” Meisel, The Canadian General Election of 1957, 274.
770 Regenstreif, The Diefenbaker Interlude, 42.
771 Bergeron, as quoted in the Globe and Mail, says the Conservatives should not delude themselves. “It is probably not for what they are that the voters turned to them in the number they did. They benefited from a disposition among the people to favour the Opposition: people voted, I would think, more against the Government (or anti-Liberal) than for the new Government (pro-Conservative).” Langevin Cote, “The Fateful Switch of the 8 Per Cent,” Globe and Mail, July 25, 1957, 6.
773 English, Wordly Years, 147.
774 LeDuc, Pammett, et al., Dynasties and Interludes, 187.
775 Smith, Rogue Tory, 224.
often difficult to distinguish between CCF and Conservative criticisms of the Liberals and give the party a great deal of flexibility in the political market place, according to Meisel.\footnote{Meisel, \textit{The Canadian General Election of 1957}, 271.} It certainly convinced enough Canadians to punish the Liberals, particularly its parliamentary front bench,\footnote{A total of nine ministers, nearly half the cabinet, suffered to defeat. Newman, \textit{Renegade in Power}, 58.} starting with Howe, who lost to the CCF’s Doug Fisher, then an unknown teacher from Port Arthur, Ontario.

The Tories’ turn towards the middle before and during the campaign also shaped their time in office as a minority government, which they hoped would be as brief as possible.\footnote{Plamondon, \textit{Blue Thunder}, 228.} Two aspects of the first Diefenbaker minority underscored this ambition: (i) the pace of its legislative agenda and (ii) its content. Within weeks of occupying office and well before the newly elected Parliament met for the first time, Diefenbaker’s cabinet approved a series of measures between July 11 and September 16. Specifically, these measures raised the salaries of 104,000 federal employees; boosted prices for turkeys and butter; aided collieries in Nova Scotia; released another $150 million of loans for low-cost-housing through the Central Mortgage and Housing Corporation; and dispatched a grain selling mission to the United Kingdom and continental Europe.\footnote{Newman, \textit{Renegade in Power}, 63.} While hardly ambitious, these measures allowed the Conservatives to claim that they were living up to their campaign promises.\footnote{LeDuc, Pammett, et al., \textit{Dynasties and Interludes}, 192.} This whirlwind of activity also projected a sense of energy, which many felt had gone missing during the final Liberal years. During the early stages of his administration, he kept up a busy schedule to maintain the momentum of his government\footnote{Within four days in early September, he crosses the North American continent within the span of four days to make appearances in Calgary, Hanover, N.H., and Quebec City. Newman, \textit{Renegade in Power}, 62.} and it looked as if he was literally trying to overwhelm the “tired, demoralized, and debt-ridden” opposition.\footnote{Smith, \textit{Rogue Tory}, 272.}

Voters rewarded this energy accordingly. By August of 1957, the Tories were trending towards fifty per cent in the polls,\footnote{LeDuc, Pammett, et al., \textit{Dynasties and Interludes}, 186.} a trajectory that generated additional momentum in Diefenbaker’s cabinet, itself inexperienced but anxious to break new ground. “Ministers, were eager to introduce as much attractive legislation as quickly as
possible, to prepare the ground for another – and decisive – general election,” Smith says. “Then they could settle in for the long haul and the more complex issues of trade, defense, and national development.” They would get their chance starting on October 14 when Parliament opened, this time with more than the usual pomp and circumstance, as none other than Her Royal Majesty Queen Elizabeth II read the Speech from the Throne. It was the first time a British monarch attended the opening of a Canadian Parliament and the visuals of this occasion granted Diefenbaker the image of a leader in charge. The speech itself promised everybody a little more of everything. Key items included (i) higher pensions for the disabled, the old, the blind and veterans; (ii) the introduction of floor prices for various agricultural product; (iii) advances for farmers forced to store their grain, changes to the unemployment insurance benefits; (iv) new hydroelectric and water storage projects in eastern and western Canada; (v) a new national development policy to promote the exploitation of natural resources; and (vi) an aggressive trade policy aimed at opening new markets for Canadian abroad. “The outlook,” Smith says, “seemed benign and the government’s intention generous.”

How successful was the government in passing the legislation that flowed from this speech? In seventy-eight sitting days, the first Diefenbaker minority tabled thirty government bills in the House, of which twenty-seven received royal assent for a success rate of ninety per cent. In short, the Tories swamped the surviving Liberals with the momentum of their legislative drive. Briefly, they (i) raised old-age pensions; (ii) granted farmers $150 million in cash advances for farm-stored grain; (iii) amended the Unemployment Insurance Act to extend the benefit period and include married women; and (iv) topped off various pots of financial assistance available to disadvantaged groups (including but not exclusively blind and disabled persons) by $110 million. The first Diefenbaker minority also slashed several taxes by some $178 million and passed legislation to encourage resource exploration, enhance transportation infrastructure and eliminate seasonal employment. Finally, the Tories improved financial assistance to the provinces and initiate several Royal Commissions to investigate the state of energy and

784 Smith, Rogue Tory, 266.
785 LeDuc, Pammett, et al., Dynasties and Interludes, 192.
786 Smith, Rogue Tory, 270.
787 Gervais, “Minority Governments in Canada,” 82.
food prices.\textsuperscript{788} Several reasons explain this record. First, a reading of the responses to the Speech from the Throne reveals considerable comfort among the opposition with the actual substance of the speech. Both the Liberals and the CCF expressed, if not specific support for the PC agenda. Indeed, St. Laurent promised that his party would not obstruct Diefenbaker’s minority from fulfilling the promises, which it had made during the preceding campaign.\textsuperscript{789} If this promise was not a carte blanche, it was the closest thing to it. This reluctance by the largest opposition party also reflected practical realities. The Liberals were far from ready for another election so soon after their defeat. Several deficits, financial, organizational and ideological, remained uncovered. At the most superficial level, the party lacked the minimum requirement for waging the next electoral war: a leader.

Citing a lack of energy, St. Laurent had announced on September 6 that he would not lead the party into the next election in remaining its leader until had chosen a new one. This announcement triggered a leadership race that did not run its course until early January 1958 when Pearson defeated Paul Martin Sr. The party convention that crowned Pearson also confirmed a new Liberal policy platform. But these changes did not mean that the party had renewed itself. In the words of Kent, the Liberals were still “clinging to the belief that the minority Conservative government was a mere hiccup in Canadian politics, that nothing unusual needed to be done before the electorate reverted to its loyalty to the old party that had served so well.”\textsuperscript{790} In short, the Tories had few reasons to fear defeat in the Commons. To their credit, the Conservatives fully seized the opportunities offered to them by passing their policy proposals largely unopposed and largely unaltered.\textsuperscript{791} Consider this. During the 23\textsuperscript{rd} Parliament, Diefenbaker and his cabinet always voted with the majority.\textsuperscript{792} In short, the Tories never found themselves on the losing side of a vote and were managed to pass most of their legislative agenda in short time. As noted, the first Diefenbaker minority managed to pass twenty-seven out of

\textsuperscript{788} Newman, Renegade in Power, 64-65.
\textsuperscript{789} Gervais, “Minority Governments in Canada,” 98-102.
\textsuperscript{790} Kent, A Public Purpose, 46.
thirty proposed laws in seventy-eight House days (Table C.4). This of course means that first Diefenbaker minority adopted a government bill every 2.9 days, the highest figure for all Canadian minority government since 1945. Not surprisingly, the opposition had little say on matters of legislation. Flush with legislative success, Conservatives were therefore eager for an early election and steps towards such an outcome started to take shape in in the fall of 1957, much to the chagrin of constitutional expert Eugene Forsey, who directly questioned Diefenbaker’s desire to dissolve Parliament just months after an election.

What was missing was a convenient excuse and the Conservatives received it January 20, 1958 when Pearson rose in the House to speak for the first time as new leader of the Official Opposition. The race that led to his election meant that the Liberals would not contest another election at least until they had chosen a new leader. But what would happen after it? Parliamentary practice dictated that the new leader would quickly move “no confidence” in the government. An opposition party that failed to make such a move soon after choosing a new leader ran the risk of losing credibility. The economic climate was also threatening to turn against the Diefenbaker minority government as unemployment reached a post-war high in January 1958 with 796, 371 people looking for work, the highest recorded figure since the National Employment Service started to collect records. But the Liberals neither had the means nor the inclination to press such a motion against the government and thereby trigger an election. Pearson therefore faced a dilemma as the most opportune occasion, a “supply day” scheduled for January 20 1958, approached.

On the one hand, Pearson did not want to bring down a government that was actually spoiling for a fight. On the other hand, he could not appear weak. So his advisors recommended that Pearson should defy parliament convention, but still criticize the

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794 Ibid., 157.
795 Smith, Rogue Tory, 272-273.
796 Kent, A Public Purpose, 58.
797 Globe and Mail, “796,371 Canada Jobless Record for Postwar Period,” January 21, 1958, 1. Canadian Labour Congress President Claude Jodoin used the occasion to urge for additional reforms. “It is obvious that steps taken so far have failed to prevent serious suffering. We are faced with a situation the seriousness of which can hardly be exaggerated.”
798 Kent, A Public Purpose, 59
government. The speech that eventually emerged was “too clever by a half.”

It criticized the government by reciting a long litany of alleged sins. Notably, it raised questions about the very effectiveness of minority government. “(This) government lives from day to day with hand-to-mouth policies, a yielding response to one pressure, a concession in another quarter, with no consistent pattern, no attempt to fit particular projects into a national design, no vision for the future but a ceaseless preoccupation with the politics and publicities of the day,” Pearson said. But this comment was largely removed from reality since the Liberals had done little to impede the Tories. Yet for all its bark, this speech did not bite. It instead concluded that, “in view of the desirability at this time of having a government pledged to implement Liberal policies, His Excellency’s advisors should in the opinion of this House submit their resignation forthwith.”

Pearson, in other words, called on Diefenbaker to resign.

This line could not have been more arrogant. It proposed that the Liberals, whom the public had punished just seven months earlier, should return to office without an election. This speech was in the words of Pearson himself “without doubt one of the most disastrous debuts of any political leader, certainly in this country,” because it undermined everything the party achieved in rebuilding itself. Sensing a chance, Diefenbaker tore Pearson to “shreds” in a speech that the Globe and Mail described as the “finest political hour of his career in the Commons.” In doing so, Diefenbaker quoted parts of a confidential report prepared by the previous Liberal government that left the public with the impression that the Liberals had been aware of the approaching recession, yet did nothing to prevent it with the hope of blaming it on the Tories. So Pearson’s “biggest mistake” allowed Diefenbaker to argue that his minority

799 Ibid., 62.
801 Kent, A Public Purpose, 62.
802 Munro and Inglis, Mike, 30.
803 Ibid., 35.
805 Prepared in 1957 by the economics branch of the Trade and Commerce Department under the leadership of Howe, the report warned that the Canadian economy was slipping. Specifically, it stated: “During 1956, the Canadian economy has begun to show some of the symptoms usually found in the last stages of a cyclical expansion.” Quoted in Ibid., 2.
806 Munro and Inglis, Mike, 33.
807 Kent, A Public Purpose, 61.
government was facing an obstructive opposition that prevented his government from fulfilling the promises that he had made during the 1957 campaign. Without a mandate from Canadians, Diefenbaker could not move the country forward. True to Liberal designs, neither the CCF nor Social Credit supported the motion. Predictably, both parties also cautioned against an early election. But their opinions hardly mattered because Pearson’s mistake provided Diefenbaker an opening. Commentators such as Duffy deservedly accused Pearson of amateurism in predicting disaster for the Liberals. In his commentary, Duffy fiendishly agreed with Pearson’s assessment that Diefenbaker’s minority government was not working because it lacks stability. “To the extent that this description is true, the essential cause is the unstable position of a minority government,” Duffy wrote. “The only possible way to correct that is a general election as soon as possible, in the hope that one party will obtain an overall majority.” However “the strategy revealed by Mr. Pearson shows clearly enough Liberal awareness that the 106 seats they now hold represent an exaggeration of their real popularity with the voters.”

The rest of the story unfolded quickly. On February 1, 1958, Diefenbaker told the Commons that Governor-General Massey had agreed to his request to dissolve Parliament for the purpose of a general election scheduled for 31 March 1958. Diefenbaker’s rationale? The government, he said, needed “a majority to protect itself from Liberal obstruction.” Canadians agreed with Diefenbaker as they gave the Tories the broadest possible mandate. In total, the Tories won 208 out 265 seats (78.5 per cent) seat on 53.6 per cent of the popular vote. The magnitude of this result leaves little doubt that the first Diefenbaker minority successfully passed its probationary period, even if the chance to benefit from it was the result of tactical error committed by the Liberal leadership in Parliament. As for its larger political significance, the first Diefenbaker minority set the stage for a broad expansion of the Tory brand. A closer

808 Munro and Inglis, Mike, 33.
810 Specifically, Coldwell argued that Diefenbaker had no right to ask for dissolution after being in office for only a short time. Low, meanwhile, questioned whether Pearson lacked in courage, as Diefenbaker had suggested. He instead compared Diefenbaker and Pearson to two men drifting down a swift stream in a canoe about to plunge down a steep fall, while arguing over who had broken their only paddle. Clark, “New Leader under Fire,” 2.
812 Smith, Rogue Tory, 278.
813 Russell, Two Cheers for Minority Government, 28.
study of the overall results summarized reveals that the Tories increased their share of the popular vote in every one of the ten provinces, actually doubling it in some provinces such as Saskatchewan. In terms of seats, they won every seat in four of ten provinces. But arguably the most important not too mention most impressive increase occurred in Quebec, where the Tories won fifty out of seventy-five seats with fifty per cent of the popular vote. While it is impossible to say whether this overwhelming victory was part of the general national trend or the outcome of regional factors, it was nonetheless historic in light of the party’s role in the execution of Louis Riel and Conscription during the First World War. The party had not won a majority of seats in Quebec since 1887; on several occasions, it did not win any ridings. By virtue of their victory in Quebec, the Progressive Conservatives could once again claim that they were a genuine national party, something that had not been the case since 1935.

That label had once belonged to the Liberals, now reduced to a regional rump party with forty-nine seats in urban Ontario and Quebec five years after winning a majority in 1953. In other words, the two major parties essentially switched places. This role reversal was not without its poetical irony. ‘New’ Canadians, the central beneficiaries of the Grits’ generous immigration policies during the preceding decade, largely voted for the Tories. Diefenbaker’s decisive victory was particularly devastating for the two smaller parties in the House. The CCF lost seventeen out of its twenty-five seats at dissolution, while Social Credit found itself in the political wilderness after voters in western Canada had wiped the party and its nineteen seats off the electoral map.\(^{814}\)

The era of populist protest parties had apparently reached its end as the party system returned to the Liberal-Conservative duopoly that had prevailed from Confederation until 1921. Subsequent events however show this interpretation to be illusionary. While impressive, Diefenbaker’s victory in 1958 only highlighted the instability that characterized Canadian politics during this era of minority governments. The Tory majority was substantial but hardly stable. This point also informs the insights of political scientists from the era. Commenting in 1958, Fox almost consoles the Liberals, when he writes that “(since) the electoral pendulum in Canada swings wide and high, it is not

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unreasonable for Liberals to believe that it will move in their favour again.”  

This reality of course created the opposite problem for the Conservatives.

In 1958, Canadians of every stripe had a host of reasons to vote for Diefenbaker’s ‘One Canada’ vision. It had struck a broad chord, because it cleverly combined two issues – economic opportunity with nationalism – during a time when many Canadians were worrying about rising unemployment figures and the growing influence of foreign (read: American) financiers. Diefenbaker himself also inspired immense loyalties wherever he campaigned. The response to his rhetoric was especially strong in western Canada, where his evangelical style proved popular among members of the Social Credit party because it was reminiscent of their ideological roots. In Quebec, meanwhile, he had found an ally in the Union Nationale government of Maurice Duplessis in forging an unprecedented regional coalition. Looking back, the government of King and St. Laurent had won their respective majorities by winning big in Ontario and Quebec, then holding their own everywhere else. In 1958, Diefenbaker’s majority had a different colour to it because it came very close to a majority of the vote in every region of the country, while winning almost 54 per cent of the overall national vote.  

Not surprisingly, some observers spoke of a fundamental realignment in Canadian politics. But this partisan landscape actually lacked permanence for several reasons. First, Canada’s first-past-the-post (FPTP) electoral system exaggerated Tory support in 1958 in the same way that it had exaggerated Liberal support from 1935 through 1953. Second, Duplessis’ death in 1959 unleashed a long list of repressed social and political forces that clashed with Diefenbaker’s conception of Canada. While Quebec’s Quiet Revolution was not of Diefenbaker’s making, he most definitely failed to appreciate its significance. Largely tone-deaf to the aspirations of the province long before the Quebec Liberals under Lesage secured their narrow victory in 1960, Diefenbaker had ignored the provinces before 1958 and antagonized after it with his Bill of Rights and ideal of “unhyphenated Canadianism.” Finally, Diefenbaker was his own worst enemy.

While few would deny Diefenbaker’s capacity as a campaigner, an increasing number of Canadians questioned his administrative skills after 1958. In the House, he

815 Fox, “Canada’s Most Decisive Federal Election,” 287.
816 LeDuc, Pammett., et al., Dynasties and Interludes, 195-200.
attacked Pearson as if he and Pearson performed opposite roles. Undeniably vain, Diefenbaker was often more concerned with his own popularity than making difficult decisions, wasting the largest majority in Canadian political history. Political cartoonists caricatured Diefenbaker as indecisive in confronting the various controversies that defined his government. They included (i) the cancellation of the Avro Arrow fighter jet project on February 20, 1959; (ii) the events that eventually lead to the resignation of James Coyne as governor of the Bank of Canada on July 13, 1961; (iii) the devaluation of the dollar just weeks before an election; and (iv) the dithering over whether Canada would equip newly purchased weapons stationed outside and inside of Canada with nuclear weapons, the issue that would eventually terminate Diefenbaker’s second minority. Along with rising unemployment, these issues created a crisis of confidence among Canadians, earning Diefenbaker a bad reputation among the media and the public. It also did not help Diefenbaker, who not long ago was the fresh voice in Canadian politics, compared poorly with the dynamic and charismatic American president John F. Kennedy elected in 1960. “Chief” supporters, including current Prime Minister Harper, have tried to correct this record by noting that many of Diefenbaker’s controversial decisions such as the firing of Coyne were justified, an opinion tentatively shared by more neutral observers. Several supporters also note that much of Diefenbaker’s reputation reflects the peculiar prejudices of Ottawa’s ‘Liberal’

818 LeDuc, Pammett., et al., Dynasties and Interludes, 206-207.
819 Newman, Renegade in Power, 333.
821 Kyba and Green-Finlay, “John Diefenbaker As Prime Minister,” 59.
822 Diefenbaker favoured Kennedy’s predecessor Republican Dwight D. Eisenhower and loathed the younger president for several reasons. Diefenbaker, for example, convinced himself that Kennedy wanted to oust his government. Just days before the 1962 election, Kennedy had hosted Pearson, not once but twice, first as part of a reception for past Nobel Prize winner, then privately. Diefenbaker interpreted this attention as “an intervention by the president in the Canadian election.” Plamondon, Blue Thunder, 246. Readers should note that at this stage that Pearson’s Liberals and Kennedy’s Democrats had enjoyed considerable ties since 1960. Diefenbaker also resented the fact that Kennedy’s popularity represented the growing importance of the United States. A strong monarchist and sentimental romantic about the Commonwealth, Diefenbaker wanted to divert an unrealistic portion of Canada’s trade towards the United Kingdom.
elite, who never grew comfortable with his populism. Be that as it may, step by step, issue by issue, the public mood concerning Diefenbaker eventually changed from adulation to disillusionment, a turn reflected at the polls, which were “too close to call” when Canadians headed to polls on June 18, 1962.

If the Tories set all sorts of records in 1958, they repeated their performance in 1962, only in the opposite direction as the Tories lost ninety-two seats and seventeen per cent of the popular vote to finish with 116 seats on thirty-seven per cent of the popular vote (Table B.2). But if Canadians doubted the Tories as a governing party, many still preferred Diefenbaker as their prime minister ahead of Pearson. While Diefenbaker only occasionally summoned the magic of 1957 and 1958, Pearson had “no magic at all” in the words of Newman. Canadians, in other words, stuck with Diefenbaker, but punished his party without embracing the Liberals. Regenstreif builds on this point in comparing the Canadian federal election of 1962 with the American presidential election that had re-elected Eisenhower in 1956. That year, Eisenhower easily won re-election, only to see his party lose both Houses of Congress. If Canada and the United States were to share similar institutions, Diefenbaker would have probably ‘won’ as Prime Minister, while the Liberals would have claimed the House of Commons, Regenstreif says. But since Canada possesses a parliamentary system that prevents such choices, the result was minority government. In short, neither of the two major parties could claim victory in 1962. But if the election of 1962 failed to produce a clear winner, it also pointed towards several trends that would shape the elections of 1963 and 1965, each of which produced minority governments.

The first trend was the re-emergence of the Liberals after their poor showings in 1962.

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824 In January 2007, Harper delivered a speech in Toronto during which he observed, “(if) there was ever a Conservative prime minister, whose reputation needs to be reclaimed from Liberal slander, it is the Chief, ‘Honest John.’ No other prime minister of any stripe did more for the cause of fairness and equality and inclusion. His Bill of Rights, for example, preceded the Liberal Charter of Rights by over two decades...Moreover, like MacDonald and Borden, he was a vigorous defender of Canadian sovereignty.” Plamondon, Blue Thunder, 264.
825 LeDuc, Pammett., et al., Dynasties and Interludes, 218.
826 Regenstreif, The Diefenbaker Interlude, 35.
827 Newman, Renegade in Power, 326-327.
829 Regenstreif, The Diefenbaker Interlude, 82.
830 LeDuc, Pammett., et al., Dynasties and Interludes, 222.
1957 and 1958. Intellectually, the party had drawn new inspiration from two figures: (i) Walter Gordon, the scion of a wealthy Toronto family, who had made his name in Ottawa by warning against undue American influence in Canadian economic affairs and (ii) Canadian-born U.S. economist John Kenneth Galbraith who argued in *The Affluent Society* that modern capitalism could advance into the future with a human face. Practically, these ideas gave the party a progressive glow as articulated by the Kingston Conference of September 1960 and the Liberal party policy convention of January 1961. 831 Organizationally, the party replenished its personnel with hundreds of enthusiastic newcomers to politics, who saw themselves as the vanguard of a new ‘progressive’ Canada. Their influence would come to shape the Liberals for two decades. In 1962, however, the party was still trying to find its footing. This said, the election of 1962 also marked the first of four consecutive elections during which the Liberals increased their overall share of seats. 832 In 1962, they won 99 seats with 36.9 per cent of the popular vote. The second trend concerns the emergence of two new but hardly unfamiliar smaller parties. The first of this duo was the New Democratic Party (NDP). Formed in 1961, it united the Prairie populists of the CCF with urban-based labour. The second bore the familiar name of Social Credit, but drew most of its support from Quebec rather than western Canada. If the nineteen New Democrats elected in 1962 could claim deep political roots, most of the thirty Social Credit members owed their offices to Réal Caouette, a fiery car dealer from rural Quebec who effectively used television to tell voters in his home province that they “had nothing to lose” in voting Social Credit. 833 The third major trend concerns the political discourse. While the 1962 campaign featured plenty of red baiting by the Conservatives, the two major parties once agreed on the major contours of the Canadian welfare state and their commitments towards it, a fact duly recognized by NDP leader and ‘father’ of Medicare Tommy Douglas. 834 These trends, some undeniably more permanent than others, shaped the decade until the election of Trudeau. Canadians heading to the polls in 1962 lacked this broader perspective.

833 LeDuc, Pammet., et al., *Dynasties and Interludes*, 213-217.
In fact, it was quite difficult to discern any pattern in the results that led to the emergence of the second Diefenbaker minority. Meisel arguably offers the most succinct analysis when he says, “as far as we can characterize political life in Canada, every national trend in voting behaviour is contradicted by some important regional or provincial exception.”\textsuperscript{835} Let us consider a handful of examples. The Liberals did well in Quebec, but not necessarily among French-speakers. The Conservatives did poorly in urban areas, but not in the major cities of the Prairies. Ostensibly, a western party, Social Credit scored its greatest success in Quebec, a “startling”\textsuperscript{836} result by any stretch of the imagination. As such, the rise of “créditisme” in Quebec reflected a deep sense of anxiety among Quebec francophones about the social, political and economic changes that were unfolding, a blood-and-soil movement opposed to the unfolding Quiet Revolution.

Writing in 1973, Stein notes that it was essentially a right-wing protest movement eager to preserve a social-economic order that was rapidly disappearing from Quebec. Specially, Stein notes that Caouette’s group “croient que les valeurs traditionnelle comme l’obéissance, le devoir, et la moralité étaiat plus repandues dans le systeme social du passé qu’elles le sont aujourd’hui. Ils croient aussi qu’elles seront rétablies aussitôt que l’influence corrompue du capitalisme monopolistique et les appétits avares des banquiers seront restreints par le systime du crédit social.Ils prévoient un nouvel essor de l'agriculteur, du marchand dans les petites villes ainsi que dès artisans dis qu'ils auront assez de cr'edit pour se financer. Ils croient au relèvement de l'église et des institutions religieuses, et demandent la préservation du système d'enseignement confessionnel. Ils denoncent les ravages de la pornographie et des drogues. Ils veulent que le systime des communications dans les petites villes et villages soit protégé des effets trop corrompus des moyens de communication urbains.”\textsuperscript{837}

Comparing the results of 1962 with 1957, Meisel finds a “very high correlation” between Liberal losses on one hand and Conservative gains on the other when Canadians elected the first Diefenbaker minority. No similar link appeared in 1962. Turnout – 80 per cent in 1958 – rose 0.1 per cent in 1962, yet voters abandoned the Conservatives in every

\textsuperscript{835} Meisel, “Conclusion,” 286.
\textsuperscript{836} Ibid., 273.
direction.\textsuperscript{838} This insight, perhaps like no other, underscores the fragility of the Diefenbaker coalition. Ultimately, Meisel identifies two reasons that help explain the inconclusive results of 1962. The first concerns the performance of the two major parties. Since each won little more than one third of the popular vote, neither the Tories nor the Liberals could claim broad national support.\textsuperscript{839} The second concerns the impressive strength of the NDP and Social Credit. While limited to specific regions, both parties succeed in stealing seats from their old rivals – the NDP in Tory-dominated British Columbia, Social Credit in Liberal Quebec. Meisel says this aspect was also unusual, because previous threats to the two-party system had always come from the concentrated discontent of one region. “The innovation of 1962 was that the hegemony of Liberals and Conservatives was threatened in several centres,”\textsuperscript{840} he says. In short, not even the old patterns of discontentment survived in 1962 as Canadians found new ways to show their disagreement with the brokerage system. On balance, the Tories relied on their regional strongholds – rural Ontario\textsuperscript{841} and the Prairies\textsuperscript{842} – to win enough seats for a second minority government. But this outcome does not change one central fact. Diefenbaker had squandered the largest parliamentary majority in Canadian history. In the words of Newman, “it collapsed like a snowbank in May, leaving Diefenbaker in office but not in power.”\textsuperscript{843}

If the first Diefenbaker minority showed the Progressive Conservatives on their way ‘up,’ the second Diefenbaker minority showed them on their way ‘down.’\textsuperscript{844} This symmetry clearly appears in our analysis. Whereas the first Diefenbaker minority used the momentum of its victory in 1957 to pass legislation almost at will, the second Diefenbaker minority seemed stunned by the results of 1962. Whereas the first Diefenbaker minority avoided major crises, the second confronted the prospect of global nuclear war during the Cuban Missile Crisis, along a host of domestic crises. And while the performance of the first Diefenbaker minority eventually contributed to the emergence of a federal government with genuine albeit fleeting representation in almost

\textsuperscript{838} Meisel, “Conclusion,” 276-277.
\textsuperscript{839} Ibid., 272.
\textsuperscript{840} Ibid., 278
\textsuperscript{841} Ibid., 274
\textsuperscript{842} Ibid., 274
\textsuperscript{843} Newman, Renegade in Power, 322.
\textsuperscript{844} Russell, Two Cheers for Minority Government, 25.
every part of the country, the performance of the second Diefenbaker minority deeply divided the country along regional lines, if we are to read the election results of 1963. None of these developments appeared predictable when the newly elected Parliament met for the first time September 27, 1962 to hear the government’s Speech from the Throne. Among other things, the speech called for the (i) Patriation of the Constitution from Great Britain; (ii) a new flag; (iii) a commission to study Native land claims; (iv) the division of the Northwest Territories into two territories; (v) an independent election commission; (vi) an economic advisory board; (vii) the creation of the Medical Research Council; and (viii) an old age pension program. In fact, all of these initiatives eventually became reality, just not under Diefenbaker.\footnote{Plamondon, \textit{Blue Thunder}, 248.} Even so, this received fact clear shows the political consensus that existed at that time.

While ambitious, the Throne Speech received a largely negative reaction. All three opposition leaders, Pearson for the Liberals, Robert Thompson for Social Credit and Tommy Douglas for the NDP, expressed different degrees of opposition.\footnote{Langevin Cote, “Revamped Economy Promised; Speech May Unite Opposition,” \textit{Globe and Mail}, September 28, 1962, 1.} Social Credit even proposed a motion of non-confidence following the speech, a move that failed on October 2 as Liberals and New Democrats joined the Conservatives to defeat the motion 233 to 30.\footnote{Canadian Press, “Parliament at Glance,” \textit{Globe and Mail}, October 3, 1963, 2.} But this level of support from the parliamentary opposition was not a sign of things to come. Of the thirty-four items that appear in speech, only eight relatively insignificant items found their way into law.\footnote{Newman, \textit{Renegade in Power}, 335.} While somewhat subjective, this assessment pointed to the legislative ineffectiveness of the second Diefenbaker minority. Consider the following. The 25th Parliament lasted for 132 days, during which the House sat seventy-two days for a singular session (Table C.5).\footnote{http://www.parl.gc.ca/parlinfo/files/Parliament.aspx?Item=1929ac35-2e4b-4cd2-8c90-f0d54cdf11da&Language=E&MenuID=Lists.Parliament.aspx&MenuQuery=http%3A%2F%2Fwww.parl.gc.ca%2Fparlinfo%2FLists%2FParliament.aspx} During this period, the second Diefenbaker minority tabled thirty-three government bills of which seventeen received royal assent.\footnote{http://www.parl.gc.ca/parlinfo/compilations/HouseOfCommons/BillSummary.aspx?Parliament=1929ac35-2e4b-4cd2-8c90-f0d54cdf11da (accessed 7 October 2013).} This rate of success – 51.5 per cent – was below the success rate of the first Diefenbaker minority of ninety per cent and of all minority governments from 1953
through 2009 – sixty-two per cent. In short, the second Diefenbaker minority failed to match the legislative productivity of the first Diefenbaker minority and fell short vis-à-vis almost all other minority governments. What accounted for this record? On the surface, the second Diefenbaker minority actually faced better odds than the first Diefenbaker minority to pass legislation. Whereas the former fell twenty-one seats short of a majority on election eve, the latter was short seventeen. So given the position of the Tories in the polls before the election, they had some reasons to feel confident about their circumstances in a Parliament that few expected would last long. But if the first Diefenbaker minority overpowered its dispirited parliamentary opposition, the roles had reversed at the start of the second Diefenbaker minority.

After having lost consecutive elections in 1957 and 1958, the Liberals were on their way up, whereas the Conservatives were on their way down. The Liberals seized on this opportunity by becoming more aggressive in their pursuit of the government. Diefenbaker, meanwhile, was suffering from a form of political paralysis following the election. Instead of submitting cabinet to a radical reconstruction, Diefenbaker waited several weeks to replace the five ministers lost in the election and the final composition of the new cabinet suggested that he did not read the signals that voters had sent his government. Personal missteps and tragedies compounded this perceived stagnation. In the end, the parliamentary status of the second Diefenbaker minority was as precarious as its paltry record, partly because Diefenbaker himself had refused to accept offers of cooperation on at least two occasions. The first of these occurred in late November 1962 after Liberal House leader Lionel Chevrier had made an offer of cooperation to help pass key bills. The second occurred several days later after the four House leaders had agreed on a list of bills. But Diefenbaker personally cancelled the meeting that have would confirmed the agreement and given his government some momentum. In retrospect, it was not surprising to learn that the second Diefenbaker

852 Plamondon, Blue Thunder, 247.
853 Newman, Renegade in Power, 334.
854 In early July of 1962, Diefenbaker broke his left leg. On July 8, his closest friend, Senator William Brunt, died in an automobile crash. Ibid., 334.
855 Ibid., 335.
minority, like the first, failed to pass a budget, partly because the 25th Parliament was still trying to clean up the legislative backlog left from the previous one, a task that it failed to fulfill, much to the chagrin of commentators.

In an editorial published one day after the second Diefenbaker minority had fallen following a confidence vote the Globe and Mail wrote that, “all member of the House should feel the shame” for their failure to put forward important legislation. “But the greatest blame must rest upon the Government. It brought nothing before Parliament, and Parliament therefore had nothing constructive to do.” That was not entirely fair. The short history of the 25th Parliament records seven votes of non-confidence. In other words, the second Diefenbaker minority faced an aggressive opposition, an aspect likely responsible for its performance. This said, the Diefenbaker minority could not dedicate significant resources to managing parliamentary affairs because it confronted at least three major crises during its unhappy tenure. What follows next describes them in additional detail.

The first concerns the state of the Canadian dollar and the economy. During Diefenbaker’s majority government, the Canadian dollar declined precipitously against its American counterpart. This drop, blamed on a weak Canadian economy and rising budget deficits, eventually forced the Diefenbaker government to peg the dollar at 92.5 cent just six weeks before the 1962 election. The Canadian dollar had been above par just a year earlier and the self-imposed devaluation was the source of much mockery. But the election of 1962 did not end the crisis for Canadian dollar. The Bank of Canada was rapidly depleting its currency reserves to stop a run on the dollar. To end the crisis, Diefenbaker’s second minority had no other choice than to throttle back spending, while raising revenues through tariffs and duties through orders-in-council days after assuming office. The timing of this step, whose rhetoric contradicts Conservative claims during the election, raised all sorts of suspicions, but quickly resolved the crisis nonetheless.

857 Newman, Renegade in Power, 335.
859 Newman, Renegade in Power, 335.
862 Plamondon, Blue Thunder, 247.
albeit painfully. Supporters of minority government might note at this stage that this account contradicts the often-heard claim that minority government cannot make difficult financial decisions. This said, it is not a standard by which we are judging the second Diefenbaker minority.

The second crisis was arguably far more serious because it raised serious questions about Diefenbaker’s decision-making during times of crisis. The occasion was the Cuban Missile Crisis that pushed the world to brink of nuclear war in late October, early November 1962 after the United States had uncovered Russian plans to station nuclear weapons on the Caribbean island. While Canada had little, if any influence on the crisis, it had considerable influence on Canada and its relations with the United States. First, it deepened tensions between Diefenbaker and Kennedy. At the start of the crisis, Diefenbaker felt the United States snubbed him, when he did not receive a personal briefing from Kennedy. Relations further soured when Diefenbaker suggested that the UN should dispatch a delegation to Cuba to investigate the situation. This suggestion indirectly undermined the Americans, who had already drawn their own conclusions about Soviet designs in issuing an ultimatum. Diefenbaker’s cautious “wait-and-see” approach annoyed Kennedy, who was expecting more from Canada’s closest ally. Unfortunately, Diefenbaker’s combination of weak advice and instinctive distrust of Kennedy isolated Canada from the United States in a time of need. Diefenbaker also ignored initial calls to place Canadian forces on high alert because he wanted to discuss the issue with cabinet. When cabinet met, he argued for further delays and recommended moving to a higher state of alert but only “if the situation deteriorated.” Diefenbaker ultimately agreed to increase the readiness level of Canadian forces, but only after a phone call from Kennedy, and only after he let everyone know that he did not like being pushed around. And yet, Diefenbaker tried to take credit for helping to resolve the crisis, claiming that Canada was the first nation to stop overland flights of civilian Soviet aircrafts to prevent the possible shipment of weapons to Cuba.865

Diefenbaker’s cabinet knew differently and voices critical of his indecisiveness

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864 Plamondon, Blue Thunder, 248.
865 Ibid., 248-249.
grew in strength. Weeks later, several cabinet members openly challenged Diefenbaker’s claim to office over his dithering to arm Canadian missiles with American nuclear weapons. Space prevents a detailed description of the issue. Notably, the chain of events that eventually led to this crisis started in July 1957 when the first Diefenbaker minority and United States reached an “informal understanding” to sign the North American Air Defence Agreement (NORAD), an issue inherited from the previous Liberal government. Under the terms of NORAD, both countries agreed to integrate continental air defence under an American commander and a Canadian deputy commander. While NORAD was a logical extension of Canadian-American defence cooperation since the early days of the Second World War, it also made it more difficult for the Canadian government to pursue an independent defence policy.

Starting in 1957, Canada faced growing expectations from its allies in the North Atlantic Treaty Organization (NATO) generally and the United States specifically to equip its armed forces inside and outside of Canada with nuclear weapons. But this expectation, which eventually led to the controversial cancellation of the Avro Arrow and Canada’s decision to acquire the BOMARC-B missile system as an alternative method of intercepting Russian bombers, also started to contradict Canada’s stated commitment to prevent the spread of nuclear weapons and faced increased opposition form the small but growing anti-nuclear movement in Canada. Overcoming several delays, the United States completed installation of the BOMARC-B system in 1962, but without the nuclear warheads, much to the frustration of the United States, as Diefenbaker linked the presence of nuclear weapons on Canadian soil with nuclear disarmament efforts. This link essentially meant that some time would pass until Canada would accept nuclear weapon on its soil. At this stage, readers should note that Canada never actually signed any formal agreement to accept American nuclear weapons. Experts however only deemed the BOMARC system to be its most effective when equipped with a nuclear

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866 Gordon Churchill remarked at the time that “(the) country just could not afford to have the prime minister in that position at a time of crisis – he refused to act when action was absolutely necessary.” Ibid., 249.


warhead.\textsuperscript{869}

While the question of nuclear weapons on Canadian soil remained on the backburner for most of 1962,\textsuperscript{870} it jumped to the very top of the agenda with the Cuban Missile Crisis as negotiations for a nuclear warhead agreement began in earnest. But Diefenbaker dithered despite growing criticism from the parliamentary opposition, the public-at-large and Canadian allies abroad. Rank-and-file Conservatives wanted Diefenbaker to make a decision and enemies inside his own cabinet sensed that their time had come. But Diefenbaker only compounded the confusion on January 25, 1963 in a Commons speech that drew a rebuke from the Americans and further damaged diplomatic relations between the two countries, after Canada had recalled its ambassador in response to perceived American interference. This breakdown in US-Canada relations eventually triggered the resignation of Diefenbaker’s pro-nuclear defence minister Douglas Harkness following an extra-ordinary cabinet on February 3, 1963 during which several ministers openly challenged the leadership of Diefenbaker who responded by offering his resignation. Cooler heads prevailed on this occasion, but the deep fissures within cabinet over the nuclear issue appeared obvious to all. Pearson, who had publicly stated that he would accept nuclear weapons, but also re-negotiate Canada’s commitment, pounced on this division within the Conservative cabinet and moved a motion of non-confidence that eventually passed by 142 to 111 votes on February 5. These dramatic developments almost featured one final twist. On the morning of vote, the Conservative cabinet rebels offered Diefenbaker one final deal. If he were to resign as prime minister, the new Tory leader would appoint him Chief Justice of the Supreme Court of Canada.\textsuperscript{871} Diefenbaker refused.

Diefenbaker, according to Plamondon, could have saved his government earlier if he had agreed to four conditions issued by Social Credit leader Robert Thompson, who wanted to avoid an early election.\textsuperscript{872} First, Thompson wanted the Conservatives to issue a clear statement on their defence policy; second, introduce spending estimates for 1963-1964 within two weeks; third, table a new budget within four weeks with eight days of

\textsuperscript{869}Ibid., 329-330.
\textsuperscript{870}Ibid., 352.
\textsuperscript{871}Ibid., 370.
\textsuperscript{872}Plamondon, \textit{Blue Thunder}, 251.
debate to follow; and (iv) pursue a “positive program of follow-up action respecting many things for which Parliament has already given authority.” Diefenbaker however interpreted the offer as an attempt by Thompson to humiliate him and accordingly refused to it. Thompson, whose party had saved the Conservatives five times during the seven prior votes of non-confidence, subsequently modified the offer because he himself was facing considerable pressure from Alberta’s premier Ernest Manning to topple Diefenbaker. Social Credit would still vote against the motion of non-confidence, but only if Diefenbaker resigned, Thompson offered. Naturally, Diefenbaker rejected this proposal as well. Surveying these events, several insights appear. First, the second Diefenbaker minority showed itself capable of dealing with the effects of the economic problems that plagued Canada in 1962 – problems first caused by the policies of a majority government. In fact, commentators expressed grudging respect for the work of the second Diefenbaker minority in solving the crisis in questioning Liberal tactics to bring the down the government.

That said, the second Diefenbaker minority clearly failed to follow up on its own emergency austerity program with a more permanent solution, as evident by its failure to table a financial blue print. This failure hardly surprises. A government that squanders a large parliamentary majority is not likely to deal with complex issues in a minority context. But this inability is not necessarily a comment on the effectiveness of minority government per se. It is an indictment of Diefenbaker’s leadership, period. Its central figure could have easily chosen a cooperative approach in proposing and passing legislation necessary to first clean up the legislative backlog from the previous Parliament, then move ahead with new measures. Yet he chose otherwise, partly because the larger political culture was hostile towards parliamentary cooperation. This comment brings us to the second major insight that these events have inspired. Parliamentary realities were only of secondary concern as the second Diefenbaker minority confronted these three crises. Two out of three, the Cuban Missile Crisis and the nuclear arms issue,

876 Plamondon, *Blue Thunder*, 252.
unfolded in the field of foreign policy, a domain clearly dominated by the executive. Yes, the second Diefenbaker faced plenty of parliamentary criticism over its handling of these issues for which it must largely bear responsibility. But the parliamentary opposition did not pull the trigger until after the executive had torn itself apart and one wonders if this foreign policy crisis would have blown over if the government could have claimed some domestic policy successes.

The dysfunction that characterized the tenure of the second Diefenbaker minority continued after the dissolution of Parliament. Two additional ministers resigned shortly after the start of the campaign and pundits were predicting personal humiliation for Diefenbaker and disaster for the Tory brand. Yet Diefenbaker managed to rally his caucus behind him and campaigned ably.\(^{878}\) In fact, he had some momentum heading into the final week of the campaign, which Stursberg calls “Diefenbaker’s finest election.”\(^{879}\) Despite a weak economy, a hostile press, and deep divisions within the party, Diefenbaker ‘only’ lost twenty-one seats of the 116 seats won in 1962. Western Canada remained especially loyal to Diefenbaker. But this fact could not overcome the Tories’ poor performance in Ontario, where they recorded one of their worst results in history. They did especially poorly in the urban ridings of Greater Toronto, once a source of strength in 1957 and 1958 but far less so 1962. Of the eighteen ridings in Greater Toronto, all fell to the Liberals. Five years earlier, Tories had won all of them.\(^{880}\) But if Tories failed miserably in ‘urban’ Ontario, they stemmed the Liberal wave in the rest of the province\(^{881}\) so crucial for the Grits in their search for a “strong, stable majority.”\(^{882}\) Ultimately, Liberal gains in Ontario were not large enough to offset their weakness elsewhere.\(^{883}\) Accordingly, they fell four seats short of a majority, winning 129 seats. As for the smaller parties, Social Credit claimed twenty-four seats, while the NDP won seventeen.

Notwithstanding these figures, Diefenbaker hinted on election eve that he might face the Commons. Speaking to reporters following a national television broadcast,

\(^{878}\) Plamondon, *Blue Thunder*, 254-255.
\(^{880}\) “PCs fail to win any Metro seats,” *Globe and Mail*, Tuesday April 9, 1963, 2.
\(^{881}\) “Net Gains Held Down In Ontario,” *Globe and Mail*, Tuesday, April 9, 1963, 1.
\(^{883}\) Ibid.
Diefenbaker repeatedly referred to King’s 1925 decision to govern with the help of the Progressives despite the fact that the Conservatives had won the plurality of the seats. “No party has a majority. The situation is much the same as 1925,” Diefenbaker said “In fact, the percentage of popular vote for each party is much the same. Mr. King met Parliament on the basis that no party had a majority.” 884 This suggestion with its questionable hold on the facts 885 did not sit well with commentators. In an editorial, the Globe and Mail urged Diefenbaker to avoid this course of action because Canada was in “urgent need of positive government on the serious problems of economics and international confidence which face the country.” 886 While the editorial lamented the emergence of a minority government, it also said “there can be no question that it is the Liberals whom the greatest number of Canadians, in a four-way split, have chosen to form a government.” 887 Following several days of uncertainty, Diefenbaker eventually offered his resignation to Governor General Georges Vanier, who subsequently invited Pearson to form a minority government, the second in as many elections and the third within the span of six years. At this stage, it is important to note that Diefenbaker had every right to face the Commons. As noted in the previous chapter, a government is not truly defeated or elected until it has passed a confidence test. Of course, it would not have taken much foresight to predict Diefenbaker’s fate had he chosen to take that course.

On the surface, the results of 1962 confirm that the second Diefenbaker minority failed to reverse the declining fortunes of the Progressive Conservatives. The results also confirmed several key points made earlier. First, they underscored the volatility that characterized the Canadian electorate at that time. Over the course of four elections – 1957, 1958, 1962 and 1963 – the rapidly growing ridings of the Greater Toronto area switched their loyalties twice. This volatility was even more evident in Quebec. In 1957, it was a Liberal stronghold. In 1958, the Conservatives won most of the province. In 1962, the province moved back to the Liberals, but Social Credit proved a formidable challenge in 1962 and 1963. Second, the results confirmed the importance of Ontario as

885 In 1925, the Conservatives win 116 seats, whereas the Liberals under King win 101. In the end, King stays in power with help of the Progressives.
887 Ibid.
the decisive battleground. Like no other province, it decided whether an election produced a minority or majority government. As noted earlier, the Liberals were counting on a strong showing in Ontario to offset results elsewhere in the country, a concession to their limited national appeal. The election also revealed a divided national electorate. Western Canada largely embraced the Conservatives, whereas eastern Canada (except for some regional pockets) voted Liberal. Finally, the 1962 election confirmed the larger theory that minority governments have historically served as pivot points from one party to another. Starting with the Liberal majority elected in 1953, we witnessed a Conservative minority in 1957 that set the stage for a Conservative majority in 1958. It was then followed by a Conservative minority, which subsequently made room for a Liberal minority. We turn towards it and its successor.

5.3 The Pearson Minorities

This section examines the effectiveness of the two Pearson minorities that governed the country from 1963 to 1968, years defined by contradictions during which “(n)ational achievement was competing with national malaise,” as Hillmer says. These years treat the country to a succession of “tawdry scandals” covered by confident but also self-important media. Particularly the emerging form of television news thrived on these scandals. They include among others the failed extradition of union leader Hal Banks, the Rivard Affair and the Munsinger Affair – all of which poisoned the atmosphere of Parliament. Its reputation arguably reached a low point during the Great Flag Debate of 1964. What should have been a symbol of national unity led to six months of divisive debate that disrupted the House of Commons and led many to despair about the future of Canada. This pervasive feeling reached an acute level on July 24, 1967 when French president Charles de Gaulle outraged his Canadian hosts with his cry

891 For more see, Richard J. Gwyn, The Shape of Scandal: A Study of a Government in Crisis (Toronto: Clarke, Irwin, 1965)
892 Globe and Mail journalist Stanley Westall says “(months) and months of flag-mania gave the impression that Ottawa was an Alice-in-Wonderland fantasy where working legislation was buried in a bushel of bunting.” Stanley Westall, “Politicians eager to restore Parliament’s tarnished image,” Globe and Mail, January 2, 1965, 2.
of “Vive le Quebec libre!” during a speech in Montreal where he drew a comparison between his visit on Canadian soil and the Liberation of France from German fascism in 1944. The speech stirred nationalistic ambitions among the Quebecois and stunned English Canada just as the country was preparing to celebrate the centennial of Confederation. And yet the period also produced a “spectacular list of achievements.”

They included among others a new Canadian flag; important reforms of parliamentary rules and the committee system; a Royal Commission on political finances; the creation of an independent commission in charge of re-drawing riding boundaries; important changes in federal-provincial relations and the beginnings of constitutional reforms; countless regulatory changes in economic and social fields, including a new bank act, a new labour code, new divorce laws and the trial abolition of capital punishment; the creation of various national programs and agencies designed to promote and recognize Canadian achievement in the sciences and the arts; the unification of the armed forces; a new immigration act; the Royal Commission on Bilingual and Biculturalism; and a slew of social legislation which many now equate with the very essence of what it means to be Canadian, such as the Canada Pension Plan and Medicare.

For their part, Canadians were not sure what to make of Pearson, who never quite warmed up to the media. Whereas Diefenbaker either inspired loyalty or revulsion polls suggested that the voting public could not relate to Pearson, who at the time received little credit for the achievements just described. Seventy per cent of Canadians surveyed just before Pearson stepped down as prime minister said that they could not “conjure up a single beneficial accomplishment during his administration of government,” a shocking finding. Other contemporary accounts paint a similar picture in depicting Pearson as a bemused bystander, an impression with some substance.

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895 Hillmer, “Pearson and the Sense of Paradox, 12.
896 McCall-Newman summed it up as follows: “Pearson, for all his charm, intelligence and decency, wasn’t, and never would be, appealing to a mass audience.” McCall-Newman, Grits, 48.
897 Members of the Ottawa press gallery often called him “poor old pooper Pearson.” Ibid.,
898 Regenstreif, The Diefenbaker Interlude, 73. Regenstreif says this tendency also speaks to the “obvious but often forgotten premise” of elections in a parliamentary system. Consciously or not, voters not only choose a local candidate, but also a would-be head of government. Ibid., 68.
899 English, The Worldly Years, 235.
Drawing on Theodore White’s *The Making of the President: 1960*, key Liberal organizers starting with Davey gave Pearson what might be best described as a personal makeover before the 1962 election. They urged Pearson to wear straight rather than bow ties and coached him on his television manners after surveys had shown that many Canadians thought of him as ‘smart-aleck.’ Specifically, they worked on his sheepish smile and other ticks. But these efforts were only partially successful and the Liberal campaign team eventually started to emphasize the Pearson ‘team’ in keeping their leader out of the spotlight.  

For better or worse, Pearson became an avatar for the Liberal ‘brand’ of government, inspiring little personal appeal among voters without any firm political loyalties.  

People, in other words, chose Pearson, because they supported his party, not necessarily him. Liberals however revered Pearson for his ‘soft skills’ including his ability to listen and defuse situations with a personal touch. Even his fiercest internal critics such as Judy LaMarsh expressed personal admiration for Pearson and Kent, who eventually fell out with Pearson, hardly says a negative word about him in his account of the era. Pearson was certainly different from Diefenbaker. Whereas Diefenbaker, smarting from real or imagined slights, constantly played the populist in polarizing against his perceived enemies, Pearson distrusted the irrationality of populism and tried to understand the ‘other,’ an instinct that reflected his diplomatic training. But this undeniable strength was also a liability in the Commons, where Pearson had to rely on others, such as Paul Martin, Sr., Jack Pickersgill and Lionel Chevrier. Despite the fact that he had been a cabinet minister throughout the entire era of St. Laurent, Pearson knew little of domestic politics, including parliamentary procedure.

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902 Regenstreif, *The Diefenbaker Interlude*, 73.
904 Ibid., 293.
905 Ibid., 300.
906 Ibid., 214-216, 235.
907 McCall-Newman, *Grits*, 33. Looking back, Pickersgill described Pearson as a “status nationalist” who wanted “ceremonial changes so Canadians could stop feeling like quasi-colonials.” In fact, Pickersgill noted that Pearson showed little interest in economic affairs, period. “He wasn’t really that left-wing either. All the time he was in St. Laurent’s cabinet he never showed the slightest interest in what we were doing about old-age pensions or equalization payments. He was interested in international affairs and in the ideas of his ‘civilized friends’ who ranged all over the ideological map.” Quoted in Ibid., 45.
Any attempts to understand these specific phenomena exceed the limits of this chapter. But it is nonetheless possible to draw some broader conclusions about these two minorities headed by Pearson. First, both combined longevity with productivity. Accordingly, they often appear in the literature as examples *par excellence* of how effective minority government can be. While this verdict might be just, effective minority governments do not need to be productive in terms of legislation. It just happens that the two Pearson minorities were productive and effective at the same time. A more nuanced look at the record reveals that the first Pearson minority is partially effective according to our criteria. While it did not immediately lead to a majority, the Liberals nonetheless managed to stay in power with another minority. It in turn qualifies as effective because it led to a new Liberal majority under Pierre Trudeau. Both minorities also highlight another key point – the relationship between effectiveness and the prevailing condition of the party system, which at particular time favoured pan-Canadian polices. We have already seen this relationship with the first Diefenbaker minority, whose legislative record reveals a commitment to centrist social policies. The two Pearson minorities in turn build on this consensus. What follows next expands on these points, starting with a discussion of the events that led to the emergence of the first Pearson minority out of the ruins of the second Diefenbaker minority.

All signs were pointing towards a Liberal majority when Governor General Georges Vanier dissolved Canada’s 25th Parliament for the purpose of a general election after the second Diefenbaker minority had lost the confidence of the House. Riddled by deep internal disagreements on matters of policy and personnel, the Tories looked nothing like the party that had won the largest parliamentary majority in Canadian history just five years ago. Their self-inflected blows had left deep, visible scars and many Tories expected to win fewer seats than the thirty-nine seats that they had salvaged during the debacle of 1935 when Canadians punished R.B. Bennett for his disastrous handling of the Great Depression. If the Tories were despairing at the start of the campaign, the Liberals were practically elated. With public confidence in Diefenbaker low and unemployment numbers high, all the signs were pointing towards victory. The Liberals, who opened the campaign with a fifteen per cent lead in the polls and deep campaign coffers,

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908 Ibid., 260.
certainly appeared prepared for this prospect as they hit the campaign trail with a bounty of new political talents, including many from Quebec, and a bundle of centrist policies following a successful policy convention. Another notable advantage was institutional support that the Liberals were receiving from the United States as Kennedy did everything possible to help the Liberal machine defeat the Diefenbaker Conservatives. “Il a definitivement influence l’histoire canadienne durant la campagne electorale de 1962-1963,” said Pearson’s biographer English in an interview with La Presse Canadienne on the occasion of the 50th anniversary of Kennedy’s assassination. “Il ne fait aucun doute que son animosite à l’endroit de M. Diefenbaker a place ce dernier dans une position precaire, non seulement auprès du public en general, mais au sein même de son parti.”

Overall, moral was high and the Liberals were actively appealing for a majority government, when the campaign began. But their undeniable momentum stalled quickly for two related reasons. First, Diefenbaker still had plenty of fight left in him. While his star had been declining since 1962, it still shone brightly on the campaign trail, where he was able to reconnect with the public by painting Pearson as a pawn of Kennedy, who did much to support Pearson. Diefenbaker’s charisma on the campaign trail caught the Liberals off-guard. In fact, they were surprised to learn that many Canadians still thought of Diefenbaker as an “honest, sincere, straightforward man,” an image that they had been trying to destroy by dispatching a ‘truth squad’ to Tory rallies, a tactic copied from the Kennedy campaign. But the Conservatives got wind off this gimmick and actually turned it against the Liberals. Its designer, famed Liberal organizer Keith Davey, offered to resign in the face of declining polls, an offer Pearson rejected. Matters went from bad to worse when audiences in western Canada started to

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909 Ibid., 262.
912 LeDuc, Pammett et al., Dynasties and Interludes, 230.
913 English, The Worldly Years, 261.
915 English, The Worldly Years, 263.
916 Ibid., 235.
917 Ibid., 262.
greet Pearson with shouts of “Yankee stooge”\(^\text{919}\) and francophone voters in Quebec punished Pearson’s ambivalent support for nuclear weapons on Canadian soil by surging towards Social Credit.\(^\text{920}\) A once-certain majority was suddenly turning into a minority. Even a last-minute change in campaign tactics – Pearson promised “sixty days of action” – did not push the Liberals over the top on April 8, 1963 (Table B.3). But this outcome, while personally disappointing for Pearson and close advisors such as Kent, was not necessarily a debilitating obstacle.\(^\text{921}\) While Pearson might have missed a majority by a tantalizing margin of four seats, the situation surely appealed to his diplomatic training.\(^\text{922}\)

Following Diefenbaker’s eventual resignation on April 17, 1963, the first Pearson minority assumed office April 22, 1963. It was the beginning of one of the most unusual periods in Canadian politics. Initially euphoric, the “politics of joy”\(^\text{923}\) in the words of McCall-Newman were soon “marred by government disorganization, Cabinet leaks, accusations of scandal, and the worst political partisanship Canadians had seen in half a century.”\(^\text{924}\) The divisive debate about Canada’s new flag speaks to this point. On the other hand, it set the foundation for Canada’s modern welfare state, despite its disastrous start, as evident by Gordon’s incompetent first budget tabled in June 1963.\(^\text{925}\) In short, the first Pearson minority was partisan and productive. Overall, the first Pearson minority ranks among the most productive in terms of legislation, partly because it was also one of the longest as the 26th Parliament lasted 846 days, several times longer than the two Parliaments that coincided with the two Diefenbaker minorities.\(^\text{926}\) In fact, only three minorities lasted longer – the second Pearson minority (866 days) and both Conservative minorities under current Prime Minister Stephen Harper (937 and 872 days, respectively).

\(^\text{919}\) English, *The Worldly Years*, 264.
\(^\text{920}\) Ibid., 263.
\(^\text{921}\) Kent, *A Public Purpose*, 240.
\(^\text{922}\) Gervais, “Minority Governments in Canada,” 145.
\(^\text{923}\) McCall-Newman, *Grits*, 44.
\(^\text{925}\) McCall-Newman, *Grits*, 44.
\(^\text{926}\) The 23rd Parliament lasts 177 days, whereas the 25th Parliament lasts 203 days.
This stability in turn allowed the first Pearson minority to table and pass a far-reaching legislative agenda during the course of three parliamentary sessions during which the House sits for 418 days. On balance, the first Pearson minority tables 106 government bills, of which ninety-three receive royal assent for a success rate of 87.7 per cent (Table C.6). To put this in context, this level of success exceeds the legislative success rates of several majority governments. As for the specific substance of this legislative record, much of it falls under the heading of social policy. Arguably the signature achievement of this period was the Canada Pension Plan, an item I plan to discuss in additional detail below. So what accounted for this record? Several reasons stood out. They included (i) the size of the Liberal minority; (ii) the ability to build parliamentary coalitions; (iii) the party’s ideological compatibility with the New Democrats; and (iv) a willingness to correct mistakes. We must also recognize Pearson’s temperament and the larger political context, which favoured broad, expansive social legislation. What follows next describes each of these reasons in greater detail.

First, the Liberals possessed a strong minority in a Commons with multiple parties. While the Liberals might have snatched defeat from the jaws of victory in 1963, they found themselves just four seats short of a majority on election eve and never more than five seats short throughout the course of Pearson’s first minority. They could also chose from several legislative partners, a number that actually increased during the course of the mandate. When the 26th Parliament opened on May 16, 1963, four parties enjoyed official parliamentary status: the Liberals, the Progressive Conservatives, the NDP and Social Credit. By the end of September, this number had risen to five as thirteen members of Social Credit left the party to form the Ralliement des Créditistes following a divisive party convention in late August, early September that had exposed deep divisions between the Alberta wing of the party under leader Thompson.

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931 Gervais, “Minority Governments in Canada,” 143.
and its Quebec wing under Caouette, who accused Thompson of being nothing more than a proxy for Alberta’s Premier Manning. This split left Social Credit with eleven seats – one short of official status – and triggered several weeks of negotiations to solve the procedural questions that arose from that split. They included the final ranking of the parties in the House, which determined a number of procedural issues, and the status of the Caouette’s group. After several weeks of brinksmanship during which Caouette threatened to hold up parliamentary business unless his group received formal recognition, the situation eventually resolved when Caouette and the Créditistes abandoned their bid for official status in exchange for recognition as a separate group with their own offices. This decision meant that the smaller Social Credit caucus stayed ahead of the larger Créditiste caucus in the parliamentary pecking order, with the NDP moving up to third behind the Official Opposition. This controversy and its resolution was significant because it helped to inspire procedural reforms.

This comments also brings us to the second reason behind the Liberals’ legislative productivity during the first Pearson minority. They were able to build bridges across ideological boundaries when necessary. As noted, the contested state of the Créditistes threatened to bring parliamentary business to a halt in the fall of 1963. While the Liberals were hardly blameless for this situation, they nonetheless managed to resolve it by making timely concessions to both Social Credit and the faction around Caouette. In doing so, they remained in the good graces of both Thompson and Caouette. This aspect accordingly reduced the risk of defeat in a close vote. Yes, timely abstentions and ‘no-shows’ during key confidence votes also benefitted the Liberals. But the record leaves no doubt that the first Pearson minority proves itself to be an effective manager of

932 Ibid., 136.
933 The ranking of the parties determines several aspects of parliamentary procedure. They include the order of speakers in debates, the amount of speaking time that parties receive and the right to move amendments in certain cases. At the time, leaders of recognized parties with 12 or more seats in the House receive a $4,000 allowance and a bigger office with more support staff. Jack W. Pickersgill, The Road Back: By a Liberal in Opposition (Toronto: University of Toronto Press, 1986), 210.
937 Gervais, “Minority Governments in Canada,” 142.
939 Gervais, “Minority Governments in Canada,” 142.
940 Ibid., 188.
parliamentary affairs. Within this context, it is important to mention the contributions of Liberal House Leader Jack Pickersgill whose personal contacts and institutional knowledge of parliamentary procedures helped broker many legislative coalitions that either allowed the Liberals to pass legislation or avoid defeat when confronted with that possibility. Consider the following numbers. During the first Pearson minority, the Liberals faced twenty-seven recorded votes of confidence. They survived each and everyone. More impressively, they survived most of these with the support of two or more caucuses or individual members of different caucuses. Looking closer at this record, Gervais finds that Social Credit – not the NDP – was the most reliable Liberal ally. This fact owed much to the respect and admiration that Thompson and Pearson shared for each other. That said, Social Credit was also mindful of the larger context following its internal split. Neither it nor the faction around Caouette had the means to fight an early election.

The third reason behind the legislative productivity of the Liberals was their ideological compatibility with the NDP. If Social Credit helped to keep the Liberals in power for tactical reasons, the New Democrats favoured cooperation for reasons of policy. Both Pearson and Douglas believed that the state had to play an active role in reducing poverty and high-ranking emissaries from both parties actually met in the fall of 1963 to discuss the possibility of a partnership. While this ‘coalition summit’ turned out to be inconclusive, the two parties nonetheless found common ground on multiple files. Legislative cooperation was also a matter of political survival for the New Democrats, as their leader Douglas revealed in a letter to his successor as premier of Saskatchewan, Woodrow Lloyd. Writing just after the election, Douglas said that New Democrats “should take a positive and constructive position in the new Parliament. We should state that we want this to be a productive Parliament (that) will grapple effectively with some of our social and economic problems. We should make it clear that while we do not think either of the old-line parties are likely to go far enough to achieve the results which are desired, nevertheless we will support every measure that moves in the right direction.”

941 Ibid., 198.
942 Ibid., 190.
943 Ibid., 155-156, 188.
944 Munro & Inglis, Mike, 84.
Obstruction, for the sake of obstruction, he said, could be devastating, especially if Pearson brought “down some fairly progressive legislation” and the economy improved. In that case, Douglas continued, “(Pearson) may not be averse to finding a legitimate excuse for going to the country and asking for a clear majority to complete his program. It’s my opinion that in this eventuality we could be virtually wiped out, as would most of the Social Crediters in Quebec.” So it would be better to work with Pearson. And if Diefenbaker were to end up giving Pearson an alibi for calling an early election, New Democrats should not have to defend themselves against charges of irresponsibility and obstruction. Ultimately, Douglas expected New Democrats to benefit from minority government. “If we support Pearson’s legislation whenever it is moving in the right direction,” he said, “we will be in a much stronger position to oppose him if he introduces measures which we violently oppose or which are unpopular.”

Finally, the Liberals quickly learnt from their mistakes, as it was the case when they tabled their first budget fifty-two days after taking office. Designed to deal with a sluggish economy, it was a “catastrophe.” First, it drew fire from economists who criticized its deflationary aspects. Especially plans for a tax of thirty per cent on foreign takeovers of Canadian companies received much criticism and the poorly timed withdrawal of the tax six days after the introduction of the budget compounded the impression of government incompetence. Editorials across the country were demanding the resignation of the budget’s author, Walter Gordon, who actually offered it to Pearson. Pearson in turn rejected it because he feared that it would only add to the damage. Then there was the process behind the budget itself. The use of outside consultants left the impression that the government was in the pockets of Bay Street “tycoons.” In the end, the Liberals survived a confidence vote tabled by the Tories and eventually re-submitted a revised budget that passed. Subsequent budgets drew on this traumatic experience by avoiding controversial items in aiming for the broadest possible consensus. Much like Diefenbaker’s first minority, the first Pearson minority offered something to everyone

946 Doris French Shackleton, Tommy Douglas (Toronto: McClelland and Stewart Limited, 1977), 274.
947 Ibid., 275.
948 Ibid., 274-275.
949 English, The Worldly Years, 264.
950 Ibid., 274-276.
over the course of its tenure. Writing several decades later, Kent describes the spirit of this time as follows. “The process in federal politics was one not of trade-offs but of finding common ground.” So they did, especially on matters of social legislation.

Tellingly, little of this legislation bears the direct personal imprint of Pearson himself. Pearson’s primary focus was on the national unity file. Throughout his tenure, Pearson essentially delegated social and economic policy to his well-prepared ministers and only took a decisive interest when absolutely necessary. Pearson did not use cabinet meetings to focus on policy, but to feel out the room, to look for common ground or an opening. To central figures of this government such as Gordon or Kent, this behaviour often seemed like vacillation, even betrayal. “To Pearson,” Coutts says, “it was simple diplomatic craft.” This instinct very much differentiated Pearson from Diefenbaker, who frequently attempted to operate the federal administration through personal prerogative. It might have worked if Diefenbaker was more decisive, because he seldom approved any course of action until nearly every minister had come around to his point, a process bound to be unproductive and unsatisfactory. Pearson’s diplomatic training also proved to be an immense asset in his government’s dealing with the provinces. Key pieces of social legislation from this period such as the Canada Pension Plan emerged not through Ottawa’s fiat but through federal-provincial diplomacy. To appreciate the significance of this dynamic, consider the following numbers. Seven federal-provincial meetings take place in 1939. In 1957, the number of meetings rose to sixty-four. No fewer than 125 take place in 1965. Pearson, of course, flourished in this environment. English calls this changed relationship between Ottawa and the provinces a “revolution in Canadian government”

Briefly, this aspect reflects the logic of “cooperative federalism,” Pearson’s response to the demands of Quebec for greater taxation powers and administrative

952 Ibid., 193.
954 English, The Worldly Years, 278.
955 Ibid., 284.
957 Newman, Renegade in Power, 92.
958 English, Wordly Years, 300.
959 Kent, A Public Purpose, 292.
responsibility over shared-cost social programs in areas of provincial jurisdiction in the wake of the Quiet Revolution. Coined by Kent, the term describes the devolution of programs along with the necessary fiscal resources to the provinces as a response to the social and technological revolutions of the 1960s. They demanded higher spending on education, social health, social security, housing, urban transit and recreation – areas that all fall within provincial jurisdiction. So the developments of the 1960s challenged the centralizing thrust of the years immediately before and after 1945. Yet the ‘national’ significance of these changes also negated a return to a classical theory of federalism featuring watertight compartments of jurisdiction. Ottawa tried to balance these competing demands by playing the role of an enlightened overseer, leaving modernized provincial governments in charge of carrying out the design, funding and administration of the majority of programs.960

But if these efforts re-defined Canadian governance, its political benefits did not necessarily fall to the Liberals, who confronted multiple challenges largely unrelated to their legislative agenda. The first of these was “the Quebec problem.” 961 While the first Pearson minority received praise for the appointment of the Royal Commission on Bilingualism and Biculturalism shortly after assuming office, such bodies tended to move slowly and ran the risk of being over taken events, as it was the case in Quebec. On April 21 1963, one day before Pearson took the oath of office, a bomb killed a janitor working in a Canadian army recruitment office. The next month, seventeen bombs went off in mailboxes across the Westmount neighbourhood of Montreal in one night. Monuments of Wolfe and Queen Victoria tumbled down.962 A series of scandals climaxing in the resignation of justice minister Guy Favreau on June 29, 1965 in the aftermath of the Rivard Affair earned the government a good deal of bad publicity and Pearson’s low-key style of leadership gave the impression that he was not in charge.963 This appearance was certainly ammunition for Diefenbaker. Despite facing a chorus of internal critics, Diefenbaker embraced his new role as opposition leader and proved to be an energetic,

961 LeDuc, Pammett, et al., Dynasties and Interludes, 227.
962 English, Wordly Years, 278.
963 LeDuc, Pammett, et al., Dynasties and Interludes, 227.
not to mention effective opposition leader.\textsuperscript{964} For all their achievements, the Liberals did not get any traction. Then again, the polls could have been worse in light of all the scandals and an improving economic climate gave the Liberals more confidence to face the electorate.\textsuperscript{965} After much dithering through the summer of 1965, Pearson finally asked the Governor General to dissolve Parliament on September 7, 1965. Pearson’s goal was simple – a majority. But the election failed to produce the desired result.

When Canadians headed to the polls on November 8, 1965, they confirmed the status quo. Despite modest gains in Quebec, the Liberals once again fell short of a majority (Table B.4). In Atlantic Canada, the West and above all Ontario, Diefenbaker fought the Liberals to “a virtual standstill”\textsuperscript{966} with some of the smaller provinces actually turning towards the Tories. Two factors help explain this outcome. First, Diefenbaker was a superior campaigner. But the ‘victory’ that the Conservatives claimed by denying the Liberals their majority was more than just the sum of Diefenbaker’s campaigning skills. More importantly, Pearson’s leadership failed to generate any enthusiasm among voters outside the larger cities of Central Canada, a pattern of 1963 that persisted through 1965. The two minor parties also shaped the outcome. The NDP improves its share of the total vote to eight per cent from thirteen per cent, but won only four additional seats. The two halves of Social Credit meanwhile did not do as badly as many predicted. In short, all of the divisions that characterize Canadian politics remain unchanged.\textsuperscript{967} It is this fact that tempers our assessment of the first Pearson minority. For all of its achievements in terms of social policy, the first Pearson minority failed to produce a decisive breakthrough, partly because it could not master the emerging technology of television as a political communication tool.\textsuperscript{968}

This said, the first Pearson minority managed to maintain the Liberal hold on power and in doing so, it set the stage for a new political dynasty. Despite the weaknesses of Pearson as a politician and the shortcomings of the their campaign in 1965 campaign, the Liberals returned to power but with fresh faces – namely, Jean Marchand, Gerard Pelletier and eventual prime minister Pierre Trudeau. These “three wise men”

\textsuperscript{965} LeDuc, Pammett, et al., \textit{Dynasties and Interludes}, 227.
\textsuperscript{966} Ibid., 230.
\textsuperscript{967} Ibid., 230.
\textsuperscript{968} Ibid., 230.
immediately joined the Liberal cabinet and became prominent figures during the second Pearson minority. It – like all minority governments – was a transitional vehicle. In this case, the transition happened on two levels. First, it confirmed the broader trends whose historical origins we can actually trace back to the first Diefenbaker minority. They included among others the consensus concerning pan-Canadian social policies. Second, it gracefully managed the transition from one generation of Liberal leaders as personified by Pearson to the next generation with Trudeau as its central figure. This second aspect, perhaps more so than the first, is the defining legacy of the second Pearson minority, a record that future Liberal governments failed to match. Yes, we see these developments through hindsight, a benefit denied to the participants of the period. This said, it is hard to deny the similarities between the first and second Pearson minority in terms of its tenor and accomplishments. On the one hand, it features a steady dose of scandals, none more salacious than the Munsinger case, a sex-and-spy scandal that shook Ottawa to its foundation. On the other hand, the second Pearson minority nearly matched the tenure of the first Pearson minority with 826 days and its legislative productivity (Table C.7) is even higher. Almost ninety-three per cent of all government bills tabled during two lengthy sessions received royal assent, a number practically unimaginable during the acrimonious minority governments of the 2000s. And if the Canada Pension Plan is the signature legislation of the first Pearson minority, the Medical Care Act of 1966 is the pendant of the second Pearson minority. Like the Canada Pension Plan, Pearson’s most important piece of social legislation enjoys broad political support in the House of Commons, but only becomes reality after federal-provincial negotiations.

But if these patterns sound familiar, the second Pearson minority also witnessed new developments that impacted its eventual effectiveness. The first concerns the inability of the Tories to renew themselves. For many Canadians inside and out the Progressive Party, Diefenbaker represented its past. But he remained the party’s leader for another two years after 1965. While the party eventually replaced him with Nova

969 Ibid., 230.
972 Kent, A Public Purpose, 364-371.
Scotia Premier Robert Stanfield who espoused a centrist, cosmopolitan brand of conservatism more in line of the time, Diefenbaker did his party one last disservice by mounting a hopeless but divisive campaign to save his job.973 Pearson’s departure was more graceful and of his own choosing. More importantly, he chose, albeit covertly, his own successor – Trudeau.974 While other accounts offer a better description of the process and psychology behind Trudeau-mania, it was very difficult to deny the intellectual congruence of Trudeau’s Just Society and Pearson’s vision of Canada.975 Yes, Pearson never received a chance to realize it as the head of a majority government and the question of whether he would have won one if he had chosen to stay in office instead of announcing his retirement in December 1967 is truly speculative. And yes, Trudeau treated Pearson indifferently after his departure. In fact, Trudeau sought to distance himself from Pearson as fast as possible. After becoming Liberal leader in April 1968, Trudeau quickly dissolved Parliament in leaving no time for tributes. Typically though, Pearson did not complain about this move, which actually distanced Trudeau from the Liberal scandals of the past. But there is no question that the roots of Trudeau’s imperfect dynasty reach back to the turbulent but productive days of Pearson.976 And it is that legacy that makes the minority governments bearing his name more effective than those that Diefenbaker led.

5.3 Summary

This chapter has reviewed the effectiveness of the four minority governments that governed Canada for most of the period between 1957 and 1968. It has found that this quartet covers the entire spectrum of effectiveness. Specifically, it has shown that the first Diefenbaker and the second Pearson minority were effective, converting their probationary majorities into outright majorities. Further, it has shown that they were effective by orientating their policies towards the context of the third party system. It placed a premium on centrist, pan-Canadian policies and the second Pearson minority clearly responded to this demand for progressive legislation. To a lesser degree, so did the first Diefenbaker minority, whose emergence signaled the break with the second party.

973 LeDuc, Pammett, et al., Dynasties and Interludes, 227.
974 Ibid., 247-251.
975 English, The Worldly Years, 381-393.
976 LeDuc, Pammett, et al., Dynasties and Interludes, 236.
system and the move towards the third party system. Diefenbaker’s majority however failed to consolidate this initial advantage and Canadians responded to this failure by returning to the Liberals. First, they reduced the Diefenbaker majority to a minority, then pushed it out of power entirely after a scandal-ridden probationary period. But the Liberal mandate was also provisional. In the end, it was successful enough to set the stage for a Liberal government under Trudeau that had ridden a wave of popular support to a strong majority. Yet four years later, its fortunes had crested to the point that Canadians had placed its titular on political probation. The question of whether he was able to reserve this slide will be answered in the next chapter.
CHAPTER 6 TRUDEAU AND CLARK MINORITY

6.1 Opening

This chapter examines the respective effectiveness of the minority governments headed by Liberal Pierre Trudeau and Tory Joe Clark. It has combined this duo in a single chapter for two reasons. First, its individual members occupy opposite poles on our effectiveness scale. They arguably exemplify the best and worst approaches towards parliamentary governance with less than half of the available seats. Second, both occurred within the same decade during the third party system in underscoring the relationship between the effectiveness of any minority government and the conditions of the prevailing party system. We will see that Trudeau transformed one of the weakest minorities in Canadian history into a strong majority by forging a stable parliamentary relationship with the New Democrats that allowed him to improve his public image through generous social policies that confirmed the consensus concerning pan-Canadian policies. Clark, meanwhile, made several major mistakes to blow “a fairly strong minority government” in failing to convert his probationary majority into a majority. In fact, he lost power. Specifically, he advanced an unpopular but arguably necessary economic agenda with a degree of arrogance that antagonized parts of the parliamentary opposition when it mattered the most. Seen this way, these minorities appear as mirror opposites of each other. Whereas the Trudeau minority acted with humility in appreciating its limited mandate, the Clark minority acted with hubris in confusing its limited mandate as a majority. Whereas the Trudeau minority sought a temporary but stable partnership, the Clark minority angered would-be allies. Whereas the Trudeau minority moved from weakness to strength, the Clark minority headed into the opposite direction, starting from the very moment it assumed power. In short, the best qualities of the Trudeau minority were the worst of the Clark minority.

The name of Trudeau has acquired a mythical aura. Other prime ministers might have achieved more during more difficult periods than Trudeau. But none of the leaders that preceded or succeeded him can match the magic of his personality and

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philosophy. If leaders in other countries disillusion and disappoint voters, they simply switch their support. In Canada, Trudeau simply gave voters a new version of himself by summoning some unseen aspect of his personality. Trudeau could simply slip into another character without losing credibility. In 1968, he was the dashing bachelor. In 1970, this former defender of civil liberties publicly challenged critics who questioned his use of the War Measures Act during the October Crisis. In 1972, he was a professional but bloodless campaigner. In 1974, he played an “aroused, gut-fighting politician” fighting for his political survival after a close call at the polls. Towards the end of the decade, he played the single father, bravely coping with the demands of his job and caring for three small children, after his wife had abandoned him during a period of soaring divorce rates. In the final years of his career, he revived his party; defeated Quebec separatist forces under the leadership of his former journalism colleague René Lévesque in the 1980 referendum; and freed the Canadian constitution from the last shackles of British colonialism in promoting his vision of a bilingual, multicultural Canada but without the consent of Quebec. Others have to decide whether this vision was worth its costs. But the person behind it has forever seized our political imagination. Trudeau “haunts us still” Clarkson and McCall conclude and it is hard to disagree with their sentiment. But so does Clark as a cautionary example. The spectre of accidental success and deliberate failure permeates nearly every aspect of his political biography. If Trudeau was the Northern Magus, Clark was the Sorcerer’s Apprentice, ambitious but unable to contain the spirits that he had conjured up while the Master was away.

Looking at the broader picture, these two minority governments confirm several general claims about the nature of minority government itself. But they also reflected conditions unique to their historical context. First, both minorities manifested deep

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980 Radwanski, Trudeau, 24-25.
981 Ibid.
divisions within Canadian society. But if the distemper of the 1960s had many sources, the central causes of conflict during the 1970s were easily understood but far more urgent. Topping the list of laments was the future of the French language in Canada and the related status of Quebec in the Canadian federation. These contemporary flashpoints have been in and of themselves historical staples of political discourse and disagreements in Canada. But they assumed an unprecedented economic dimension when western Canada questioned the rationale and costs of official bilingualism following its introduction in 1969 as part of a larger critique of Canadian federalism and the place of the western Canada within it. Familiar fretting about French-English relations then turned existential with the 1976 election of the Parti Québécois and its promise to re-define the political relations between Quebec and the Rest of Canada by way of a referendum on sovereignty-association. The other defining issue of this time was the state of the Canadian economy, after not one but two energy shocks. Notably, both fell within the respective terms of the studied minority governments with each responding to the emergency in different manners. More importantly, the state of the economy would shape the choices that these minority governments ended up making.984

The uniqueness of these two minorities is also evident in other ways. Earlier, we heard that minority government serves as a ‘halfway house’ in the eventual transfer of power from one party to another. As a reminder, Pétry sums up this relationship as follows:

“Il y a une règle empirique, en tout cas au Canada, selon laquelle un gouvernement minoritaire qui était dans l’opposition avant les dernières élections devient normalement majoritaire après les prochaines élections. La règle s’applique aussi au cheminement inverse: un gouvernement minoritaire qui était majoritaire avant les dernières élections est normalement voué perdre les prochaines elections.”985

985 François Pétry, “Gouvernement Minoritaire En Sursis,” 3. (paper presented at l’Annuaire du Quebec 2008). http://www.capp.ulaval.ca/upload/cahier_46.pdf (accessed March 17, 2014). English Translation: “There is a rule in Canada, according to which a minority government that had found itself previously in opposition will normally be a majority in the next election. This rule also applies in the opposition
While the evidence presented so far largely supports this relationship – see the rise and fall of the Diefenbaker governments during the late 1950s and early 1960s – the Trudeau and Clark minority represent exceptions to the rule. The Trudeau minority sufficiently recovered to regain its previous majority status, while the Clark minority failed to follow the pattern set by the first Diefenbaker minority and the later Harper minorities. Trudeau’s recovery is even more remarkable if we consider that very few minority governments have been able to replicate his achievement. As we will see later, Martin possessed a far stronger hand than Trudeau, but still managed to lose power, just as Diefenbaker had done before him. Provincially, only two minority governments have been able to follow in Trudeau’s footsteps, Ontario’s Bill Davis in 1981 after six years of minority government and Quebec’s Jean Charest in 2008 after less than a year. Notably, Davis seemed to have taken a page out of Trudeau’s playbook, investing heavily in social programs. Clark’s minority, meanwhile, occupies the opposite end of this scale. As of this writing, since 1952, every minority government that has replaced an incumbent government, minority or otherwise, federally or provincially, has gone on to win additional seats, if not a majority, except Clark’s.

Overall, this chapter advances two major points. First, the Trudeau minority was effective because it proved fairly productive in the field of pan-Canadian policies. While it was not as productive as the Pearson minorities, its legislative agenda was nonetheless consistent with the prevailing third-party system. And like the Pearson minorities, the Trudeau minority realized this agenda with the help of the New Democratic Party with which it formed a stable but only temporary parliamentary arrangement. In fact, it can be argued that the Trudeau minority was ostensibly more effective than the Pearson minorities, because it faced difficult odds to stay in power. Not only was its parliamentary plurality razor thin, it also had to deal with a major economic crisis and a difficult parliamentary partner. Second, this chapter will argue that Clark minority tried to

direction. A minority government that had been a majority before the last election will likely lose the following election.”


imitate the first Diefenbaker minority, but shared the fate of the second Diefenbaker minority. Two related reasons stand out. First, it tried to advance policies that challenged the previous consensus concerning social spending. Second, it went about it in a way that antagonized the parliamentary opposition. In doing so, it confirmed that it lacked the necessary institutional knowledge and personnel to manipulate the parliamentary process in its favour. Three major sections follow these introductory remarks. The first assesses the effectiveness of the Trudeau minority. The second turns to the Clark minority. A concluding section wraps up this chapter and sets the stage for the following one.

6.2 The Trudeau Minority

Minority governments in Canada are ‘probationary’ majorities that serve as prologues or epilogues to majorities, as noted earlier. In some cases, they perform both tasks. The second minority of Progressive Conservative Prime Minister John Diefenbaker speaks to this point. It served as an epilogue to his overblown majority won in 1958 and as a prologue to the two minorities under Prime Minister Lester Pearson. They in turn set the stage for the unbridled wave of enthusiasm that crested in the elected coronation of Trudeau as Canada’s philosopher-king in 1968.\footnote{LeDuc, Pammett, et al., *Dynasties and Interludes*, 251-262.} By this logic, Trudeau’s minority of 1972 was to be the final fanfare of a Promethean figure whose subjects had fallen out of love with the very traits that had first earned him their adoring loyalty. Four years after Canadians had given Trudeau a sizable majority,\footnote{In 1968, the Liberals won 155 seats for a net gain of 24 seats. The Tories, meanwhile, won 72 seats, while the NDP won 22 seats. The Créditistes won 14 seats.} personal hubris deflated his margin of error to the slimmest of minorities with just two seats separating the Liberals from the PCs under Robert Stanfield. Canadians had seen this sort of malaise before in 1962 when Diefenbaker found himself at the head of a battered government, whose pathologies went far beyond the visible bruises that it had incurred during the course of the preceding campaign. Yet the Liberal Patient of 1972 defied its diagnosis to become one of the most effective minority governments in Canadian history.

The bare facts show that the Trudeau minority tabled eighty-nine government bills of which fifty-seven received royal assent during the 29th Parliament, which lasted 490 days spread across two sessions, the first lasting 206 days, the second fifty (Table
While the Trudeau minority failed to match the productivity of the Pearson minorities, scholars have noted it marked a return to the ‘progressive’ policies of the Pearson era, a perspective that also influences assessments of it. Russell, for example, describes it as “pretty good” because it was able to accomplish “a good deal” by forming an “effective legislative alliance” with the New Democratic Party (NDP). Yes, the legislative record of this Liberal-NDP partnership had a “leftward tilt, but bear in mind that the combined popular vote of the Liberals and the NDP in 1972 election was 56 (per cent),” Russell notes. “Moving Canadian policy in a social democratic direction was not out of step with the preferences of a majority of Canadians.”

It was certainly in line with the conditions of the third party system, which emphasized pan-Canadian policies. Russell also identifies the instrument of these accomplishments. Yet despite its apparent successes, the Liberal-NDP alliance confirmed the pervasive antipathy among Canadian parties towards formal coalitions. The record shows that both sides were anxious to annul this alliance, each partner waiting for the most opportune occasion. If so, the Liberals’ exit strategy was markedly superior. A closer look reveals that the Trudeau minority was at its most productive during the opening stage of its mandate, much of it owed to its parliamentary relationship with the New Democrats. But once the imperative of this relationship with the NDP had waned in the wake of rising Liberal poll numbers, legislative productivity started to drop. Liberal attitudes towards New Democrats and their demands changed from humiliating compliance towards confident confrontation. In fact, Liberals deliberatively invited parliamentary defeat at the hands of the NDP, a ‘defeat’ that eventually led to electoral victory in 1974, mere months after the first major oil shock of the 1970s.

This commentary raises a crucial question: how did the Liberals find themselves in this tenuous place? The answer begins with Trudeau himself. In 1968, he was popular among Canadians of all backgrounds by presenting himself as an appealing package of
style and substance, an outsider unspoiled by the petty squabbles of the past, in step with the liberal Zeitgeist, yet strong enough to slay the ugly spirits of Quebec nationalism. Four years later, these perceived advantages had turned into genuine liabilities. Trudeau, who had prided himself on his ability to express complex ideas with great clarity, sounded unfocused. His intellectualism, once appealing, appeared as arrogance or aloofness. Eccentric behaviour and comments once deemed exciting and electrifying appeared unbecoming and condescending. PC leader Stanfield perhaps summed it up best.

“In 1968, Trudeau was accepted as the new spirit, above politics in the ordinary sense of the term. Now the people have seen him as prime minister for over four years. Some have seen him as a playboy who takes too many holidays. A great many doubt whether there is any warmth in his concern…I think he has difficulty in listening to people, difficulty in spending enough time with his caucus, keeping in touch with them and through them, with the people of the country…I have the impression Mr. Trudeau is pretty largely making the main decisions himself and relying mainly for advice on people he chooses. I don’t think he suffers fools gladly. I don’t want to sound patronizing to the Canadian people, when I say this, but the prime minister has to be prepared to listen and to understand all kinds of people.”

Perhaps most damaging of all was the feeling that Trudeau cared little about holding the nation’s highest political office. “I’m not really governing to be re-elected,” he said. “If the Canadian people don’t like it, you know, they can lump it.” They nearly did him the favour. On the other hand, they were not quite as eager to replace him with Stanfield. When Stanfield had won the PC leadership in 1967, this former premier of Nova Scotia

992 LeDuc, Pamnett, et al., Dynasties and Interludes, 251-262.
993 Such actions included calling the Commonwealth, of which Canada was a founding member, an “anachronism,” describing Members of Parliament as “nobodies,” asking western grain framers why he should sell their wheat, telling unemployed postal workers to “eat shit” and accusations from the opposition members that he told them to “fuck off” in the Commons, a charge he denied. He instead claimed later that he said “fuddle, duddle.” Gwyn, The Northern Magnus, 105.
995 Quoted in Radwanski, Trudeau, 256.
had briefly captured the imagination of the public. Despite his craggy appearance and deliberate way of talking, he was quick of mind and more decisive than Pearson in offering a centrist, cosmopolitan brand of conservatism far more positive and far less populist than what Diefenbaker could have ever offered. But Stanfield’s surge was short-lived in the sweeping euphoria of Trudeaumania and Canadians remained unsure about him and his policies, even as they liked him and his personality. Despite their widespread disillusionment with Trudeau, Canadians were not automatically prepared to embrace Stanfield. The 1972 results reveal this ambiguity.

The two major parties finished in a virtual tie, at least in terms of seats, after Canadians had voted on October 30, 1972 (Table B.5). The Liberals won 109 seats with thirty-nine per cent of the popular vote, while the Tories won 107 with thirty-five per cent. As for the ‘minor’ parties, the New Democrats won thirty-one seats – their best showing to that point – with eighteen per cent of the popular vote and the Créditistes won fifteen seats on eight per cent. One independent and Speaker Lucien Lamoureux, who won a “politically unaffiliated” seat, also went to Ottawa. Ontario proved once again decisive. In 1968, the Liberals had captured sixty-four out of eighty-eight seats. In 1972, they won just thirty-six. Progressive Conservatives captured forty seats, up from seventeen four years earlier. Tories had also done well in western Canada and in the Atlantic provinces, where Stanfield’s name carried much weight. If they had been able to combine these strong regional showings with gains in Quebec, they would have formed a minority government instead. But it was not to be. Instead of winning eight to ten seats as they had hoped, they only managed to win two. But if the election of 1972 proved inconclusive for the two major parties, it marked a high point for the New Democrats, both provincially and federally.

The federal NDP had largely but not completely reconciled the deep ideological rift that had appeared in the late 1960s and early 1970s when socialist radicals under James Laxer in the “Waffle” faction had challenged moderate David Lewis for the

996 LeDuc, Pammett, et al., *Dynasties and Interludes*, 246, 272.
party leadership in 1971. Its British Columbia wing under David Barrett had also done the impossible in defeating long-serving Social Credit premier W.A.C Bennett.\textsuperscript{1001} This provincial momentum in a key province for the NDP\textsuperscript{1002} carried the federal party to an impressive result that would give New Democrats unprecedented influence. Forever a party of principled opposition, the NDP found itself on the verge of turning their dream of power into reality, a position it largely owed to Lewis, who had struck a chord during the campaign in criticizing what he called “corporate welfare bums.”\textsuperscript{1003} The question of how he and his party would use this power would define the fate of the Trudeau minority. But before we can turn to the 29th Parliament, we must first take stock of its predecessor in answer the following question: why did Trudeau’s dynasty almost end after its emergence? What follows next offers an answer by putting the eventual performance of the Trudeau minority into context.

For all the things that went wrong, the Trudeau majority offered Canadians, in the words of Gwyn, “scandal-free, reasonably competent” government between 1968 and 1972.\textsuperscript{1004} Radwanski agrees, noting that Trudeau entered office with unreasonably high expectations, yet few means to realize them. The pan-Canadian social programs passed during the Pearson minorities were proving to be costly and left little leeway for new ones.\textsuperscript{1005} That said, the Trudeau majority could certainly claim some genuine accomplishments. It raised the age-old pension and guarantee income supplement, indexing it to the cost of living. It revamped the unemployment insurance system in a way that gave the unemployed hope for a decent subsistence, despite later controversies. It reformed the tax system to make it more equitable. It overhauled the Criminal Code and reformed the Canadian penal system by introducing the concept of rehabilitation. Trudeau’s goal of creating a Just Society remained out of reach during this period, but Canada was at least moving towards it. In foreign policy, the Trudeau majority

\textsuperscript{1001} LeDuc, Pammett, et al., Dynasties and Interlude, 278.
\textsuperscript{1002} Morton, The New Democrats 1961-1968, 141.
\textsuperscript{1003} In the spring of 1972, Liberal finance minister John Turner had announced surprisingly generous tax concessions to corporations. According to Morton, the concessions was an “overdue attempt” to restore the prosperity that Canadians had traditionally associated with Liberal governments. With the promised largesse, free enterprise would presumably create jobs and reduce an embarrassing seven per cent unemployment rate to a more acceptable level. Morton, NDP: The Dream of Power, 141.
\textsuperscript{1004} Gwyn, The Northern Magus, 105.
\textsuperscript{1005} Radwanski, Trudeau, 238.
established diplomatic relations with the People’s Republic of China before either the United States or the United Nations had recognized it, thawed relations with the Soviet Union and asserted Canadian sovereignty in the Arctic. When U.S. President Richard Nixon pursued protectionist policies that threatened Canadian exports, Trudeau organized an effective opposition against these measures and immunized Canadian businesses against their impacts. He also assumed unassailable control of his party, no small feat for a political novice who had become leader with 51.1 per cent of the party’s vote and weathered several setbacks including the resignation of several ministers that could have crippled less competent politicians. Most importantly, he made Canadians acutely aware of their government. Radwanski notes, that “he made it difficult to be apathetic about the prime minister. In a country where the governing greybeards used to plod along almost unnoticed and people focused their attention on the government only when there was a scandal or a crisis, that was a cardinal accomplishment.”

So it was not necessarily a lack of accomplishments that almost turned Trudeau’s first government into his last. It was also a matter of attitudes and appearances in the face of difficult challenges that eventually defined the 1970s.

We have already heard from critics who considered Trudeau arrogant and callous. Part of the problem was also the manner in which the government made decisions. Following his election, Trudeau promised to rationalize and democratize policy-making. But the simultaneous direction of Trudeau’s ‘New Politics’ had disastrous consequences. This rationalization of policy-making coincided with far-reaching changes to the cabinet and reforms of the parliamentary committee system. It also placed more power in the hands of a few technocrats, a transfer of power that essentially eliminated the Liberal Party as an instrument of policy-making and political messaging. Parliamentary government is party government and Trudeau’s failure to keep his party engaged almost proved fatal. Normally, members of the government party play several important roles in their communities in between elections. They can spread the word about government accomplishments, explain and defend controversial policies, and

1006 Ibid., 254-255.
1007 Ibid., 255-258.
1008 Ibid., 235.
1009 Clarkson and McCall, The Magnificent Obsession, 122.
1010 LeDuc, Pammett, et al., Dynasties and Interludes, 263.
warn party leadership of emerging grievances at the grassroots levels. These mechanisms were muted within the Liberal Party between 1968 and 1972. Some say this marginalization was deliberate because Trudeau wanted to replace the Westminster-style parliamentary system with a quasi-presidential one. If so, something entirely different happened. Not Trudeau, but the bureaucrats, started to run the government in reversing the master-servant relationship between the executive and the bureaucracy. Unfortunately, this parallel government of technocrats knew little about the genuine needs of Canadians and even less about politics. In fact, McCall and Clarkson argue that Trudeau’s technocratic approach with its accompanying state apparatus prepared the way for the neo-liberal attack on Trudeau’s legacy.

On the other hand, the decision to democratize the policy-making process opened the door for organized interest groups. Instead of proposing fully formed policies, the government tabled tentative proposals with the hope of involving the public in issues of great importance. While commendable, this participatory approach failed, largely because it lacked an institutional infrastructure independent of the increasingly irrelevant Liberal Party. As Gywn writes, “Trudeau’s dream of mass participation, on the Athens’ model, turned out to be a grand illusion. Canada was just too large for everyone to walk to the Agora to take part in their own governance.” Organized interests including corporations started to dominate proceedings. But so did left-leaning groups and their policy proposals on several issues such as abortion, marijuana, a guaranteed national income and tighter controls of foreign investment exceeded the parameters of what was politically feasible. The results were predictable. Instead of appearing supremely democratic, confused citizens thought the government was indecisive as powerful groups lobbied Ottawa for their own ends, much to the bewilderment of the public. Canadians wanted the cabinet starting with Trudeau to make

\[1011\] Radwanski, Trudeau, 251.
\[1012\] LeDuc, Pammett, et al., Dynasties and Interludes, 263.
\[1013\] Clarkson and McCall, The Magnificent Obsession, 122.
\[1014\] Christian McCall and Stephen Clarkson, The Heroic Delusion, vol. 2 of Trudeau And Our Times (Toronto: McClelland and Stewart, 1994), 432.
\[1015\] Radwanski, Trudeau, 245.
\[1016\] Clarkson and McCall, The Magnificent Obsession, 122.
\[1017\] Radwanski, Trudeau, 245.
\[1018\] Gywn, The Northern Magus, 100.
\[1019\] Clarkson and McCall, The Magnificent Obsession, 122-123.
decisions, rather than publish yet another White Paper on yet another topic, only to see competing interests shred it.

Yes, the Trudeau majority proposed several new policies as noted earlier, but the whole of this record was arguably less than the sum of its parts. In fact, an unappealing pattern came to define the Trudeau majority. Dramatic policy announcements would inevitably inspire bitter debates as various actors inside and outside the government sought to shape outcomes to their advantage. The government eventually resolved these unproductive disputes by settling for some halfway measure that dissatisfied both proponents of change and the defenders of the status quo. The Diefenbaker and Pearson years revealed a great appetite for efficient but also honest leadership. Canadians were yearning for leaders who did not pretend to have all the answers, who said what they believed instead of hiding behind obfuscations, and who challenged people to face hard choices instead of offering the false hope of satisfying everyone. But Trudeau was precisely this sort of leader, at least initially, and Canadians grew increasingly weary of his leadership. They considered his theories on rational government uncaring and undemocratic; they equated planning with procrastination; and accused Trudeau of callous arrogance when he admitted that government could not fix every problem facing the country. This indignation partly reflected Trudeau’s instinct to deliver uncomfortable truths with a bite, partly the ambivalent attitudes of voters themselves. They wanted to be challenged and coddled at the same time.\textsuperscript{1020}

Concerns about the substantive direction of the country compounded dissatisfaction with the government’s image and presentation. Two big issues dominated. The first was the state of the economy. When Trudeau assumed office in 1968, his government had promised to fight inflation by reining in the money supply, freezing government spending and cutting the civil service. But these measures also stoked unemployment.\textsuperscript{1021} It virtually doubled from 343,000 to 675,000 between December of 1968 and February of 1971. Trudeau nonetheless remained bent on fighting inflation, even if it meant high levels of unemployment. The central reason behind Trudeau’s willingness to lick inflation at all possible costs could be found in his belief that things

\textsuperscript{1020} Radwanski, \textit{Trudeau}, 244-247.
could be worse, if he did not act. “If we don’t fight inflation, we’ll lose our foreign markets. If we lose our foreign markets, we’ll have an exchange crisis. If we have an exchange crisis, we’ll have to devalue the dollar. We’ll be upsetting the whole economy…”

Trudeau, in other words was willing to take radical steps. And when the government started to ease back on its anti-cyclical policies in the summer of 1970, it discovered that the economy was not responding. The seasonally adjusted unemployment rate hit 7.1 per cent in September of 1971 – the highest in a decade. Confronted with such figures, the government reversed direction. It raised stimulus spending with the same fervor with which it had imposed restraint in whiplashing the economy.

The other defining issue was the state of the Canadian federation, specifically the introduction of official bilingualism in the federal service across Canada, a move that faced opposition in western Canada. And Trudeau’s overall argument that he would keep the forces of Quebec nationalism contained suffered a set back with the October Crisis of 1970 when members of the Front de Libération du Québec kidnapped British trade commissioner James Cross on October 5 and Quebec Minister of Labour Pierre Laporte on October 15. Trudeau’s decision to invoke the War Measures Act following a request from Quebec’s premier Robert Bourassa on October 15 for the first time during peace time contributed to the eventual execution of Laporte and might have irredeemably smeared Trudeau’s reputation as a champion of civil liberties. But it was also in words of Gwyn “brilliant” because it sent a clear signal of strength and resolve, earning him a steely international reputation and applause across the country from all groups. The personal approval rating of Trudeau soared to sixty per cent in the immediate aftermath of the crisis. But this spike was temporary and merely interrupted the slow but steady erosion of Trudeau’s support. In the fall of 1968, his majority government could count on fifty-two per cent support, according to Gallup. By April of 1969, approval rates had dropped to forty-seven per cent. In June of 1969, thirty-eight per cent of Canadians disapproved of Trudeau. A year later, this figure had risen to forty-one per cent. And once Trudeau’s remarkable handling of the October Crisis had faded out of memory,

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1022 Quoted in Radwanski, Trudeau, 248.
1023 Ibid.
1024 Clarkson and McCall, The Magnificent Obsession, 122-123.
1025 Gwyn, The Northern Magus, 105-111.
1026 Clarkson and McCall, The Magnificent Obsession, 123.
support for him and the Liberals continued on its previous downward trajectory heading into the 1972 election.

Trudeau had called it because he believed he had found a winning issue in national unity. But this obsession with constitutional reform was largely his alone, especially after Bourassa had rejected the lowest-common-denominator constitutional deal that Trudeau and the other premiers had brokered during the Victoria conference of 1971. Canadians cared more about the latest unemployment figures than the latest proposal for an amending formula, a point the public believed Trudeau deliberately ignored. As for the economy, Liberals insiders anticipated that the opposition would emphasize the economy and employment as primary issues. But they did not believe that these topics would sufficiently resonate with the voters. The Liberal campaign slogan – *The Land is Strong* – echoed this political tone-deafness. The mismatch between the mood of the electorate and the electoral strategy of the Liberals could not have been worse. The public worried about unemployment, inflation, language policy and a host of other grievances – none of which received sufficient recognition in the Liberal platform.

Trudeau amplified the complacent tone of the Liberal campaign during his subdued but smug speeches in which he frequently talked about “Canadian integrity,” a nebulous concept among a long list of other vague notions that few members of the press or the public understood. Yet Trudeau somehow believed that his philosophical musings would carry the day, or least divert Canadians from thinking about the future. Professional political operatives could not believe what they were observing on the campaign trail and their predictions of disaster only added to the disarray and depression that was starting to grip the Liberal campaign. Much of the blame belonged to Trudeau’s political past, or least his perception of the same. It had never given him reason to contemplate the possibility of defeat. After entering politics, he had won his riding nomination and election to Parliament in 1965 without much difficulty and the 1968 election was more of coronation than a campaign. Nor was Trudeau willing to fix this gap in his political education. Ignoring pleas from professionals such as Keith Davey,

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1027 Radwanski, *Trudeau*, 244.
Trudeau’s campaign droned on, oblivious to the damage he was causing. In other words, Trudeau might have been suffering from the same delusion as the Liberals under Louis St. Laurent, who had believed in 1957 that they could simply beat Diefenbaker by simply showing up at packed rallies and proclaiming that the country was doing well, when it was not. So we can just imagine the reaction among Liberals when the results started to roll in from across the country. 1032

Trudeau, for his part, remained sanguine, despite the political obituaries that started to litter opinion pages. Trudeau certainly stood on firm constitutional ground when he decided to stay in office, because any government has the right to confront the Commons after an election. Politically, the circumstances were more complex. The Liberal had won the popular vote and held a marginal edge in the number of seats. But the results also revealed that the Liberals had done poorly everywhere except in Quebec. In fact, they trailed the Tories in terms of seats and the popular vote share outside that province. But if voters came close to pushing Trudeau out of power just four years after they had fallen under his spell, Trudeau did not see it that way. In fact, he publicly argued that the election had not been a competition for the reins of power, but rather a public consultation that revealed dissatisfaction with certain aspects of his policy. This fiction was in the words of Radwanski “ingenious”1033 because it invited voters to believe that his decision to stay in power was his way of showing that he was listening to their concerns rather than defying their rejection. It left him free to change course without appearing inconsistent because he was simply ‘obeying’ the message that voters had sent him. This brush with defeat produced in the words of Clarkson and McCall a “startling switch”1034 in Trudeau. Both his theoretical assumptions about the political process and his practice thereof underwent major revisions. 1035 Trudeau, who had prided himself on his ability to play any game by his own rules, had to acknowledge that the political game was rougher and more irrational than what he had first believed. This disillusionment, which frequently resembled resentment, revealed itself on the fifth anniversary of this rise to the Liberal leadership in April 1973. During a question-and-answer session with

McGill University students, he strayed dangerously close to describing the public as an adversarial force whose selfish nature had to be appeased by doling out promises of plenty. Trudeau later qualified his comments.

In any event, he was quickly turning himself into a far more conventional politician, far more “pragmatic”\textsuperscript{1036} and far less above the more mundane aspects of politics.\textsuperscript{1037} Partisan loyalists displaced the shadow government of advisors that controlled the Prime Minister’s Office,\textsuperscript{1038} as quickly as they had first arrived in 1968. Davey, whom Trudeau had shunned in 1968 and 1972, received an offer to run the next Liberal campaign, an appointment he accepted, much to the excitement of Liberal elders, who saw it as a peace offering. The return of Davey into the inner sanctum of power also reassured party leaders that the “humbled prime minister”\textsuperscript{1039} was prepared to fight for his political survival. Trudeau himself was not too proud to take a more personal approach. Whenever he travelled across the country, he met face-to-face with local rank-and-file members. He also wrote to local riding presidents and if they did not immediately respond, he would write their subordinates. Ministers and their staff had to submit regular reports about the activities in ridings assigned to their supervision. While many ministers did not initially take this change seriously, they soon found out otherwise. Controversial policies were dropped or substantially revised.\textsuperscript{1040} Wide open during the Trudeau majority, the door for immigrants closed somewhat and a deadline requiring 25,000 federal jobs to be filled with bilingual personnel was extended. Trudeau himself made fewer public appearances. And when he spoke, his rhetoric signaled contrition, while still trying to justify some of the past choices.

All of these initiatives helped Trudeau build an infrastructure for the larger political battles that he waged simultaneously in the Commons and in the court of public opinion.\textsuperscript{1041} Trudeau’s first order of business was to build a parliamentary “booby-

\textsuperscript{1036} Clarkson and McCall, The Magnificent Obsession, 124.
\textsuperscript{1037} Radwanski, Trudeau, 271.
\textsuperscript{1038} Clarkson and McCall, The Magnificent Obsession, 124.
\textsuperscript{1039} Radwanski, Trudeau, 271.
\textsuperscript{1040} Clarkson and McCall, The Magnificent Obsession, 124.
\textsuperscript{1041} For a detailed account of the broader political and personal aspects of the Trudeau minority, see John English, Just Watch Me, vol.2 of The Life of Pierre Elliott Trudeau (Toronto: Vintage Canada, 2009), 177-239.
that would keep his government in power for the foreseeable future once Parliament resumed on January 4, 1973. Otherwise, he would lack the time to rebuild his popularity. But if this logic was simple, the parliamentary problems that confronted the Liberal were acute. Only two seats separated the Grits from the Tories and early defeat in the Commons would not necessarily trigger an election. It could instead lead to a change in government in favour of the Progressive Conservatives under Stanfield. Conscious of this context, Trudeau asked House leader Allan MacEachen to develop a plan. MacEachen brought a crucial asset to his assignment. He had served in four minority parliaments – two under Diefenbaker and two under Pearson. In fact, he helped to save the day in February 1968 when the second Pearson minority had stumbled its way into an accidental defeat on a money bill. The plan that eventually emerged was simple but nonetheless effective. All controversial legislation would have to wait until after Easter. Not all non-confidence votes would be treated as non-confidence votes. MacEachen justified this interpretation of the confidence convention by citing a precedent dating to the days of John A. Macdonald. The three opposition parties would receive as many “Opposition Days” as possible in the hope that they would turn on each other rather than the Liberals. Finally, MacEachen insisted that Trudeau would “have to be as nice as pie to the NDP” because it held the balance of power. The thirty-one New Democrats could either sustain Trudeau or lift Stanfield into office. Ultimately, this recommendation meant that the Liberals would have to accept demands for progressive legislation from Lewis, no matter what the associated cost might be.

New Democrats were aware of the power they held and many Canadians considered the Trudeau minority as one of the most progressive in recent Canadian memory, a sort of return to the Pearson years. But the record shows that the NDP was not quite sure how to use its influence. While Lewis had shared a mutually respectful history with Trudeau since the 1950s, his inner circle deeply distrusted the prime

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1042 Radwanski, Trudeau, 272-273.
1043 Gywn, The Northern Magus, 147.
1044 Ibid., 148.
1045 Clarkson and McCall, The Magnificent Obsession, 124.
1046 Radwanski, Trudeau, 274.
1047 Whitehorn, Canadian Socialism, 168.
1048 Ibid., 167.
minister.\textsuperscript{1049} New Democrats certainly had reasons to support Stanfield. Not only did he appear less autocratic and more likeable than Trudeau, the party could also gain additional leverage if it chose to cooperate with the Conservatives.\textsuperscript{1050} But others were more forward-looking. With another election looming, veterans like Tommy Douglas and Stanley Knowles feared a repeat of the electoral disaster that had struck the old CCF in 1958 after it had cooperated with the Conservatives during the first Diefenbaker minority.\textsuperscript{1051} New Democrats and Conservatives were fierce electoral competitors in western Canada. This reality alone made cooperation with the Tories a dangerous prospect for many New Democrats. Finally, many New Democrats simply could not see any ideological basis for cooperating with the Tories, who themselves had decided that they would not make any concessions towards the NDP. They were instead itching for an election, which they believed would destroy Trudeau and annihilate the NDP, along the lines what had happened in 1958.\textsuperscript{1052} New Democrats certainly shared more common ground with the Liberals than with any other party in the Commons. Rumors about secret merger talks had made the rounds in the early 1960s\textsuperscript{1053} and in the early 1970s the press speculated once more about a possible coalition between Liberals and New Democrats. These private conversations between Lewis and MacEachen eventually became public knowledge. This deliberate leak by critics of Lewis left the NDP leader with no other choice than to rule out any formal arrangement with either the Liberals or the Conservatives.\textsuperscript{1054} Notwithstanding this rhetoric, Lewis privately met with MacEachen several times to negotiate a range of issues, sometimes with, sometimes without knowledge of his caucus. The clandestine nature of these meetings points to the central problem facing the NDP in this period: who would end up getting the credit for the policies that would flow out of its partnership with the Liberals? The ‘reform-minded’ Liberals who implemented these measures or the third party that had proposed them?\textsuperscript{1055}

Once parliamentary business resumed, Trudeau followed MacEachen’s instruction to a tee. In the Speech from the Throne, he announced that his government

\textsuperscript{1049}Gwyn, \textit{The Northern Magus}, 148.
\textsuperscript{1050}Whitehorn, \textit{Canadian Socialism}, 168.
\textsuperscript{1051}Gwyn, \textit{The Northern Magus}, 148.
\textsuperscript{1052}Morton, \textit{The New Democrats 1961-1986}, 146.
\textsuperscript{1053}Whitehorn, \textit{Canadian Socialism}, 168.
\textsuperscript{1054}Gwyn, \textit{The Northern Magus}, 148-149.
\textsuperscript{1055}Whitehorn, \textit{Canadian Socialism}, 168.
was prepared to adopt an almost congressional approach on legislative matters. Parliamentarians could accept, amend or defeat Liberal proposals as they saw fit. But some proposals would be “matters of principle” whose defeat would require an election and the government reserved the right to determine, which proposals fell into which category – and not necessarily in advance of any eventual defeat. So the opposition had to walk a fine line, because any bill it defeated, no matter how minor it might appear, could suddenly set off an election. These provisions also meant that the opposition parties would have to make their intentions explicit if they wanted to bring down the government. This sophisticated form of brinkmanship aimed squarely at the NDP. Holding the balance of power, it would lose the most with an early election, which would have amounted to a run-off between the Liberals and Tories. Lewis, more than familiar with his party’s history of “righteous realpolitik,” heard the Liberal message loud and clear. But his acceptance of it came with a price and the influence of the NDP soon became apparent. Pushed by New Democrats, the Trudeau Liberals showered families, the unemployed, seniors, veterans and low-income people with new benefits. While not as generous as the NDP might have liked, these measures went beyond what these groups might have received from a majority government during a period of economic stagnation. New Democrats also made their weight felt in other areas. The Liberal government quietly withdrew proposed unemployment insurance changes when the NDP signaled its hostility towards the measure. NDP pressure also helped launch a board that reviewed food prices. The Trudeau minority also strengthened the Foreign Investment Review Act of 1973 thanks to pressure from the NDP in taking a turn to the left.

Steps of this sort helped the Liberals stay in power and earned the NDP parliamentary respect and political prestige across the country. A survey published at the end of 1973 found that two-thirds of Canadians believed that Parliament should carry on in its current constellation. In fact, another poll found that more than two-thirds of

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1056 Radwanski, *Trudeau*, 274.
1058 The government increased old pensions and indexed them to the cost of living. Family allowance payments, Canada Pension Plan benefits and veteran allowances also rose. Low-and-middle income earners received a tax cut and the government subsidized milk and bread prices. Radwanski, *Trudeau*, 280.
surveyed Canadians felt that the NDP would continue to support the Trudeau minority.\textsuperscript{1062} Yet Lewis was prepared to defy public expectations when he summoned his caucus for an emergency meeting in August 1973. The issue? Soaring food prices! Increasingly resentful of propping up the Liberals, Lewis argued that the higher food prices would be legitimate grounds for toppling the Liberal government. The caucus disagreed. New Democrats instead presented the Liberals with new demands, which they largely accepted, much to the disappointment of Lewis, who had earlier told party convention delegates that constituencies should prepare themselves for an election.\textsuperscript{1063}

This pattern reached a climax in the fall of 1973 when the Yom Kippur war between Israel and Egypt caused a massive spike in global oil prices. This shock aggravated regional tensions in Canada and simultaneously enhanced the lobby leverage of the energy sector. Whereas western Canada benefited from the oil shock as an exporter, eastern Canada felt its full brunt because it depended on foreign imports under the dictate of the huge multi-national companies in charge of the Canadian petroleum industry. With prices soaring and Canadian reserves draining, these companies were now asking Ottawa to help finance the exploration and exploitation of new domestic sources, including the tar sands of Alberta.\textsuperscript{1064}

The Liberals responded to the shock by temporarily freezing energy prices and imposing a tax on oil exports. Once the Arab nations had lifted their oil boycott, the Liberals lifted the price freeze, much to the disappointment of the New Democrats, who responded by drafting a series of demands. They included among others the continuation of the domestic price freeze and the creation of a national petroleum corporation, eventually known as Petro Canada. The NDP’s message was simple but stark. Develop a national energy policy or contest a winter election! The Liberals responded by accepting virtually every line demand. Trudeau promised a single national energy policy, a national petroleum corporation and the extension of the price freeze through the heating season. The Liberals even promised money for exploiting the Alberta tar sands and approved a natural gas pipeline through the Mackenzie Valley. For Lewis, these concessions amounted to an unexpected public policy victory. Privately, the NDP leader suspected

\textsuperscript{1062} Ibid., 162.
\textsuperscript{1063} Ibid., 156-157.
\textsuperscript{1064} Ibid., 158.
that the Liberals had robbed him of an electoral issue. It would not be the last time he felt as if he was making New Democrats redundant. In a way, the Liberals had no other option than to accept these demands. In the winter of 1973, the minority government trailed the Tories badly in the polls and energy had become the defining issue. As for the New Democrats, it is not clear whether they would have benefited from an early election. But the Liberal response to the oil shock caused considerable conflict between the federal NDP and provincial NDP governments in Manitoba and Saskatchewan under premiers Ed Schreyer and Allan Blakeney. The federal party favoured the oil export tax and price controls; Schreyer and Blakeney argued that these measures subsidized eastern Canada at the expense of western Canada. Equally divisive was the relationship between Lewis and B.C.’s NDP Premier Barrett, whose government was starting to lose popularity in a province crucial to New Democratic fortunes. To make matters worse for the NDP, Trudeau’s poll numbers were rising and along with it, his desire to contest another election.

When Liberal finance minister John Turner tabled his budget at the beginning of May 1974, the 29th Parliament was visibly dying. New Democrats, their nerves jangled by six months worth of internal and external political intrigue, were just looking for an excuse to pull the plug, an instinct that served the Liberals just fine, because they had prepared a budget that would serve them well one way or another. On one hand, Turner had made the budget unappealing to New Democrats by ignoring their demands for higher corporate taxes. On the other hand, the budget included several measures bound to be popular with the public. Under the proposed budget, some 300,000 Canadians would no longer pay income tax and all would be spared paying sales tax clothing items. Better yet, if the NDP were to defeat the Trudeau minority on the budget, the Liberals could accuse the NDP of killing several pieces of pending legislation, including a small business loan act, a fisheries improvement loan act, a farm improvement loan act, and support for Air Canada and the Canadian National Railways. This list of ‘endangered’ legislation also included a bill taxing excess profits, which

1065 Ibid., 159.
1067 Radwanski, Trudeau, 282.
1069 Radwanski, Trudeau, 282-283.
would have earned the Canadian treasury some $800 million. In other words, the Liberals were prepared to accuse New Democrats of siding with corporations in forcing Canadians to ‘cough up’ an extra $800 million in foregone revenue, should they force an early election!1070 It was a clever trap and the New Democrats walked right into it in by toppling the Trudeau minority on a confidence vote, much to the delight of Liberal strategists. For his part, Trudeau could not quite believe his fortunes. The NDP had forced an early election without offering a clear rationale1071 beyond the limp slogan “People Matter More.” Worse, the party’s anti-corporate rhetoric sounded worn out and failed to resonate with voters once the campaign had started.1072 Lewis, “the best policy chairman the Liberals ever had,”1073 had in effect spent his ammunition before the battle started. New Democrats eventually changed their approach by attacking Tory plans for wage and price controls in trying to remain competitive in western Canada. In doing so, they were once again aiding Trudeau.1074

Not that the Liberals needed much help during the campaign. The central plank of the PC platform – wage and price controls to battle inflation – lacked intellectual sturdiness and underwent frequent repairs. It invited mockery from Trudeau (“Zap! You’re Frozen!”) and reversed the respective roles of the Liberal government and Tory opposition. It was Stanfield not Trudeau, who had to defend his record,1075 as if he had been the leader of a minority government that had suffered more than its fair share of humiliations at the hands of the NDP.1076 Trudeau, meanwhile, reminded voters they were heading to the polls because the opposition had defeated the Liberal budget and its pro-inflation measures. Liberals reinforced this image of an active government by offering a barrage of social policy promises in the areas of housing, transportation, consumer protection, agriculture, social security and several other areas. Their respective details did not matter; the appearance of a caring government did. And if the public

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needed any more proof that Trudeau had learnt the lessons of his minority government, they could see it on the campaign trail, where he was far more engaged and enthusiastic. Voters responded to this transformation by giving the Liberals a majority of 141 seats on 42.2 per cent of the popular vote, compared with thirty-five per cent for the Tories, sixteen per cent for the NDP and five per cent for Social Credit. This victory was not a landslide. Pervading regional patterns remained untouched. But the coalition that had first elected Trudeau returned home. Young people, more than seventy per cent of first-time voters broke for the Liberals, had once again fallen in love with Trudeau, only this time for different reasons. As Davey later said, “it was his victory. He campaigned as hard as any one and the fact that he wanted to win came across.”

Radwanski suggests that Trudeau’s deliberate transformation into a conventional politician dimmed his personality. If so, it was a choice that Trudeau had made consciously. When a disapproving interviewer confronted Trudeau during a 1973 interview with Henry Clay’s dictum, “I would rather be right than be President,” his answer was revealing. “Well, I forgot who said that, but he probably wasn’t in politics and he probably was never President,” Trudeau scoffed. “You know, if I wanted to be right rather than prime minister, I’d have stayed at university.” In short, Trudeau willingly paid the price that the electorate had demanded of him and if he had not done so, his minority government would have likely suffered the same fate as the second Diefenbaker minority. The fact that it defied the downward trajectory of his tenure as prime minister is remarkable if we consider the historical record. Three of the nine minority governments that have governed Canada since 1945 were continuations of majority governments by the same party – the second Diefenbaker minority, the Martin minority and the Trudeau minority. Only the Trudeau minority regained the majority status its majoritarian predecessor had lost and it arguably held far worse cards than either of the other two minorities. This record is also part of the Trudeau phenomenon. It certainly speaks to his personal uniqueness and his effectiveness as a politician. As noted earlier, the late Toronto Star columnist James Travers once argued that the “art of minority government” lies “in engineering defeat on the most favourable terms.” If so,

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1077 Clarkson, The Big Red Machine, 47.
1078 Quoted in Ibid., 49.
1079 Quoted in Radwanski, Trudeau, 281.
Trudeau ranks among the most artistic practitioners of minority government, with a considerable debt owed to MacEachen who had initially conceived the winning strategy. Admittedly, Trudeau’s success was ‘bought’ by way of expensive social policies. But for the era, this behaviour was only legitimate.

6.3 The Clark Minority

This section examines the effectiveness of Progressive Conservative minority under Prime Minister Joe Clark. It holds several distinctions, many of them of the infamous sort. On the one hand, its head was the youngest person ever elected prime minister and holds the singular distinction of having beaten Trudeau in an electoral contest. On the other hand, the Clark minority held office for only 186 days. Among minority governments, only the first and far more successful Diefenbaker minority was briefer.\textsuperscript{1080} The 31\textsuperscript{st} Parliament, with which the Clark minority coincided, lasted sixty-six days, the shortest tenure on record. Not surprisingly, the Clark minority tabled and passed little legislation. During a singular parliamentary session that lasted forty-nine days, it tabled twenty-eight government bills, of which six received royal assent (Table C.9).\textsuperscript{1081} Its overall success rate of 21.4 per cent ranks as the lowest of all the federal minority governments since 1945. So what was responsible for its ineffectiveness? We will see below that the Clark minority made a number of tactical and strategic mistakes in fundamentally misreading its political situation. Perhaps the most significant of those was its decision to table an unpopular budget that challenged the prevailing economic consensus. This “new economic catechism” as Simpson called it, set its sights on reducing the country’s unfavourable trade balance, budgetary deficit, devalued currency and growing dependence on foreign oil.\textsuperscript{1082} While courageous in its desire to deal with


the economic mismanagement of the Trudeau years,

this economic reformation was not only heretical, but also politically reckless. But before we can pick through the ashes of the Clark minority, we must first perform an autopsy on its predecessor – Trudeau’s second majority. According to Clarkson, the Liberals lost the election of 1979 on the very day they had resumed office in July 1974. When Trudeau finally launched his long-delayed election campaign in March 1979, the rot within the party was visible to all. All the party could do was prevent a disaster.

The decline of the Liberal party between 1974 and 1979 had two broader dimensions. First, the Liberal government elected in 1974 did not know how to use its majority. Starting with Trudeau, the party relapsed into dangerous inaction. Perhaps Trudeau was rewarding himself with a long period of relaxation following his stressful minority. Perhaps his yet-to-be disclosed marital difficulties with Margaret, who left him in March 1977, threw him off balance. Either way, the government drifted away from the moderately reformist principles that it had traditionally claimed as its central mission, partially because the NDP no longer held the parliamentary balance. Without the NDP playing a balancing role, the Liberals tacked towards the right, especially on economic issues.

In fact, the Liberals eventually adopted a price control scheme after they had campaigned against this very measure. Worse, Trudeau’s majority was starting to lose key personnel. In September 1975, popular finance minister Turner resigned because he was getting tired of being Trudeau’s successor-in-waiting. Other resignations followed. Environment minister Jean Marchand resigned in October 1976 after Trudeau had reached a compromise in a dispute over bilingual air traffic control services that many French-speakers considered a sell-out. National defence minister James Richardson also stepped down because he could not agree with Trudeau’s determination to protect

\[\text{1083} \] Just before Trudeau became prime minister, Canada’s net federal debt was about $18 billion – 26 per cent of gross domestic product (GDP). By his final year in office, it had ballooned to $206 billion – or 46 per cent of GDP. Coyne notes that these numbers might have lost their power to shock. After all, it was the Tories who ran up the debt to more than $500 billion by 1993 after taking power in 1984. “But the truth is that the relentless rise in the debt that has all but consumed federal politics for the past decade or more was set in motion during the Trudeau years,” Coyne said. “By the last day of his regime its momentum was unstoppable.” Coyne, “Social Spending, Taxes, and Debt,” 225-226.

\[\text{1084} \] Clarkson, The Big Red Machine, 51

\[\text{1085} \] Ibid., 49-52.

\[\text{1086} \] Clarkson and McCall, The Heroic Delusion, 136-137.

\[\text{1087} \] Clarkson, The Big Red Machine, 52-53.

\[\text{1088} \] Radwanski, Trudeau, 338-339.
French in the promised new constitution. These two resignations, which would not be the last ones, also hinted at one of the central problems facing his government. For French-speakers, Trudeau was a villain, who had capitulated to the English-speaking majority in settling the air traffic controller strike. To English-speakers, this very settlement was evidence of creeping ‘French’ power. Not surprisingly, Trudeau’s poll numbers dropped. By fall of 1976, just twenty-eight per cent felt that Trudeau was still the most qualified man to be prime minister. Clark, who had just won the Tory leadership on the fourth ballot by a mere sixty-five votes as the ultimate compromise candidate opposed by the majority of the Tory caucus, polled at thirty-eight per cent. It would take another shocking event, the election of Levesque’s separatist provincial government, for Canadians to briefly remember that Trudeau was still prime minister.

Second, Trudeau repeated his earlier mistake of ignoring input from Liberal rank-and-file members. Power drifted back into the Prime Minister’s Office, much to the disappointment of the membership-at-large and the caucus. Morale dropped accordingly with consequences for the government’s legislative effectiveness. Time after time, the government had to withdraw or amend legislation after backbenchers had revolted over its content. For all the positive accomplishments, at least from the perspective of Liberals, such as the creation of Petro-Canada, the abolition of capital punishment and the appointment of former Manitoba NDP premier Ed Schreyer as Governor General, the government was limping from failure to failure despite possessing a majority. The “can-do” Liberal party of St. Laurent and C.D. Howe had become the “can’t-do-anything-right” party of Trudeau. Confirmation of this label came in November of 1976 when the auditor-general openly repudiated the Liberal reputation for competent government. “Parliament – and indeed the Government – has lost, or is close to losing,
effective control of the public purse,” his annual reported stated. The numbers certainly justified this conclusion. Between 1973 and 1978, the annual deficit quintupled from $2 billion to $10.5 billion. Persuaded by his political ally and personal friend German chancellor Helmut Schmidt, Trudeau proposed deep government cuts in the fall of 1978, but without consulting his then-finance minister Jean Chrétien, who felt deeply humiliated by the abrupt announcement. This personal and political affront certainly confirmed Trudeau’s image as an incompetent manager of the public purse. A number of scandals, some minor, others more serious, also added to the air of incompetence that surrounded the Liberals.

Not surprisingly, Liberal operatives feared another Gritterdämmerung when Trudeau finally dissolved Parliament. And had it not been for the relentless work of Trudeau’s inner circle to save what could be saved, their worries might have come true. While Trudeau could claim victory during the one and only televised with Clark and New Democratic leader Ed Broadbent, the Liberal campaign suffered from several deficits. First, it was poorly organized on the ground. Second, it lacked money. Most importantly, it lacked energy. If the campaign was as crucial to the survival of Canada as the Liberals claimed, they certainly did not project this urgency during the campaign, which actually recycled elements from 1974. In fact, Trudeau’s performance created the impression of a farewell tour. Clark, on the other hand, countered his obvious stylistic deficits with substantive (but also expensive) policy announcements, much to the delight of the media, who had become increasingly hostile towards Trudeau. While Trudeau might have had a point when he told audiences that Clark was morphing from a “red Tory” into a “red ink Tory,” such clever lines were starting to lose their impact, as evident by dropping Liberal support. A growing number of voters, especially English-Canadians, no longer believed the Liberal rhetoric that the country was doomed in case of a Conservative victory. A Gallup poll published after the May 22 vote suggested as much when thirty-seven per cent said it was time for a change. Still, the Liberals could

1097 Quoted in Clarkson, The Big Red Machine, 54.
1098 Ibid., 54-56.
1099 Clarkson, The Big Red Machine, 54-55.
1100 Clarkson and McCall, The Magnificent Obsession, 139-154.
1101 Clarkson, The Big Red Machine, 54-55.
1102 Ibid., 63, 79-82.
count on strong regional support in Quebec and a frantic, last-ditch effort during the final days of the campaign held Clark to a minority. At the time of dissolution, the Liberals held 134 seats, the Conservatives ninety-seven, New Democrats seventeen, Créditistes nine, and Independents five. Two seats were vacant. Redistribution increased the number of seats to 282 from 264. Following the election, the Conservatives could claim the plurality of seats with 136 – six shorts of a majority (Table B.6). The Liberals ‘won’ 114 seats. The NPD won twenty-six seats while the Créditistes under their leader Fabian Roy won six. But this victory was hardly convincing as the Liberals had won the popular vote, finishing with forty per cent, compared with thirty-six per cent for the Tories, eighteen per cent for the NDP and five per cent for the Créditistes.

Reactions to these results varied. Scholars such as John Meisel and Michael Bliss proclaimed the election of 1979 as a defining contest that would leave the ailing Liberals out of power until the end of the century, views echoed later in more recent times. This prediction premised on the belief that the PCs were riding on a conservative wave that had started on other side of the Atlantic with the recent election of Margaret Thatcher as Prime Minister of the United Kingdom and would bring in Ronald Reagan to power in 1980. Clark seemed to have reached this conclusion himself when he proclaimed that he would govern as if he had won a majority. "I’m proceeding on the assumption that the Progressive Conservative Party has won a mandate to govern," he said shortly after the election. "I intend to carry out that mandate." As Trudeau would later remark, those were indeed “courageous words from a leader whose government can be defeated any day and on any question by the combined forces of the opposition parties, a leader who failed to convince the people to give him a majority, a leader whose candidates won half a million votes fewer than the Liberal candidates.” Other commentators agreed with Trudeau in concluding that Canadians had not chosen a Tory government but instead defeated a Liberal government, an analysis that actually echoed Meisel’s

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1103 McCall and Clarkson, The Heroic Delusion, 137-138.
1104 Clarkson and McCall, The Magnificent Obsession, 145.
1105 Quoted in Russell, Two Cheers for Minority Government, 36.
1106 Quoted in Gervais, “Minority governments in Canada,” 222.
1107 Troyer, 200 Days, 84.
assessment of the 1957 election. If so, Tories were hoping that history would repeat itself because 1957 set the stage for the largest parliamentary majority in Canadian history.\footnote{LeDuc, Pammett, et al., Dynasties and Interludes, 319.}

This hope was not entirely unjustified. The results of 1979 bore a striking resemblance to the results of 1957. Like 1957, voters had grown tired of a long-serving but arrogant government.\footnote{Jeffrey Simpson, “PCs 135, Liberals 115, NDP 26,Creditistes 6,” Globe and Mail, May 23, 1979, 1.} Also as in 1957, the Liberal front bench felt the full force of the public’s discontent as thirteen ministers lost their posts.\footnote{Troyer, 200 Days, 83.} Lastly, the country split along regional lines, with language being the deciding factor. As in 1957, the Liberals ran up huge margins\footnote{Simpson, “PCs 135, Liberals 115, NDP 26,Creditistes 6,” 1.} to win sixty-seven out of seventy-five possible seats in Quebec,\footnote{Geoffrey Stevens, “No Muffled Voice,” Globe and Mail, May 24, 1979, 7.} where the Tories won just two seats, short of the five that they had hoped to win. And only one of these two MPs (Roch Lasalle) was a francophone.\footnote{Geoffrey Stevens, “A great night for Joe,” Globe and Mail, May 23, 1979, 6.} Western Canada, including British Columbia, broke largely for the Tories as they won fifty-eight out of seventy-seven ridings with Liberals finishing a distant third behind the NDP. Like in 1957, the election turned in Ontario,\footnote{Troyer, 200 Days, 83.} where the Tories won many of the identified swing seats.\footnote{Simpson, “PCs 135, Liberals 115, NDP 26,Creditistes 6,” 1.} The party dominated the Liberals in southwestern and central Ontario, as well as the suburbs of Greater Toronto to win fifty-seven out of ninety-five seats, leaving the Liberals with only thirty and the NDP with seven.\footnote{Simpson, “PCs 135, Liberals 115, NDP 26,Creditistes 6,” 1.} Indeed, the Tories’ performance in Ontario exceeded their expectations by eight seats. Yet it was not strong enough though to overcome the strong showing of the NDP west of Ontario, where they won multiple western seats said to be safely in the PC column.\footnote{Geoffrey Stevens, “A great night for Joe,” 6.} Overall, Tories had reasons to like their chances of forming a majority in the next election. They were just six seats shorts of a majority and their path towards a majority appeared straightforward: weather the initial period of transition; govern for a period of time; and then ask Canadians for a majority, just as Diefenbaker had done after winning a minority in 1957.
But 1979 was not 1957. Diefenbaker might have swamped the listless St. Laurent Liberals after his surprise victory almost twenty years earlier, because the Grits were unprepared for their opposition. But Clark was no Diefenbaker and the Liberals still possessed much energy, despite expectations that Trudeau might not like the role of opposition leader. The Conservatives were well aware of the fact that the public treated their hold on power with a certain measure of skepticism. They knew that more Canadians had voted for Trudeau and the Liberals and they could read the polls that showed Clark’s tenuous grip on the public’s imagination. A Gallup poll produced the very week Clark assumed office revealed that only seven per cent of Canadian voters considered him the most effective leader in the country. This skepticism appeared particularly profound in Quebec, where Clark failed to resonate with francophone federalists. In a way, the Clark minority resembled Mr. Tur Tur, the illusionary giant from the universe of Jim Button and Luke the Engine Driver. From a distant, the Clark minority appeared powerful, only to shrink as one approached it. Perhaps Diefenbaker knew something others did not when he said that, “Canada celebrated the year of the child by electing Joe Clark as prime minister.”

If the less-than-compelling public persona of Clark was the focal point of his minority government, it featured two additional liabilities in its pursuit of a majority. First, it lacked an obvious parliamentary partner. While the New Democrats had played an instrumental role in inspiring many pieces of legislation during the Trudeau minority, their support for the Liberals hurt them at the polls in 1974. So they were not about to drink from the same poisoned chalice, if offered the prospect of propping up yet another minority government. New Democrats therefore kept close counsel after the election with the hope that they could retain some freedom of action, while still achieving progress on their stated priorities, namely inflation, health care funding and economic independence. But this understandable yearning for political maneuvering room also meant that the coming Parliament would be one of shifting political alliances, a prospect that raised the

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1118 Clarkson and McCall, *The Magnificent Obsession*, 154-158.
1120 Troyer, *200 Days*, 84.
1121 Ibid., 46.
possibility of premature defeat.  

Créditiste leader Fabien Roy confirmed this possibility when he said that his small faction would support legislation on a case-by-case basis. “We will be watching very close,” he said. “We won’t hesitate to support those measures we favor. But we also won’t hesitate to fight measures which perpetuate the disequilibrium among the regions of the country and that don’t take account of the particular needs of Quebec and individual provinces.”

To make matters worse, the Tories antagonized Roy, despite the fact that the Créditistes shared more ideological space with the PCs than with the New Democrats.

The second liability was the state of the Canadian economy, much of it tied to the fate of the U.S. economy. When the Tories assumed power, they faced a quintet of pressing problems: (i) rising inflation; (ii) oil shortages; (iii) high unemployment; (iv) stagnating export markets; and (v) a near-record federal deficit of $11 billion. Clark had pledged during the campaign that a future Conservative government would cut various taxes by some $2 billion and boost the economy with spending worth $3.4 billion to counter an expected downturn in the American economy. Critics including Trudeau countered that these measures would merely stoke inflation and make it nearly impossible to cut the budget deficit. In fact, the deficit would likely go up. In doing so, it would likely spook international investors and put downward pressure on the Canadian dollar in raising interest rates and import prices. Clark also made several other economic promises. First, he promised voters that they would able to deduct mortgage interest and property tax rates for personal residences from their taxes. Second, he promised to cut the public service by 60,000 positions over three years, a deflationary move that would also increase the deficit by escalating unemployment insurance payments. Third, he promised to privatize Petro-Canada. Clark. In short, he was trying to cut the budget deficit, all while stimulating the economy and doling out political gifts during a period of high prices and stagnating revenues. Not surprisingly, many
economists did not believe Clark would be able to reconcile these contradictory promises, a prediction confirmed by the record. Be that as it may, it was clear that the economy would dominate the agenda of the Clark minority. And if it would be unable to deal with it in due course, it would eventually own the problem, granting the opposition a legitimate reason rather than a plausible pretext to topple the government.

Mindful of this context, Clark made a historic decision. After Clark had assumed office on June 4, 1979, following a slow but amiable transfer of power, he deliberately delayed the opening of Parliament until October 9. No prime minister had ever waited more than four months to meet the House following an election. The reasoning behind this move, which bore some resemblance to a decision Diefenbaker had made in 1957, was simple. After sixteen years in opposition, the Tories needed time to achieve two related goals: (i) gain familiarity with government files; and (ii) develop a plan that would eventually lead to a majority. This process started with the appointment of a cabinet, a task that proved difficult for at least two reasons. First, the Tories starting with Clark himself lacked executive experience. Only four members of the Clark cabinet had ever held cabinet posts on the federal or provincial level. A fifth member, Fisheries and Oceans Minister James McGrath, had served Diefenbaker as parliamentary secretary. This lack of experience was inevitable after sixteen years on the opposition benches, but not necessarily fatal as the first Diefenbaker minority revealed. But Clark compounded this condition. Only five of his twenty-nine ministers received the portfolio that they had shadowed as opposition critics, a miscasting that caused considerable puzzlement. In fact, some critics did not receive a call to cabinet at all. Second, the

1129 Cheveldayoff, “Major problems on fiscal scene confronts Tories,” 1.
1130 Troyer, 200 Days, 79
1131 Doug Small, “After 100 days of stumbling, honeymoon is over for Clark,” Globe and Mail, September 10, 1979, 8.
1132 Jeffrey Simpson and Mary Trueman, “No fresh faces from Quebec in Clark Cabinet,” Globe and Mail, June 5, 1979, 1.
1133 Ibid., 82.
1134 Ibid., 82.
1135 Geoffery Stevens, “Tory poverty in Canada,” Globe and Mail, June 5, 1979, 6. By way of contrast, the first minority of Lester Pearson showed more skill in the appointment process. Most of the major appointments went to the individuals who had held the corresponding posts in the shadow cabinet. McCall-Neman, Grits, 43.
1136 Troyer, 200 Days, 81-82. Critics excluded from cabinet included veterans George Hees from Ontario and Alvin Hamilton from Saskatchewan. Simpson and Trueman, “No fresh faces from Quebec in Clark Cabinet,” Globe and Mail, 1.
cabinet lacked regional balance.\textsuperscript{1137} The lack of representation from Quebec was particularly glaring and confirmed the impression that Clark gave Quebec no particular priority, despite the promotion of French during official government functions including cabinet meetings.\textsuperscript{1138} In fact, Quebec’s separatist government was pleased that Clark rather than Trudeau would speak for Ottawa as the scheduled referendum on “sovereignty-association” approached.\textsuperscript{1139}

Clark tried to resolve his Quebec problem by reaching into the Senate.\textsuperscript{1140} But this solution actually undermined Conservative credibility. Clark had first told the media that he would not appoint more than two senators to cabinet. But the Quebec duo of Martial Asselin and Jacques Flynn eventually turned into a trio when defeated Tory MP Robert Rene de Cotret joined them as Minister of Industry, Trade and Commerce and Minister of State of Economic Development after Clark had made him a senator.\textsuperscript{1141} De Cotret, who lost his Ottawa Centre seat because he had called for civil service cuts,\textsuperscript{1142} was certainly a suitable choice. A former Conference Board of Canada president, Progressive Conservatives considered de Cotret their chief spokesperson on economic issues.\textsuperscript{1143} He arguably possessed more experience than any Liberals who had served Trudeau.\textsuperscript{1144} While hardly unprecedented, the manner of his appointment earned Clark considerable criticism. And even after Clark had announced his cabinet, he said that he would continue to adjust its make-up as suitable talent became available. This announcement was neither an endorsement of the ministers whom he had appointed, nor a signal of future stability. \textbf{But these early stumbles were hardly the worst ones.} Two early missteps deserve additional description. One would damage Canada’s reputation abroad and earn Clark the image of a flip-flopper at home, while the other would rob him of a would-be parliamentary ally in contributing to his eventual defeat.

\textsuperscript{1137} In end, each province received cabinet representation. Ontario received 12 ministers, the West eight, the Atlantic region five and Quebec four. The Yukon also received a post.\textsuperscript{1138} Trover, \textit{200 Days}, 81.\textsuperscript{1139} Plamondon, \textit{Blue Thunder}, 301.\textsuperscript{1140} LeDuc, Pammelt, et al., \textit{Dynasties and Interludes}, 319.\textsuperscript{1141} Trover, \textit{200 Days}, 81.\textsuperscript{1142} Geoffrey Stevens, “Promises to keep,” \textit{Globe and Mail}, May 29, 1979, 7.\textsuperscript{1143} John Picton, “PC supporters disappointed by minority,” \textit{Globe and Mail}, May 23, 1979, 9.\textsuperscript{1144} \textit{Globe and Mail}, “A Matter of Confidence,” May 9, 1979, 6.
Always an ardent supporter of Israel, Clark had campaigned in 1979 on the promise of moving Canada’s embassy from Tel Aviv to Jerusalem with an eye to wooing Jewish voters in a handful of ridings Toronto ridings. Shortly after assuming office, Clark announced the move, much to the quiet consternation of civil servants under the control of Canada’s Minister External Affairs Flora MacDonald and the audible chagrin of the Palestine Liberation Organization and its Arab allies. Even the United States, arguably the most ardent supporter of Israel, expressed its dissatisfaction with Clark’s decision. More was to come. Arab newspapers quickly floated the possibility of an oil boycott. African Commonwealth leaders, many openly pro-Arab, questioned Canada’s direction and praise from European leaders was more perfunctory than genuine. The domestic fallout also escalated. Equipped with government and corporate statistics, various commentators and organizations began to add up the potential economic costs. Canadian exporters, for example, estimated that the proposed move would cost anywhere between 23,000 to 65,000 jobs. The Canadian dollar also dipped when Arab financiers announced that they would freeze their Canadian investments. The other side was hardly idle though. Both Israel and voices representing Jewish interests in Canada including Ron Atkey, the MP who had benefited from Clark’s initial pledge, upped the pressure on the Clark minority, now desperately looking for a face-saving retreat. In the end, it came courtesy of MacDonald, who had convinced Stanfield to act as Clark’s “special representative” tasked with studying the thorny issue, with the implicit understanding that Stanfield would recommend against moving the embassy. By the time, Stanfield had finished his report, Parliament resumed. Clark, to his credit, released Stanfield’s damaging and costly report to the public before announcing in the Commons that the embassy would not move after all, but not after having tried to fudge the issue one more time.

This reversal, which would not have been necessary if Clark had chosen to stick with his original position of leaving the embassy right where it was and still remains today, defined Clark as a vacillating leader. Every government develops an image, a shorthand metaphor by which the public can easily describe its reactions to a leader, Troyer says. Such labels generally fail to gain traction until after the new leader’s honeymoon had ended. Sometimes, they are cruel and often unfair. But they often become fundamental and inescapable barometers of the political climate, Troyer
notes. Yet the embassy affair, despite its collateral damage, had no immediate impact on the parliamentary situation facing the Tories. Clark needed six votes to form a minimum winning legislative coalition and he could have easily garnered the necessary votes if he had chosen to simulate the sort of crocodile tears that allowed Trudeau to stay in office during his minority government. Recall that Trudeau found a parliamentary partner in the NDP and Roy’s faction could have played the role of the NDP in Clark’s minority. Yet Clark chose otherwise. Notably, Clark had met Roy after the election to discuss various policies including the parliamentary status of his faction, which was well short of the 12-member minimum. Créditistes considered recognition as an official party crucial to their success. It would have meant a research budget and other parliamentary rights, not to mention a higher salary for their leader. Yet Clark waffled. Towards the middle of the month, it eventually became clear that Clark would not grant Roy’s group official party status, partly because Clark had received pressure from defeated Tory candidates who had run in Quebec. This move, which meant that Roy would receive the salary of a regular MP, was yet another sign from Clark that he was prepared to govern as if he already had a majority. While understandable, this decision also angered Roy. Relations between the Tories and the Créditistes continued to sour in September when Créditiste Richard Janelle joined the Tories, risking to the rank of parliamentary secretary to economic expansion minister Elmer Mackay just weeks after having joined the Tories.

On the surface, this defection appeared like a coup for the Tories, because it left the public with the impression that their party was after all an attractive option for unilingual francophones from Quebec. This development also moved the Tories closer to a majority. With Janelle “corralled,” the government was just three members short of a one-vote majority in the House after Clark had re-appointed Liberal MP James Jerome as Speaker. Not surprisingly, the Tories stepped up their efforts to recruit

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1145 Trover, 200 Days, 58-59, 73.
1147 Canadian Press, “No Common Status for MPs, Socred says,” Globe and Mail, June 18, 9.
1148 Trover, 200 Days, 161.
1149 Canadian Press, “Ex-Socred among new parliamentary secretaries,” Globe and Mail, October 9, 8.
1150 Trover, 200 Days, 161.
1151 Ian Rodger, “Clark welcomes Quebec Socred into Tory caucus,” Globe and Mail, September 24, 1.
1152 Trover, 200 Days, 161.
dissatisfied Créditistes and Liberals to their ranks. But this effort, proved to be counterproductive. While Roy saw his parliamentary power diminish, the Globe and Mail’s Rodgers was quite prophetic when he speculated that Janelle’s defection “could also cause the Tories a problem if the Socreds (retaliated) by refusing to support the Government.” For his part, Roy did not wait to show his displeasure when he asked the RCMP to investigate the Tories for “possible illegal activities” during their recruitment drive, which Clark eventually curtailed. Specifically, Roy wondered whether the Tories broke Sections 107 and Section 108 of the Criminal Code dealing with the bribery of MPs, citing “rumours” that Clark had offered Janelle “a post or job” with his government, a charge that Clark denied. Similar denials came from Tory Solicitor-General Allan Lawrence, who dismissed the charge “as sort of a public relations dodge.” One way or another, Roy had grown increasingly resentful of Clark, whose image continued to suffer.

Plamondon struggles to understand Clark’s hostility towards Roy as evident by Clark’s recruitment of Janelle and his refusal to recognize Roy’s group. In 1974, Social Credit had received official party status with eleven seats. So Clark had precedent on his side to bend the rules. In fact, short of bringing Roy’s group into the Tory fold, Clark could have traded official party status for Créditiste votes. “Granting official status could have sustained a Conservative administration over many years,” Plamondon concludes. So what accounted for this behaviour towards Roy? Multiple reasons stand out. As suggested earlier, Clark had to satisfy internal factions within the Progressive Conservative party. While in office, Clark faced considerable pressure from Conservative backbenchers, not exactly a sign that Clark enjoyed full command over his caucus and cabinet. Other scholars suggest that Clark was determined to show the country, and likely his own caucus, that he was decisive. But Plamondon suggests that

1154 Rodger, “Clark welcomes Quebec Socred into Tory caucus,” 1.
1156 Ibid., 8.
1157 Ibid., 8.
1159 Plamondon, Blue Thunder, 302.
1160 “Some Tories prefer discreet recruiting,” Globe and Mail, October 1, 1979, 8.
this desire actually had the opposite effect. “Whenever he was accused of being weak and inexperienced, Clark proved his critics correct by taking unwise and uncalculated risks simply to demonstrate his manliness,” he says.\textsuperscript{1161} Notwithstanding this assessment, Simpson suggests that it made sense to go after Roy’s group, because it stood in the way of making gains in Quebec. It represented ridings where the Tories could be competitive because the Créditiste appealed to the same type of voters. In fact, Simpson notes that they resembled Tory MPs from eastern Ontario – self-made auto dealers or dentists, small-c Conservatives, hard liners on abortion and capital punishment.\textsuperscript{1162} So the best way to defeat the Créditistes was to rob them of their relevance in the Commons – hence Clark’s decision not to recognize Roy and his group.\textsuperscript{1163} But this approach was too clever-by-half. It was a medium-term electoral strategy rather than a short-term legislative strategy\textsuperscript{1164} that ignored one of the lessons of the Trudeau minority. If a government cannot count on a majority to stay in office, it must manufacture one, even if it means making painful policy concessions, as Trudeau did. Stability, in other words, is the first order of business. Once a minority government has sufficiently met this condition, it can contemplate its next moves. That is not to say that a minority government could not take these steps in quick succession. Clark, however, seemed to have taken the second step before the first step. This said, we shall see in a moment that Roy and his group supported Clark’s government during its early stages once Parliament resumed on October 9, 1979, starting with the Speech from the Throne.

“Brief, bland, and banal”\textsuperscript{1165} in the words of Troyer, the speech was barely longer than Diefenbaker’s first. But if the Prairie populist had filled his with specifics, few could be found in Clark’s. Noticeably, it remained silent on key issues, including the economy, energy, inflation and the place of Quebec within Confederation in light of Quebec’s looming referendum on sovereignty-association.\textsuperscript{1166} For example, it did not mention the $2 billion in tax cuts that Clark had pledged during the election campaign. Nor did it

\textsuperscript{1161} Plamondon, \textit{Blue Thunder}, 296.
\textsuperscript{1162} Troyer, \textit{200 Days}, 160.
\textsuperscript{1163} Simpson, \textit{Disciple of Power}, 30.
\textsuperscript{1164} Gervais, “Minority governments in Canada,” 216.
\textsuperscript{1165} Troyer, \textit{200 Days}, 156.
\textsuperscript{1166} Jeffrey Simpson, “Throne Speech stresses reform, but is silent on many key issues,” \textit{Globe and Mail}, October 10, 1979, 1.
specify how Canada would achieve energy-self-sufficiency by 1990. It also failed to mention the worsening unemployment picture. Some members of Clark’s cabinet were expecting that unemployment would rise from 7.2 per cent to 8.2 per cent in early 1980. Yet the speech did not offer any solutions. Inflation, set to reach double-digit figures, was also not mentioned. In other areas, such as government reform and transparency, the speech did not spare specifics in repeating several election promises, such as cuts in the civil service and the privatization of Petro-Canada. Reactions to the speech varied. Trudeau said his party could accept many of its initiatives, but criticized the Conservative approach towards federalism. Broadbent praised proposals for parliamentary reform, but lamented the lack of a coherent economic strategy. Commentators were also skeptical, if not critical. The Globe and Mail said in its editorial that the speech performed its central purpose of opening the session in offering some backhanded praise. Stevens, meanwhile, confirmed the general reaction by criticizing its lack of substance. It appeared as if Clark had wasted the long run-up to the return of Parliament. In the end, the Tories’ Speech survived two confidence votes, the second by a vote of 137 to 128 as the five Créditistes joined the Tories, who had also received some indirect help from the Liberals, as ten members of their caucus missed the vote.

Less than a month later, the Créditistes came to Clark’s rescue again after the Liberals had tabled a motion of non-confidence. But this time, the vote was much closer, with only two votes separating the Tories from defeat, partly because one Tory MP chose to stay in his riding rather than vote with his government because he was still feeling the sting of being passed over for cabinet. In the end, Clark ensured survival by offering the Créditistes policy concessions and granting official party status. As necessary as this move might have appeared at the time, it seriously damaged Clark. It publicly contradicted his claim that he was in charge, confirming his image as a weak

1167 Troyer, 200 Days, 155.
1169 Simpson, “Throne Speech stresses reform, but is silent on many key issues,” Globe and Mail, 2.
1170 Ibid.
1174 Ibid.
1175 “Oil deal appeases Roy,” Globe and Mail, November 7, 1979, 1.
leader. His government, largely based in English-Canada, was now depending on a small group of Quebec MPs for its survival. During his minority, Trudeau had gone from feigning humility to mocking his parliamentary partner. Clark was heading in the other direction. First, he toyed with Roy. Now, he had to swallow a heavy dose of humility. Worse, he had secured Roy’s support by promising him that Ottawa would set aside a special reserve of western Canadian oil for refineries in Quebec and the Maritimes to help deal with possible home-heating oil shortfalls as winter was approaching. He also told Roy that he would establish an Energy Supplies Allocation Board under the Energy Supplies Emergency Act of 1979. This board would have the power to ration energy. To top it off, Clark told the Commons that his government would unilaterally set the price of domestic oil if pending negotiations with Alberta failed.

These actions offended the most fundamental interests and stated principles of the prime minister’s party. A self-stylized champion of provincial rights who had vaguely described Canada as a “community of communities,” Clark was trying to save his government by threatening Alberta, the electoral heartland of the Conservative coalition governed by fellow Tory Peter Lougheed, with federal unilateralism for the material benefit of Levesque’s Quebec through authoritarian measures. Public reactions to this arrangement were harsh. Naturally, the Tories denied any connection between the confidence vote and their policies. They certainly created an opening for the Liberals in Ontario, who questioned Alberta’s influence on Canadian energy policy, with the status of the government-owned Petro Canada being a central point of contention. During the 1979 campaign, the Conservatives had promised to privatize the company, citing ideological and practical grounds. Alberta stood to benefit from privatization and hoped

1176 Ibid.
1177 Ibid.
1178 Troyer, 200 Days, 131-153.
1179 Plamondon, Blue Thunder, 301.
1180 Under the legislation that authorized the Energy Supplies Allocation Board, the government could have assumed authoritarian powers over virtually every aspect of Canada’s petroleum industry. Persons who committed offences under the act or its regulations would be liable to fines of as much as $20,000 or two years in prison or both - for every day on which the offence was committed. “Parliamentary roulette,” Globe and Mail, November 8, 1979, 6.
1181 In its editorial, the Globe and Mail was particularly critical of the proposed review board. “How dare Mr. Clark permit himself to be threatened by Mr. Roy into spawning such a board?” it wrote. “How dare opposition members play political games that make possible such risks to Canadian liberties? “Ibid.,” 6.
1182 Oil deal appeases Roy,” Globe and Mail, 1.
to see Clark keep his promise, especially since his party had won all of the province’s twenty-one federal seats. But spiking oil prices following the Iran Revolution of 1979 lessened the rationale for privatizing what Ontario believed was an instrument of domestic energy security in the face of rising oil prices. An additional complication was the fact that Ontario, like Alberta, also had a Tory premier, Bill Davis, who himself was leading a minority government. The spectacle of quarrelling Tory premiers, one representing oil producers, the other consumers, confronted Clark with the challenge of trying reconcile competing positions and Trudeau gleefully exploited the public disagreements between Clark and his fellow Tory premiers as one (Lougheed) accused Clark of undermining western Canada, while the other (Davis) publicly scolded him for not doing enough. Canadians, for their part, were siding with Ontario with almost fifty per cent opposed to privatization according to late summer polls. Clark, meanwhile, was always going to side with Davis for the simple fact that Clark needed Ontario and its ninety-five ridings with Quebec off the electoral map. But this reality did not stop Trudeau from praising Davis for his part in fighting for lower energy prices. And Clark ultimately chose Alberta ahead of Ontario. In the end, the Clark minority government did what it did best. It vacillated for some time before settling on a “jerry-built” policy crafted to appease all parties. It promised that it would privatize parts of Petro-Canada, while keeping others in public hands. Ultimately, nothing really changed.

Clark’s tenuous hold on the confidence of the Commons continued to diminish when the Tories lost two by-elections on November 19, 1979, including the seat once
held by the late Diefenbaker, who had passed away.\textsuperscript{1191} But Clark remained defiant in telling reporters that he had no intention of calling an election as his government came under fire for its failure to deal with the economy and develop a consistent energy policy. “Our policy is to govern – we’ll see what the other parties do,”\textsuperscript{1192} he said. But the direction of the government was far from clear as Parliament continued. Treasury Board president Sinclair Stevens, a rich Ontarian, pushed for policies that anticipated the neo-conservatism of the 1980s in proposing severe program cuts with an ideological fervor that failed to resonate with Canadians at the time. Minister of Finance John Crosbie, a former Liberal with a sense of fatalistic humour from the have-not province of Newfoundland, favoured maintaining social programs and increasing the tax burden carried by the more prosperous parts of the country, including Ontario. We will see in a moment that this conflict contributed to the downfall of the Clark minority. On November 21, Clark finally received some good news when Trudeau announced that he would resign as Liberal leader. Discouraged by his political prospects and dealing with marital difficulties, Trudeau told Canadians that he lacked the energy to help rebuild the party. The man who had burst onto the national scene in 1968 “like a stone through a stained glass window”\textsuperscript{1193} seemed finished. Publicly, Clark said he intended to govern as long as possible after the Liberals had chosen a new leader provided his minority government could keep the support of the House.\textsuperscript{1194} Privately, the Tories could not have been more pleased. Trudeau’s departure meant that their government would survive at least until the Liberal leadership convention scheduled for March 1980. It also meant that their legislation stood every chance of passing. Yes, the polls were trending in the wrong direction. But without a leader, the Liberals would not dare to bring forward a motion of non-confidence.\textsuperscript{1195} It was against this background that the Clark minority tabled its one and only budget on December 11.

\textsuperscript{1191} Diefenbaker and Clark had a very rocky relationship. While Clark had consulted Diefenbaker on the question of moving Canada’s embassy, Clark dismissed it by doing the opposite of what Diefenbaker counseled. This conversation was said to be the extent of their relationship. Plamondon, \textit{Blue Thunder}, 300.


\textsuperscript{1194} “Grit election tune changes,” \textit{Globe and Mail}, November 22, 1979, 12.

\textsuperscript{1195} Troyer, \textit{200 Days}, 29-30.
Its instinct was simple. Seize the public initiative on the economy and thereby reverse the downward momentum that had plagued the Tories since the election. Poll numbers had been trending down since the election and one November poll showed that the Tories could count on only twenty per cent support compared to forty-seven for the Liberals. The embassy issue, rising inflation and the bungled sale of Petro-Canada had all hurt the Clark minority. Arguably the most important issue though was Quebec. English-Canada simply lacked confidence in Clark’s ability to lead Canada during the referendum. Four times as many Canadians thought Trudeau would be a better prime minister than Clark, a stunning fact in light of Trudeau’s low level of personal popularity at the time. But if the Tories could show some progress on the economy with direct support from the Créditistes, they might yet manage to reverse their fortunes by reaching beyond their core support in loosing the Liberal stranglehold on the national unity issue. But the budget that eventually emerged was in the words of Simpson a “budget for a Majority Government” that amounted to nothing less than “political suicide” in the words of Russell. Rather than choose between the worst ideological instincts of Stevens and Crosbie, it managed to combine them. With its various tax increases but also handouts for more affluent Canadians, the Liberals immediately denounced it as “an affront to...ordinary voters,” a claim with some substance. Two parts caused particular uproar. First, the Tories proposed a tax credit for mortgage payments and property taxes, a mechanism that would have transferred wealth from non-homeowners to homeowners. Second, the Tories proposed an excise tax of eighteen cents per gallon of gas in adding to the pain that Canadians felt at the gas pumps. To paraphrase Crosby, this fact-facing budget promised “long-term gain” (reduced deficits, more economic activity) for “short-term pain” (higher energy prices). It certainly galvanized the opposition, particularly the Liberals, who had spent their days in opposition looking for what Trudeau strategist Tom Axworthy called a “people issue.” The Clark minority had handed them one with their budget and the Liberals were not going to squander an

1196 LeDuc, Pammett, et al., Dynasties and Interludes, 321.
1197 Plamondon, Blue Thunder, 304.
1198 Simpson, Discipline of Power, 230.
1199 Russell, Two Cheers for Minority Government, 37.
1200 Simpson, Discipline of Power, 230.
1201 Clarkson, The Big Red Machine, 90.
opportunity to go to the people with a sizable lead in the polls despite lacking a leader. Experiencing a “spasm of solidarity” not felt for more than a decade, the Liberals supported a motion of non-confidence tabled by the NDP, whose leader Broadbent did not want to wait for an election until the Liberals had replaced Trudeau. Naturally, the NDP also opposed the budget for reasons of substance.

So the survival of the Clark minority hinged once again on Roy, who was eager to see what concessions he could extract from the Conservatives. In an effort to get the government’s attention, Roy announced on the day of the vote – December 13 – that he and his members would abstain. Later that afternoon, Roy told Tory emissary David Kilgour that his faction would support the budget if all revenues from the excise tax flowed to the Quebec’s provincial government or energy projects in Quebec. A more serious offer came just minutes before the vote, when Roy offered the following deal: his faction would vote for the budget if low-income Canadians were to receive a tax credit to help offset the excise gas. Although this deal would have blown a hole in the Tory budget, energy minister Ray Hnatyshyn urged Clark to accept it. He refused, much to the frustrated amazement of Roy, who summed it up as follows:

“Etant minoritaire, le gouvernement fait montre d’une grande irresponsabilité, Joe Clark n’aperçoit pas une seule minute que, dans ces conditions, il nous sera difficile de l’appuyer et de sauver son gouvernement une autre fois. Clark prouve une nouvelle fois qu’il prend ses rêves pour des réalités; Il semble vivre et gouverner dans un autre monde.”

We of course will never know whether Clark lived in another world, where his dream had come true. But it came, as Clark had wanted it. The Tories lost the confidence vote by six votes. In the end, 112 Liberals voted with the twenty-seven New Democrats. Three

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1202 Plamondon, *Blue Thunder*, 304.
1203 McCall and Clarkson, *The Heroic Delusion*, 150.
1205 Plamondon, *Blue Thunder*, 305.
1206 Quoted in Gervais, “Minority governments in Canada,” 240. English Translation: “Being a minority, the government showed itself highly irresponsible. Joe Clark did not realize for a single minute, that it would be very difficult to save his government one last time in these conditions. Clark proved once more that it took his dreams to be his reality. He seemed to live and govern in a different world.”
Tories were absent. As for the Créditistes, they abstained as promised on grounds that the gasoline tax hike would disproportionately hurt the poor. By losing this vote, Clark became the shortest serving Canadian prime minister after winning a general election.\footnote{1207}{Ibid., 246-247.}

Clark had made many “monumental”\footnote{1208}{Geoffrey Stevens, “From celebration to wake,” Globe and Mail, February 19, 1980, 6.} mistakes while in office. But his refusal to accept Roy’s help ranks among his worst. Clark’s decision to let his government stumble into defeat down almost twenty per cent in the polls can be traced to the erroneous belief that voters distrusted the Liberals more than they disliked the Conservatives and would accordingly punish them for bringing down a government that had just assumed power.\footnote{1209}{John Crosbie and Geoffrey Stevens, No Holds Barred: My Life in Politics (Toronto: McClelland & Stewart Limited, 1997), 165.} In retrospect, this sort of thinking appears understandable. If the Liberals had quickly chosen a new leader, they would have likely lacked the means to mount an effective campaign.\footnote{1210}{LeDuc, Pammett, et al., Dynasties and Interludes, 322.} And if the Liberals were to drag Trudeau into the electoral arena for one final time, the Tories felt that Canadians would finally repudiate him once and for all.\footnote{1211}{Stevens, “From celebration to wake,” Globe and Mail, 6.} So the Clark government did nothing to avoid defeat, because it was confident of winning a snap election.\footnote{1212}{John Crosbie and Geoffrey Stevens, No Holds Barred: My Life in Politics (Toronto: McClelland & Stewart Limited, 1997), 165.} Crosbie echoed this logic in the foyer of the Commons after the confidence vote, when he predicted that the “people of Canada are going to rise up and put an end to the years of Liberal arrogance and dominance in this country.”\footnote{1213}{Gervais, “Minority governments in Canada,” 247.} But this assessment premised on a false assumption. Despite their troubles and their arrogant bravado in forcing an election without a leader, the Liberals remained far more popular than the Tories. As Crosbie himself said, the nine-month long Clark minority was “long enough to conceive, just not long enough to deliver.”\footnote{1214}{Plamondon, Blue Thunder, 306.} In fact, evidence suggests that their brief time in opposition seemed to have revived the Liberals Unbothered by business lobbyist and cautious bureaucrats, the party had the luxury of indulging in its reformist instincts.\footnote{1215}{Ibid.} The prospect of a swift return to power did the rest. To complete the picture, Trudeau shocked everyone on December 18 when he withdrew his resignation, leading his party to a majority on February 18, 1980. Specifically, the
Liberals won 147 seats with forty-four per cent of the popular vote, whereas the Tories finished with 103 seats with thirty-three per cent of the popular vote. Notably, they lost nearly all of the crucial swing ridings in Metropolitan Toronto and the rest of southern Ontario, as Ontario ‘returned’ to Liberals, who won fifty-four ridings – eighteen of which were held by the Tories. The Liberals also won three seats from the NDP.

Without going into an extensive description of the respective campaigns, the Liberal campaign focused on “Canadianizing” the energy industry as part of a larger national industrial strategy designed to dent the growing influence of the business community and the provincial governments. As for the Tories, they campaigned as poorly they had governed. No clear theme emerged and the campaign eventually foundered. It was in many ways the most appropriate conclusion to Clark’s minority interregnum. Notably, the Tories lost heavily in the poor and working class regions of Canada, namely Atlantic Canada, the industrial ridings of Ontario and on the Prairies, all of which were areas where the budget and its provisions were deeply unpopular. It should be said that the budget on which the Clark minority fell and eventually lost the subsequent election courageously addressed economic issues that the Liberals had left unattended. It was perhaps the first of its kind to acknowledge that Canadians might have been living beyond their means. “The only way we can come out of this crisis in Canada is by asking Canadians to tighten their belt,” Crosbie said on the eve of the election. But neither he nor any of his cabinet colleagues could convince Canadians that he was correct or that his solutions were equitable. Simpson notes that the Clark minority could have managed to pass this budget or won with an election with it if it had enjoyed a healthy margin of public support. But it did not. “(To) present such a budget while trailing by nineteen points in the public opinion polls was politically foolhardy,” Simpson writes. Conservatives knew this themselves. Weeks before Government House leader Walter Baker had told his colleagues that the budget had “an extremely slim chance of passing.” This was of course before Trudeau’s resignation had led the Conservatives to believe that their budget would sail through the Commons while the Liberals were busy choosing a new leader. The fact that the Liberals voted against it despite their unsettled leadership

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speaks to the hubris of Clark’s minority. The only mistake that was arguably worse than tabling the budget in the first place was Clark’s decision to refuse Roy’s help.

Whether the Clark minority could have lasted longer is an intriguing question. Compared to the Trudeau minority, it is notable that Clark’s House leader Baker was far less experienced than Trudeau’s. For his part, Gervais argues that a more experienced House leader would have saved Clark from himself, an opinion shared by Plamondon. “The government’s parliamentary House leader simply could have changed the order of debate to delay the non-confidence motion,” he writes. “Although this would have been met with howls of outrage and charges of foul play by the Opposition, who outside the parliamentary precinct would have understood or cared? A delay would have given the government time to marshal its forces and bring the Créditistes on side. It was that simple.”1219 Other factors must also be considered. The larger economic context was certainly not in Clark’s favour. His minority might have been short, but arguably long enough for Canadians to blame him for the state of the economy. Canadians, long notorious for their shifting political preferences, had become even more unpredictable throughout the 1970s.1220 The sheering forces of federalism also caused considerable damage. Clark’s minority failed to find common ground with not one, but two Tory premiers,1221 an inability that sent Ontario voters back into the arms of Trudeau, after they had rejected him just months earlier. But these conditions, namely economic uncertainty, voter volatility and deep regional division in the face of Quebec separatism, also applied to the Trudeau minority and its head managed to work within those confines. If Canadian minority governments are probationary instruments of governance, then it is clear that Clark’s government had failed the test, both in terms of proposing a policy course for the country and in the day-to-day management of parliamentary affairs. In the end, Russell offers the most appropriate epitaph when he notes that Clark’s minority was not inherently condemned to be short-lived. “Its brevity was the result of its leader’s unwillingness to deal realistically with the Conservatives’ minority position and the Conservative leadership’s unfounded confidence in being able to score a knockout blow

1219 Plamondon, Blue Thunder, 305.
1220 LeDuc, Pammett, et al., Dynasties and Interludes, 322.
1221 Ibid., 153.
in an election if defeated on an early non-confidence vote,“¹²²² he observed. No words ring truer.

6.4 Summary

This chapter has reviewed the effectiveness of the Trudeau and Clark minority. It has found that this duo confronted many of the same circumstances when they assumed power. Both had limited mandates, both confronted difficult economic circumstances and both had to deal with deep fissures within the Canadian federation. Yet the Trudeau minority overcame all of these challenges with a weaker hand than the Clark minority to win a majority, whereas Clark lost power entirely. In doing so, both minorities challenged the theory of minority governments as halfway houses in the transition from one party to another. Seemingly “un government minoritaire en sursis” to borrow a phrase from Pêtry, the Trudeau minority recovered to regain a majority. Clark, meanwhile, failed to confirm the apparent ascendency of the Progressive Conservative in losing power entirely. But if these two minorities appear to be exceptional, they nonetheless confirm the relationship between the effectiveness of minority government and the prevailing party system. Trudeau regained his majority by ruthlessly pandering to the social consensus at the time. Clark lost his by challenging it. Yes, others factors also played a role. The Trudeau Liberals enjoyed all sorts of personnel and institutional advantages, starting with their leader and their extensive governing experience. This fact also speaks to a larger point that has become apparent so far: the Liberal minorities have been more effective than the Tory minorities throughout the third party system. Would this trend in the fifth party system? We will find out in the next chapter when we consider the Liberal minority headed by Paul Martin.

¹²²² Russell, Two Cheers for Minority Government, 36.
CHAPTER 7 THE MARTIN MINORITY

7.1 Opening

This chapter examines the effectiveness of the minority government under Liberal Prime Minister Paul Martin. It, like the Martin minority itself, serves as a transition point in our understanding of Canadian federal minority governments since 1945 and readers deserve a brief recap of our methodology and findings so far before proceeding with the rest of the analysis. Briefly, it sees minority governments as “probationary” majorities and judges their effectiveness by whether they convert their respective minorities into majorities. This measure of success sidesteps difficult methodological questions about the quantity and quality of legislation that minority governments manage to pass during their respective tenures. Effectiveness, so defined, can then be explained through factors contextualized through the prevailing party system. The six minorities studied so far fell more or less within the third party system that placed a premium on pan-Canadian social policies. The record up to this point clearly shows that voters rewarded minorities that productively governed within said parameters while punishing those that did not. Drawing on our classification scheme, we can therefore identify three effective minorities (the first Diefenbaker minority, the second Pearson minority and the Trudeau minority), one partially effective minority (the first Pearson minority) and two ineffective minorities (the second Diefenbaker minority and the Clark minority).

Looking at the larger picture, we have so far covered six minorities, evenly split among Liberals and Progressive Conservatives. On the surface, this division confirms the duopolistic nature of Canadian federal politics. Despite the multitude of parties that have contested national elections since Confederation, or may be because of it, no party other than the Liberals or Conservatives has ever held national office,1223 a remarkable sign of stability when compared to other western democracies, including the ones with comparable commitments to democratic politics. This record defies the immense regional diversities that define the Canadian political experience and a political culture that openly discredits coalition government even during periods when no party possesses a clear majority, as we have already seen. In fact, this hostility towards coalition government will become even clearer when we consider the second Conservative

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1223 Carty and Cross, “Political Parties and the Practice of Brokerage Politics,” 192.
minority under Prime Minister Stephen Harper. Much of the credit, or blame depending on your perspective, for this condition belongs to the Canadian electoral system, as already discussed.\textsuperscript{1224} But this story is far from complete.

In fact, it would be misleading, if not mistaken to speak of a duopoly in Canadian politics. What we have really witnessed is a system of “polarized pluralism” marked by long Liberal reigns, interrupted by Conservative interregnums, some longer than others, but never powerful enough to dislodge the Liberals from their dominant position in Canadian politics for any extended period of time.\textsuperscript{1225} Simply put, the Liberal Party of Canada has been among the most successful political machines in the western world.\textsuperscript{1226} As the “natural governing party,” it dominated Canadian politics for the 20\textsuperscript{th} century. Between 1945 and 2000, the Liberals received more votes than any other party in all but four elections. In more than half of all those elections, it won more seats than all of the other parties together.\textsuperscript{1227} We can actually appreciate the historical dominance of the Liberals by reviewing the six minorities that we have so studied so far and the historical context that surrounds them. It reveals that the three Liberal minorities have been more successful than their PC counterparts in numerous ways.

First, none of the three Tory minorities lasted nearly as long as any one of the Liberal minorities (Table A.2) and only the first Diefenbaker minority can favorably compare with the Liberal minorities in terms of its legislative productivity and political effectiveness (Table C.2). And even this assessment might be too charitable. Yes, it led to an impressive majority. But this majority clearly lacked regional cohesion, coherent policies and competent personnel. In the end, voters reduced it to a minority before completely pushing the Tories out of power, where they would remain for sixteen years. And once they returned to power as a minority under Clark, it soon became obvious that the Tories lacked the necessary means to stay in office beyond a brief period of time, therefore confirming the boom-and-bust cycle of Canadian conservatism.\textsuperscript{1228} In fact, if we were to draw a core sample from the rock of Canadian federal politics since 1945, we

\textsuperscript{1225} Johnston, “Political Parties and the Electoral System,” 208.
\textsuperscript{1227} Jeffrey, \textit{Divided Loyalties}, 3.
would find that the three Tory minorities interrupted long Liberal dynasties above and below them without fundamentally changing the political geology. Liberal minorities, meanwhile, either set the stage for Liberal dynasties or extend existing ones. Which brings us to a key point: none of the three Liberal minorities surveyed so far led to a loss of power in the following election.

Three factors account for the historical dominance of the Liberals. First, the party has always found ways to renew its policies and personnel during its brief periods in opposition, as it was for example during the Diefenbaker interlude. Second, the party has always retained a remarkable degree of internal cohesion. Liberals, unlike Progressive Conservatives, remain loyal to their leader, even after bitter defeats. And when Liberals chose a new leader, the transition has historically been smooth. The same cannot be said for the Tories. They have a history of turning against their leader and their leadership contests have been fairly divisive. But solidarity is more than just a virtuous part of the Liberal political culture. It is a crucial component of the party’s electoral pragmatism designed to portray competence. A party that remains united in the face of difficulties is more likely to convince voters that it can keep the country together than one feuding in public. Finally, the party has managed to define Liberal values as Canadian values in positioning itself as the protector of social services and national unity. Only it could reconcile the cultural and regional diversities of Canada through a cocktail of pan-Canadian social programs and strong central government.  

It is against this background that we now turn towards the minority government headed by Martin.

Chronologically, the Martin minority governed Canada from June 2004 to early 2006 as the first minority government in a quarter-century since the Clark government with which some have actually compared it. The record shows that it actually accomplished a good deal in terms of legislation.  

It was certainly more productive than its two Conservative successors, passing fifty-six per cent of the legislation tabled during its tenure. By comparison, the two Harper minorities respectively passed fifty-two and forty-seven per cent of the bills that they had tabled (Table C.3). Remarkably, both

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1229 Jeffrey, Divided Loyalties, 3-4.
Harper minorities significantly exceeded the longevity of the Martin minority. Whereas the Martin minority (38th Parliament) lasted for 498 days, the first Harper minority (39th Parliament) lasted for 937 days while the second Harper minority (40th Parliament) lasted for 872 days.\footnote{Parliament of Canada, “Duration of Minority Governments,” http://www.parl.gc.ca/ParlInfo/compilations/parliament/DurationMinorityGovernment.aspx. Accessed December 12, 2013.} In other words, the Harper minorities were more durable than the Martin minority, but less productive in terms of legislation. Yet the Martin minority qualifies as ineffective, because it failed to shed its minority status, even though it was more productive than the Harper minorities. Put another way, the Martin minority alerts us to a change in the relationship between legislative productivity and political effectiveness. As we saw in the preceding chapters, effective minority governments were also productive minorities within the context of the third party system, particularly in the field of social policy. This relationship does not appear in connection with the Martin minority and it certainly did not appear in relation to the Harper minorities. We will later see that they showed little interest in governance. This indifference was part and parcel of a “permanent campaign” designed to diminish the Liberals, whom the Conservatives sought to replace as the dominant party. In fact, Dornan argues that this campaign might have been the very extent of the Conservative agenda during the period of minority governments that began with the Martin minority. “The signature feature of their government,” he writes, “was their visceral hostility to opponents. Parliamentarians on the opposite side of the chamber were not honourable adversaries who differed from the government on matters of principle or policy. They were foes to be treated with contempt and prejudice.”\footnote{Christopher Dornan, “From Contempt of Parliament to Majority Mandate,” in The Canadian Federal Election of 2011, ed. Jon H. Pammett and Christopher Dornan (Toronto: Dundurn Group, 2011), 9.} This approach would prove to be quite effective in creating the conditions that eventually led to the Conservative majority of 2011 and we can see its early practice during the Martin minority.

Three broad causes doomed the Martin minority. First, Liberals failed to appreciate the significance of the changes that had taken place in the Canadian political landscape immediately after they had won their third majority in 2000. Of course, the most obvious change was the founding of the new Conservative party in 2003. But its creation was only one of many necessary steps that small-c conservatives needed to take.
if they ever hoped of holding power again. What ultimately proved decisive was the leadership of Harper. He gave this ‘new’ Conservative party two things that the ‘old’ Progressive Conservative Party had been lacking for most of its long history: (i) strong leadership stressing internal cohesion and (ii) a clear purpose, namely the creation of a durable Conservative majority designed to replace, if not destroy the Liberals as the dominant force in the political life of Canada. This goal could not be achieved overnight. It would instead require a delicate and disciplined two-step approach. Conservatives would have to convince Canadians that they would not experiment when in power. At the same time, Conservatives would have to nudge Canadians towards their values. This process would not always proceed smoothly, as we will see during the course of the next three chapters. But it would catch the Martin minority off guard more often than not. Second, the Martin minority lacked the kind of unity that Harper eventually imposed on the Conservative party, which in retrospect was evidence of the decaying Liberal strength. Whereas Conservatives ended their ‘civil war,’ Liberals continued theirs even after Martin had displaced Chrétien as prime minister. Finally, the Martin Liberals mismanaged the national unity file. Yes, they could have not anticipated the fallout of the so-called sponsorship scandal. But their eventual handling of it undeniably contributed to their demise and ultimately revealed the Liberal party as a frantic but spent force.

Looking at the larger picture, the Martin minority mattered for three reasons. First, it marks the transition from the regionalized fourth party system (1993-2003) to the fifth party system, a point expanded below. Second, it was the first of three minority governments that governed Canada from 2004 and 2011. Such a run was not the first in Canadian federal politics. Canadians also elected a trio of minority governments between 1962 and 1968. In this sense, it confirms the earlier identified relationship between the prevalence of minority governments and larger changes in the party system. But the similarities between these two periods do not go far. Yes, excessive partisanship defined both eras. But the minority governments of the 1960s were far more productive and their policies enjoyed broad political support. This level of achievement and agreement was

\[123^{3}\] Martin, Harperland, 3.
absent from the minority governments of the 2000s. While the Martin minority tried to imitate the Pearson minorities through the pursuit of ambitious initiatives in the field of health care, child-care and Aboriginal relations, these efforts ceased when it lost power. What we instead witnessed for most of this period were the “politics of incrementalism” as consecutive Conservative minorities under Harper inched their way towards the Conservative majority of 2011. As we will see later, they did so in two ways. First, they managed to sidestep divisive social issues, such as abortion and gay marriage, albeit not always successfully. Second, they pursued policies designed to leave more money in the pockets of Canadian families at the expense of the public purse and ultimately, the ability of the federal government to shape public policy. But Conservatives did not just make Canadians feel comfortable with Conservative rule by moving the party towards the political middle. They also actively polarized against judges, academics, bureaucrats and their perceived parliamentary allies. Readers can expect additional comments about the Tory rise to power throughout this and subsequent chapters.

Finally, let us consider the third and final reason for the significance of the Martin minority. Ostensibly an extension of the dynasty founded by Jean Chrétien, it is the only Liberal minority in our study that actually lost power in setting the stage for an extended run of Conservative rule, in and of itself a rarity. As such, it speaks to the larger point that minority government serves as a sort of halfway house, in this case from a period of Liberal dominance to a presumed period of Conservative dominance. The significance of this point cannot be stressed enough. When Martin finally fulfilled his life’s ambition by ascending to the Prime Minister’s Office in December 2003, many expected that he would simply extend the Liberal dynasty that he had helped to forge as Chrétien’s finance minister. Another Liberal majority, the fourth since 1993, seemed inevitable as Martin appeared unassailable in light of his popularity inside and outside the

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1234 Kent, “When Minority Governments Worked,” 26-30
1237 LeDuc, Pammett, et al., Dynasties and Interludes, 26.
1238 For a personal and political biography, see John Gray, Paul Martin: The Power of Ambition (Toronto: Key Porter Books, 2003).
Liberal party. But if Martin was the “cornerstone” of the Chrétien cabinet, he was also in another sense its wrecking ball. First, he managed to lose the majority that he inherited. Then, he compounded the damage by running an ineffective minority government whose demise presaged the larger decline of the Liberals to the point where the party might have ceded its claim as the ‘natural governing party.’

Four major sections follow these introductory remarks. The first catalogues the seismic changes in the Canadian party system that contributed to the emergence of the Martin minority. The second surveys the Liberal civil war between the Martin and Chrétien camps in arguing that Martin’s rise to power failed to renew the Liberal party, as previous leadership races had done. The third section describes the emergence of the Martin minority and its parliamentary performance with a special focus on its handling of the national unity file, including the sponsorship scandal. The fourth section summarizes the major findings of this chapter in setting the stage for the first Harper minority, whose emergence confirms the ineffectiveness of the Martin minority. What follows next though summarizes major development in Canadian politics in the decades before the emergence of the Martin minority as seen through the prism of the Canadian party system. While far from comprehensive, this review contextualizes the larger conditions and circumstances that would ultimately come to shape the Martin minority.

7.2 Progressive Conservative Cataclysms and Liberal Dynasties

After the fall of the Clark minority in 1979, majority governments prevailed in Canada for almost twenty-five years. If minority governments are said to be symptoms of political instability, we are therefore left with the impression that this stretch of majority government was a period of political stability, even contentment. Nothing could have been more illusionary in the aftermath of the 1993 federal election and what follows next describes this landmark event, which in hindsight sowed the seeds for three minority governments that governed Canada between 2004 and 2011. It has become a cliché to describe this memorable election as an electoral earthquake with cataclysmic consequences. But the metaphor truly fits the magnitude of the event that it

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1240 LeDuc, Pammett, et al., Dynasties and Interludes, 479.
1241 Russell, Two Cheers for Minority Government, 38.
When Canadians cast their ballots on October 25, 1993, they did not just elect the first of three Liberal majorities under Chrétien. They also destroyed the only other major party that had ever governed Canada. Voters did not just throw the Progressive Conservatives out of office. They nearly expunged them from existence in the course of a single election as the Tories experienced the worst defeat of any political party in Canadian history.

Let us briefly consider the context of this catastrophe. When Quebec-born Brian Mulroney led the Progressive Conservatives to a landslide victory over Pierre Trudeau’s successor John Turner in 1984 with 211 seats and fifty per cent of the popular vote, the PCs appeared poised for a period of dominance, just as Diefenbaker seemed after converting his first minority into a majority. The ‘free trade’ election of 1988 confirmed this trend line when Mulroney defeated Turner for a second time in winning 169 seats and forty-three per cent of the popular vote. These impressive majorities were reminiscent, if not similar of the impressive majority with which John Diefenbaker had governed between 1958 and 1962. Like in 1958, the elections of 1984 and 1988 humiliated the Liberals in expanding the Tory brand into corners of the country where it had previously struggled in the face of Liberal dominance or regional protest movements that had previously guaranteed periods of minority governments. Their temporary disappearance within the context of an overblown Conservative majority seemingly returned Canadian politics to a seemingly familiar pattern. Five years after 1988, the Tories would win two seats and sixteen per cent of the popular vote, an unparalleled humiliation in the annals of Canadian politics. In fact, some Tories feared that the result could have been worse. Two related factors were ultimately responsible for this debacle.

The first was the inept and incompetent campaign under the leadership of Mulroney’s successor, Kim Campbell.

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1244 LeDuc, Pammett, et al., Dynasties and Interludes, 399.
1246 LeDuc, Pammett, et al., Dynasties and Interludes, 399.
1247 Cairns, “An Election to be Remembered,” 222.
1248 Woolstencroft, “‘Doing Politics Differently,’” 9, 23.
1249 For a complete discussion of the PC campaign, see David McLaughlin, Poisoned Chalice: The Last Campaign of the Progressive Conservative Party? (Toronto: Dundurn Press, 1994). For more details on
Campbell just months before the official end of their term with the hope that she would revive their fortunes by “doing politics differently” to borrow her phrase. But Campbell, whose personal popularity briefly soared after she became Prime Minister in June 1993, could not repair the damage that her predecessor had left behind. Which brings us to the second reason behind the Conservative cataclysm. According to LeDuc, Pammett, et al., national success in Canadian electoral politics rests on three “pillars” – the economy, the continued commitment to Canada’s social safety net despite fiscal restraints and managing national unity. Mulroney understood this recipe perhaps like no other Tory before him. Accordingly, he promised Canadians that his government would promote economic growth, ensure constitutional harmony and protect the Canadian social safety net. In the end, he failed to fulfill every one of these promises with predictable consequences for the popularity of his party.

The damage that Mulroney wrought was particularly evident in two areas. The first was the economy. The middle of the 1980s witnessed economic growth and steps towards the far-reaching free trade agreement with the United States following a Royal Commission on the Economic Union and Development Prospects for Canada under the leadership of Donald Stovel MacDonald. But things took a negative turn as these far-reaching policies including free trade with the United States and the passage of the Goods and Services Tax (GST) failed to deliver on the Tory promise of prosperity. They arguably did during the 1990s under the Liberals. In fact, these policies initially inspired deep feelings of public hostility, which only grew when the economy experienced a deep recession in 1990 and a forgettable recovery in 1991. The second was Mulroney’s failure to drain the constitutional quagmire that would ultimately swallow up not one, but two proposals to amend the Canadian constitution to the satisfaction of all interested parties: the Meech Lake Accord and the Charlottetown Accord. Their respective failures would alienate two central components of the uneasy electoral coalition that Mulroney

Kim Campbell, see Murray Dobbin, The Politics of Kim Campbell: From School Trustee to Prime Minister (Toronto: Lorimer, 1993).
1250 Cairns, “An Election to be Remembered,” 220.
1251 LeDuc, Pammett, et al., Dynasties and Interludes, 399.
1252 Ibid., 430.
1254 LeDuc, Pammett, et al., Dynasties and Interludes, 416.
had cobbled together.\footnote{Woolstencroft, “‘Doing Politics Differently,’” 10.} It included not only rural Ontarians, but also Quebec nationalists and western conservatives – francophones and francophobes.\footnote{Richard Johnston, Andre Blais, Henry E. Brady, and Jean Crete, 
*Letting the People: Dynamics of a Canadian Election* (Montreal: McGill-Queen’s University Press, 1992).} Once elected, the exercise of power then consisted of satisfying all sides of this coalition by reconciling their competing, often contradictory demands, an exercise bound to fail, as it did.\footnote{LeDuc, Pammett, et al., Dynasties and Interludes, 430.}

Mulroney’s inability to square the constitutional circle ultimately confirmed the fragility of this coalition,\footnote{Cairns, “An Election to be Remembered,” 221.} because its components eventually invested their undeniably deep sense of anger and alienation into parliamentary outlets – the Reform Party under the leadership of Preston Manning and the Bloc Québécois under the leadership of Lucien Bouchard, a former Tory cabinet minister from Quebec who had broken with Mulroney over the failure of the Meech Lake Accord.\footnote{Marie-France Charbonneau and Guy Lachapelle, 
*Le Bloc Québécois: 20 ans au nom du Québec* (Montréal: Richard Vézina, 2010).} As natural foes, these two regional parties had very different agendas, but both shared at least two traits. Both placed federalism at the centre of their respective platforms. Largely based in western Canada, Reform’s prairie populism insisted on the virtues of federalism and saw itself as the only legitimate voice for the Rest of Canada in calling for equal provinces with special status for none.\footnote{Cairns, “An Election to be Remembered,” 227-228.} The Bloc, meanwhile, claimed to speak for Quebec in denouncing federalism as a dead end from which escape by way of sovereignty-association\footnote{Woolstencroft, “‘Doing Politics Differently,’” 10.} was necessary.\footnote{Cairns, “An Election to be Remembered,” 224.} Both also shared the fact that much of their energy and many of their members came from the Progressive Conservatives\footnote{Woolstencroft, “‘Doing Politics Differently,’” 10.} and the years that followed the election of 1993 witnessed several, ultimately unsuccessful efforts to reunite the Mulroney coalition into a viable national alternative to the Liberals.

The emergence of two regionally oriented parties, each winning most of the seats available in their respective regions of strength, ultimately points to the most important
institutional outcome of 1993 – the emergence of the fourth party system.\textsuperscript{1264} Highly regionalized, it repudiated the system of pan-Canadian parties that had more or less agreed with each other on the same cocktail of pan-Canadian social policies.\textsuperscript{1265} This consensus, badly fraying during the final years of the Mulroney era, finally shattered with the federal election of 1993. While it had a national objective, it was profoundly regional in the sense that voters in different parts of the country confronted different political choices. The Bloc ran candidates only in Quebec, whereas Reform ran candidates in every province except Quebec. And even when four parties appeared on the ballot, the real contest would often involve only two parties.\textsuperscript{1266} This regionalization also heightened the electoral importance of Ontario. While this province has always played a pivotal part in Canadian elections, it would become the regional base of the Liberal majorities that would govern Canada through the 1990s and the early 2000s.\textsuperscript{1267}

Yes, the results of 1993 might appear less revolutionary upon review. After all, Canadians merely returned the Liberals to the place where they had always been for most of the 20\textsuperscript{th} century, in power with a majority government. And the new parties that emerged in 1993, Reform and the Bloc, merely recited the old familiar verses of Conservative fratricide, Western protest, and Quebec nationalism. Finally, it is important to note that Canada’s first-past-the-post electoral system exaggerated the magnitude of the Liberal victory and the Tory rout. But this sort of revisionism actually downplays the revolution that the 1993 election unleashed. It did not merely destroy a party whose history predates Confederation.\textsuperscript{1268} It also marked a turning point in several areas of Canadian political life, as Cairns writes. First, it effectively eliminated constitutional reform through the formal amending process as a possible course of action in accommodating Quebec. As such, the federal election of 1993 abruptly ended Canada’s constitutional odyssey. Second, it redefined the relationship between Canadian citizens

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\item \textsuperscript{1264} Carty, Cross, and Young, “A New Canadian Party System,” 15-36.
\item \textsuperscript{1266} Cairns, “An Election to be Remembered,” 221.
\item \textsuperscript{1267} In 1993, the Liberals won 98 out 99 seats available in Ontario. In 1997, they won 101 out of 103. In 2000, they won 100 out of 103.
\end{itemize}
and their political representatives. Deference, a defining feature of public affairs, would yield to defiance as Canadians challenged the elitist politics of brokerage that had managed to keep Canada’s French-English duality in a delicate balance. Third, the election signaled the subsequent retreat of the Canadian welfare state during the 1990s, thanks to the rhetoric of Reform and the corresponding response of the Chretien years, which successfully reminded Canadians that the federal deficit and debt had become fundamental problems that could no longer be ignored. In other words, the expansive, not to mention expensive policies of the third-party system had run their course. The electoral consequences of this emerging consensus would prove to be particularly difficult for the New Democratic Party (NDP). It won just nine seats in 1993 in barely avoiding the same fate as the Tories. Finally, the election was the first Canadian skirmish of what observers in the United States have called the ‘Culture Wars’ – partisan clashes over issues such as abortion, gay and lesbian rights, feminism, the constitution of the family, pornography, the role of religion, gun control, law and order and the treatment of criminals. Specific ‘Canadian’ concerns would come to include debates over language policy, immigration and state support of multiculturalism. All of these developments would eventually shape in one way or another the Liberal majorities under Chrétien and the Martin minority.

If the 1993 election revealed a heterogeneous citizenry coming to grips with multiple uncertainties, including a shrinking welfare state fresh out of money and ideas, it did have one undisputed winner, the Liberals. On the surface, the Liberals’ return to power seemed nothing out of the ordinary, because they did what they had historically done well – propose a credible economic plan that would preserve the social safety net while generating economic activity and presented themselves as the guardians of the national unity by, ironically, promising to preserve the constitutional status quo. Even the public seemed to be blasé about the Liberals’ return and their sixty-seat lead over the combined parliamentary opposition. But this attitude might have actually prevented all involved from fully appreciating the significance of this victory, Jeffrey argues. First, assessments that dutifully acknowledged the Liberal majority actually understated its magnitude. With forty-one per cent of the popular vote, the Liberals took 177 seats – more than Mulroney in 1988 (169) or Trudeau in 1980 (147). It was also

1269 Cairns, “An Election to be Remembered,” 225-231.
more than four times the seats that the Liberals had won in 1984 and twice as many as in 1988. They did particularly well in Ontario, where they won all but two seats. Second, this victory occurred less than ten years after the party had stood on the brink of political irrelevance. Third, the election had caused the complete collapse of the only other truly national political party capable of government. Yes, the Tories had received 16 per cent, despite the fact that they were deeply unpopular. But the coalition that Mulroney had forged in 1984 to form his sizable national government had shattered into its regional blocs. Subsequent analyses showed that support for the Bloc and the Reform came almost entirely from Conservatives. True, this comment also suggests that the Liberal strength was partly illusory, owing much to the Conservative collapse. However neither of the regional fragments that emerged from the ruins of the PC resonated with the Canadian public-at-large. One had dedicated itself to the break-up of the country; the other spoke almost exclusively for one part of it and its political vocabulary was largely out of touch with the political mainstream, especially on social issues, where it sounded more like the Republican party in the United States.

Other electoral post-mortems also revealed other potential pieces of good news for the Liberals. They had won a national majority without the support of Quebec for the first time since Confederation. In short, the road towards any future victory might not have to go through Quebec anymore as it did in the past. Better yet, the Liberals were the only genuine federal alternative in Quebec. In other words, a prolonged Bloc presence might actual benefit the Liberals, because it would act like wave-breaker against any federal rival. And if past performances predicted future successes, a lot of time would likely pass until the Grits would have to face a genuine national rival. The two largest opposition parties were regional “fringe” parties and the other two parties with national ambitions, the Progressive Conservatives and the New Democrats, were clearly fighting for their political survival after 1993. Liberals, in other words, could expand the ideological coordinates of the “moderate middle” any way that they saw fit. So it did not take long for the Liberals to realize that “they could potentially stay in power

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1270 Jeffrey, Divided Loyalties, 237-240.
1271 LeDuc, Pammett, et al., Dynasties and Interludes, 437.
indefinitely,” 1272 as Jeffrey argues. Frizzell, Pammett *et al.*, reach a comparable conclusion in their analysis, which spells out two possible scenarios. “If there is no comeback by the Conservatives, and no breakthrough by Reform, the Liberals will be left as the only national party in Canada. Under this possibility, the party may establish itself in a hegemonic governmental position well into the next century,” they write. Alternatively, they could fall victim to the same forces as the Conservatives. Under this scenario, the future “may hold a splintered party system and a series of coalition governments.” 1273

The Liberals won two more national majorities after coming to power in 1993. In 1997, they won 155 seats and thirty-eight per cent of popular of the vote in confirming their mandate. While Manning’s Reform Party replaced the Bloc as the country’s official opposition, it failed to break the Liberal reign over Ontario, where the Grits gained 101 out 103 possible seats. This regional dominance, coupled with mediocre results across the rest of the country, sufficed for another Liberal majority. Largely bereft of any rationale, the “election that never was” 1274 was notable for two reasons. First, it confirmed the regionalized nature of the Canadian party system. Second, it marked the partial return of two ‘national’ parties that had already received their last rites in 1993, the New Democrats and the Progressive Conservatives. Both parties, each under new leadership, easily won enough seats to qualify as official parties in the House of Commons. Their partial revival meant that the House of Commons would seat five official parties, a constellation more likely to be found during a minority rather than a majority government. This level of fragmentation, however, meant that the Liberals would remain in power for the foreseeable future. This prospect was also the imperative behind earlier mentioned efforts to “unite the right.” They eventually led to the dissolution of the Reform Party and the creation of the Canadian Alliance under the leadership of the charismatic but untested Stockwell Day, who had won its leadership by defeating the more serious but less flashy Manning. Sensing an opportunity, Chrétien called an election in the fall of 2000, whose final result proved Chrétien correct. The Liberals actually increased their share of seats and of the popular vote across every region of the country,

1272 Jeffrey, *Divided Loyalties*, 239-240.
1274 Jeffrey, *Divided Loyalties*, 286.
including Quebec, where the Bloc seemed to be slowly running out steam.\footnote{1275} The party seemed invincible and prominent pundits began to describe this period of Liberal dominance as a “friendly dictatorship.”\footnote{1276}

Few would deny that the near-absence of credible alternatives to the Liberals played into their hands during the 1990s. Compared to the other party leaders of the period, Chrétien possessed an immense amount of institutional knowledge and political experience. But polls from this period also suggest that the public genuinely supported the Liberals. Canadians seemed to be particularly fond of Chrétien, thanks in no small part to this folksy personality. “(The) little guy from Shawinigan”\footnote{1277} was also a true “Teflon man”\footnote{1278} who could skillfully sidestep scandals or perceived policy reversals. Notwithstanding Chrétien’s personal popularity and political acumen, the Liberals also governed competently during this period, with much credit going to Chrétien’s finance minister, Martin. Specifically, Liberals delivered on two out of three issues\footnote{1279} said to be crucial in Canadian politics: the economy and the social safety net. This point suggests that the Chrétien Liberals did not make all the right moves on the third central issue, national unity. And we will shortly see that this blemished record would eventually define Chrétien’s political legacy and limit the length of the Liberal dynasty that began in 1993.\footnote{1280} What follows next provides the necessary context.

Two events defined the Chrétien era and both occurred in 1995. The first was that year’s budget, the second the Quebec referendum of October 30, 1995. Combined, these crises would impact the next four federal elections, two of which led to minorities, and reshaped Canada. Once the Liberals had assumed power in 1993, it did not take them long to realize that the Mulroney government had left behind an unsustainable financial legacy. It included an annual deficit of $42 billion and an overall debt of $550 billion.\footnote{1281} Statistics of this sort incinerated Liberal plans to balance fiscal restraint with steps to make the Canadian economy more innovative, all while preserving their tradition of social activism. Voices outside and inside Martin’s finance ministry, including then

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  \item \footnote{1275} LeDuc, Pammett, et al., *Dynasties and Interludes*, 463-481.
  \item \footnote{1276} See Simpson, *The Friendly Dictatorship*..
  \item \footnote{1277} LeDuc, Pammett, et al., *Dynasties and Interludes*, 402.
  \item \footnote{1278} Ibid., 438.
  \item \footnote{1279} LeDuc, Pammett, et al., *Dynasties and Interludes*, 479.
  \item \footnote{1280} Ibid., 439.
  \item \footnote{1281} Jeffrey, *Divided Loyalties*, 264-265.
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deputy minister David Dodge, called for deeper cuts, something Martin had initially resisted, because he feared the potential political penalty he might suffer for appearing as a fiscal conservative.\footnote{LeDuc, Pammett, et al., Dynasties and Interludes, 440.} In the end, Martin converted to the cause of austerity following divisive external conflicts and an extensive public education campaign during which he promised to eliminate the deficit come “hell or high water.”\footnote{Jeffrey, Divided Loyalties, 266.} Martin’s warning that Canadians would have to swallow “tough medicine” came true when he tabled the 1995 budget after extensive internal deliberations that required an unprecedented degree of cabinet solidarity.\footnote{For a detailed description of this process, see Edward Greenspon and Anthony Wilson-Smith, Double Vision: The Inside Story of the Liberals in Power (Toronto: Doubleday Canada Limited, 1996), 153-170. For Martin’s perspective, see Paul Martin, Hell or High Water: My Life In And Out Of Politics (Toronto: McClelland & Stewart, 2007), 130-155.} As several former ministers said, the whole exercise hinged on whether the finance department would permit exceptions for this or that pet project. In the end, it was the finance department that directed department cuts, often to the chagrin of their respective heads. Specific details included a dramatic reduction in government spending, the trimming of several departments and drastic cuts in provincial transfer payments, arguably the most controversial and consequential element of the budget. Notably, Martin wanted to cut even deeper and Chrétien had to remind him on several occasions that he – not Martin – was Prime Minister.

Coupled with strong economic growth during the later part of the 1990s, much of it due to the performance of the U.S. economy, the 1995 budget help to restore Canada’s fiscal credibility with international investors. This recovery in turn allowed the Liberals to revive their interventionist tradition in the field of social policy. Yes, they bore responsibility for the initial cuts and few would deny that their agenda afforded political cover to similar cost-cutting exercises in several provinces, including Ontario’s Common Sense Revolution under the leadership of Tory Mike Harris. These cuts also encouraged Alberta and Quebec to pursue more independent social policies. But the Liberals do not deserve the entire blame for this development. If anything, they were reacting to undeniable economic realities and political demands. Far from undermining the Liberal brand, the 1995 budget actually benefited the Liberals, because it confirmed that they would not flinch away from making tough financial decisions. In doing so, they would
undercut the electoral strategy of Reform, which had consistently accused the Liberals of financial dilettantism. But the budget also undeniably changed the relationships between Ottawa, Canadians and the provincial governments. The transfer payment cuts placed the provinces in charge of the social safety net. Accompanying changes in the delivery of the federal funds also gave the provinces more discretion in spending funds received from Ottawa,\textsuperscript{1285} with consequences for the quality of services. Specifically, the federal government replaced federal transfers for three specific programs – post-secondary education, welfare and health care – with a lump sum that the receiving provinces could spend any they saw fit.\textsuperscript{1286} These changes would ultimately affect the national unity file, because it loosened the institutional ties that had bound Ottawa and the provinces. More importantly, it raised questions about the state of the Canadian social union, questions that would play into the hands of Quebec separatists under the leadership of Bouchard, who could paint Chrétien as the public face of a federal government “which had run up a $500 billion national debt and brought in a draconian budget that slashed social programs.”\textsuperscript{1287}

This point brings us to the second key moment of the Chrétien period: the second referendum on Quebec sovereignty held on October 30, 1995. The referendum itself was one of the direct consequences of the constitutional crises that date back to Mulroney years. And led by the popular Bouchard, the ‘Yes’ forces nearly managed to pull off victory, partly because they had managed to portray the federal government as an uncaring agent, bent on imposing a ‘neo-conservative’ agenda on Quebec. While Chrétien did not play a prominent part in the referendum campaign until its very end, it had two effects on him. First, it confirmed Chrétien’s prevailing perception that Martin could not be trusted on the national unity file, because he was “soft on nationalists” and “too eager to grant concessions to the provinces.” Martin might have come across as smooth and sophisticated on a range of issues, but he appeared accident-prone when it came to Quebec. The close outcome of the campaign also dealt a devastating blow to Chrétien’s confidence. As he himself later said, “the single most important priority of every prime minister since 1867 has been to preserve the unity of the country” and if it

\textsuperscript{1285} LeDuc, Pammett, et al., \textit{Dynasties and Interludes}, 440-462.
\textsuperscript{1286} Jeffrey, \textit{Divided Loyalties}, 271.
\textsuperscript{1287} Ibid., 276.
had not been for a last-minute recovery, his fear of (being) the last prime minister of Canada could have easily have come true. 1288

Accordingly fearful of another referendum on his watch, 1289 Chrétien dedicated the rest of this first majority government towards two tasks: (i) implement the various commitments that he had made in the last few days of the campaign and (ii) rectify what he thought were the root causes of the near disaster. 1290 They included among others the failure to defend federalism against the false or misleading accusations of the separatists; the lack of a clear referendum procedure and acceptable question; and the failure to communicate the significant role that the federal program played in the daily lives of Quebeckers. In fact, the referendum crisis would colour all subsequent policy decisions of the Chrétien government, which launched at least ten specific measures to promote national unity after its narrow victory in 1995. They included among others the recruitment of Quebec federalists to cabinet; a parliamentary resolution that recognized Quebec as a distinct society; informal amendments to the amending formula; a Supreme Court reference on the legality of Quebec’s unilateral separation that eventually led to the Clarity Act of 2000; 1291 and steps to improve Canada’s international position in case of another referendum. Also found on this list of items was a program designed to improve the visibility of the federal government in Quebec. It should be said at this stage that this so-called sponsorship program was neither the most important nor the most expensive of the measures described. 1292 The eventual execution of this program would ultimately led to the misappropriation of public funds and a major scandal that would tarnish the reputation of Chrétien, Martin and the Liberal brand at-large.

1288 Ibid., 276-284.
1289 Ibid., 284.
1291 The act outlines the conditions under which the House of Commons would respond to a provincial referendum on Quebec’s secession from Confederation. Two events precipitated this act. The first was the closeness of the 1995 referendum. The second was the ruling of the Supreme Court of Canada per Secession Reference that Ottawa would have to acknowledge the secessionists movement with “principled negotiations with other participants in Confederation within the existing constitutional framework” in case of a “clear majority” on a “clear question.” Under the legislation, the House would determine if the question was clear within thirty days of a tabled referendum. Following a referendum, the House would then consider whether the vote represented a “clear expression of a will by a clear majority of the population.” McMenemy, ed., The Language of Canadian Politics, 54-55.
1292 Jeffrey, Divided Loyalties, 281-289.
Looking at the larger picture, the Chrétien Liberals saw a direct relationship between the economy, the Canadian welfare state and national unity. Fiscal responsibility coupled with economic prosperity and sensible reforms of various social programs was seen essential to achieving the objective of defeating separatism. The record reveals that the combination of these broader efforts would have their desired effects. As the Canadian economy improved, thanks in no small part to the reforms that bore Martin’s signature, support for separatism declined throughout the second half of the 1990s. And when the Clarity Act passed in the House of Commons in March 2000, it appeared as if the Liberals had fulfilled their central policy objectives. The passage of the bill certainly intensified speculations that Chrétien would step down as leader. In fact, many of his most loyal allies within the Liberal Party had already taken steps to depart the political arena on the assumption that Chrétien would do the same some time in 2000 or 2001 at the latest, a prospect that Chrétien himself contemplated. Yet two events interfered with this departure scenario. The first was the emergence of Day as leader of the Alliance Party, whom Chrétien considered more threatening than Manning. The second was a public split between Chrétien and Martin. Chrétien decisively dealt with the first by calling an early election and winning it handily, as noted earlier. However the second event would eventually divide the party.1293

7.3 The Liberal Civil War: A Private Little War

When Chrétien led the Liberals to a majority government in 2000, he became the first federal leader since Sir Wilfrid Laurier to win a majority of seats in three successive federal elections. Four years later, Chrétien found himself in forced retirement and the dynasty that was to bear his name had come to a premature end.1294 Several factors account for this eventual outcome. They included among others (i) the emergence of a credible national alternative to the Liberals and (ii) a sense of drift that appears to afflict all parties who enjoy long periods of dominance. The most obvious manifestation of this listlessness was an increasing lack of fresh policy ideas and initiatives. But one contributing factor to the eventual demise of the Liberal would arguably exceed all of them, the so-called ‘civil war’ between the respective camps loyal to Chrétien and

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1293 Ibid., 289-328.
1294 LeDuc, Pammett, et al., Dynasties and Interludes, 479.
Martin. The roots of this conflict reach back to 1984 when Chrétien first ran for the leadership of the Liberal party against John Turner. Both were racing to succeed Trudeau, but the differences between these two men could not have been more pronounced. Chrétien ran as the pragmatic insider from Quebec who saw himself as Trudeau’s heir. Turner, meanwhile, ran as the outsider who was returning to elected politics from the private sector after a falling out with Trudeau. Turner, accordingly, promised to distance the Liberals from the Trudeau legacy, a move that eventually won him the party’s leadership. But Turner failed to meet the high expectations people had placed in him. In fact, Turner’s legendary image as an intelligent and sophisticated pretender to the Liberal throne started to unravel the very day when he announced his run for the leadership. The occasion revealed a nervous man who had been out of politics for too long and lacked an aptitude for television, the primary medium of political communication. 1295 Not surprisingly, Turner’s subsequent leadership of the Liberal party turned out to be nothing short of a disaster. Not only did the Liberals lose consecutive elections under Turner. He also pushed the party to a point of irrelevance. 1296 In fact, his most important contribution to the Liberal cause came on the day when he announced his decision that he would make room for a new leader. It was against this background that Chrétien and Martin would meet for the first time as rivals for the Liberal leadership.

Held during the first six months of 1990, the Liberal leadership campaign eventually featured five candidates. But only two, Chrétien and Martin, mattered in defining the Liberals for the next 15 years. If it was Turner’s turn in 1984, 1990 was to beChrétien’s coronation. Like Turner, Chrétien did not need to organize. Thanks to his long record of service under Trudeau, Chrétien had remained a household name despite the fact that he had left politics for the private sector in 1986. Most of the people who had supported him in 1984 had also remained loyal and their respective connections in the various ethnic communities of Canada’s major cities would prove to be valuable. Chrétien also enjoyed considerable support among Quebec senators who owed their appointments to Trudeau. But Chrétien’s history with Trudeau, particularly his part in the constitutional negotiations of the early 1980s, also loomed as a potential disadvantage,

1295 Ibid., 15-19.
especially in Quebec, where he was a divisive figure. Others, meanwhile, worried Chrétien might be out of touch with Canadians. Yes, he was a pragmatic centrist. But many rank-and-file members worried that Chrétien was “yesterday’s man” in suggesting that the party was once again succumbing to “Turner syndrome.” It was this fear that lifted Martin above the field of the also-rans.

While Martin could not compete against Chrétien on experience, many saw the rookie MP as the heir apparent, partly because of his prolific role as the Liberal finance critic and partly because of his family. Martin had witnessed his father lose the Liberal leadership to Trudeau in 1968, an experience that had animated his political career. But Chrétien, who had actually supported Martin’s father in 1958 when he ran against Pearson, was no less ambitious. He resented Martin’s ruthless drive and felt Martin was presumptuous. To uninitiated outsiders, it looked as if 1990 would be a role reversal of 1984, with Chrétien playing the role of Turner and Martin playing the part of party insider as first performed by Chrétien. In reality, 1990 was a continuation of the Turner-Chrétien contest. Many of the people who had first helped Turner in 1984 had been “looking for another horse to saddle up, and Martin was available,” according to Brian Tobin, a long-time Chrétien loyalist. This narrative also reduced Chrétien to a relic from a distant era. This framing would become a recurring rhetorical device in the decade-and-a-half that followed the leadership race of 1990. This campaign would also set the stage for the other personalities and policies that would eventually define Martin’s mandate. On the personnel side, Martin’s leadership run set the foundation for an inner circle of advisers known as the Board, whose members spearheaded a generation of new Liberal insiders that would eventually control most of the party structure. Equally important was the regional make-up of the Board. Many came from rural parts of Ontario, others from western Canada. While both conditions were inconsistent with the larger demographic profile of the Liberal party, these patterns shaped Martin’s political

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1297 Jeffrey, Divided Loyalties, 171-172.  
1298 LeDuc, Pammett, et al., Dynasties and Interludes, 401-403.  
1299 Jeffrey, Divided Loyalties, 170.  
1300 Quoted in Ibid., 172.  
1301 LeDuc, Pammett, et al., Dynasties and Interludes, 402.
philosophy, which premised on the belief that the Liberals must break with long-held traditions if they were to be successful in the future.\footnote{Michael Behiels, “Stephen Harper’s Rise to Power: Will His “New” Conservative Party Become Canada’s “Natural Governing Party” of the Twenty-First Century?” American Review of Canadian Studies 40, no. 1 (2010): 137.}

The central issue that would divide the Chrétien and Martin camps during and after the leadership campaign was the status of Quebec. Specifically, Chrétien and Martin disagreed on whether the Meech Lake Accord was the most appropriate step towards securing Quebec’s signature on the Canadian constitution. For Chrétien, who had helped to negotiate the original agreement, the answer was a subtle No that left some wiggle space. Martin, meanwhile, supported the agreement unconditionally. The tensions between these two positions grew as the campaign proceeded and climaxed during the final leadership forum when Martin forces openly heckled Chrétien after an apparent last-minute conversion in favour of the agreement. Since Chrétien and Martin were the only candidates with realistic chances of winning the race, Liberal supporters and opponents of Meech Lake had no other option than to side with one, even if they could not agree with other aspects of their candidacy. The timing of the Liberal leadership race only raised the stakes, because the campaign itself coincided with frantic, futile talks between Ottawa and several provinces to save the accord before its June 23 deadline – two days before the Liberal convention was set to start. In fact, Chrétien and Martin delivered their final addresses just hours after it became clear the accord had failed. Martin did not discuss this development, while Chrétien did. Specifically, Chrétien down-played the demise of Meech Lake, while promising to renew national unity. This message ultimately helped Chrétien attain the leadership the next day on the first ballot with fifty-seven per cent support. Chrétien loyalists also secured a clean sweep of top party offices.\footnote{Jeffrey, Divided Loyalties, 179-193.}

Reactions in the Martin camp ranged from extreme disappointment to outrage. Martin’s Quebec chair and former Turner organizer, MP Jean Lapierre, ripped up his Liberal membership card on television and eventually co-founded the Bloc with Bouchard. We will encounter Lapierre’s name again.

Liberals, unlike Conservatives, have always found ways to transform leadership changes into demonstrations of unity and competency. In fact, these personnel changes
have often coincided with significant policy changes, which have allowed the party to remain relevant. And whichever differences might have divided Liberals during a leadership race, they had always found ways to reconcile competing factions in ways that actually reassured the public. This ability has been one of the reasons behind the Liberal hegemony in Canadian politics. But the race between Chrétien and Martin was qualitatively different. Both Martin and Chrétien were “more confrontational, vindictive, and aggressive than their predecessors, and both were consumed by personal ambition.”\footnote{LeDuc, Pammett, et al., \textit{Dynasties and Interludes}, 478.} They also barely managed to contain their on-going disagreements over Quebec. The traditional Liberal approach on federalism valued pan-Canadian solutions, harmonization and minimum national standards.\footnote{Jeffrey, \textit{Divided Loyalties}, 366.} But Martin seemed to have a shaky grasp of these principles, much to the frustration of Chrétien, who eventually concluded that Martin’s position on federalism made him an unsuitable prime minister. That said, both Chrétien and Martin managed to put aside their personal differences in forming one of the most productive tandems in Canadian politics. Their economic record says as much. But Martin was hardly satisfied with arguably being the best finance minister in Canadian history.

He wanted to be prime minister, an ambition that remained unabated after the leadership race of 1990. In fact, that low point in Martin’s political biography motivated him to seize the Liberal Party under a plan that took advantage of new rules that granted local grassroots more influence. Executed with great precision and little media publicity, this plan to seize the Liberal party riding by riding, provincial executive by provincial executive did not go unnoticed by Chrétien loyalists, who urged countermeasures before it was too late.\footnote{Ibid., 334.} Chrétien himself appeared more relaxed than his advisers. He was ready to retire after having won two majorities.\footnote{LeDuc, Pammett, et al., \textit{Dynasties and Interludes}, 478.} But the forces loyal to Martin were increasingly becoming impatient and were not inclined to follow historical precedent in granting Chrétien the privilege of departing according to his own timetable. Their eagerness to push Chrétien out of power eventually became public in January 2000 and created the impression that Martin was getting ready to stage a coup, an appearance that
stiffened Chrétien’s decision to stay on as leader and run for a third term. Chrétien’s decisive victory in 2000, and Martin’s reaction to it, only deepened this split. In fact, it would come to pre-occupy the media and, worse, the party itself.

The visible breakdown of Liberal unity escalated in 2001. If Chrétien could change his mind once and run for a third term, he could do it again, Martin advisers speculated. Others were also starting to see Chrétien as a liability. And if Chrétien were to stick around, they theorized, he might destroy them. Relations between Chrétien and Martin took a final dramatic turn in June 2002 when Chrétien asked Martin to cease campaigning for his job. Hours later, Martin either quit cabinet or Chrétien fired him. Accounts vary. Whether Martin was fired or he resigned is actually a moot point. Martin’s departure did not end the unrest among Liberals. It actually intensified the feuding in dominating national attention. And neither side seemed to recognize that Canadians increasingly disapproved of their behaviour. That said, Chrétien lacked the means and energy to prevail against Martin and eventually conceded by announcing that he would step down as party leader and prime minister in early 2004 following a leadership race. Historically, these events have traditionally benefited the Liberal brand. As we saw in Chapter 5, the transition from Pearson to Trudeau invigorated the party. The same did not happen when Martin arrived. His preceding actions had actually contributed to a contentious atmosphere among Liberals, who seemed exhausted and out of energy, just as the Conservatives had revived themselves to become a credible alternative.

We reach these conclusions through hindsight, a privilege denied to the actual participants of the period. In fact, pundits confidently predicted that Canada would

\footnotesize{1308 Jeffrey, Divided Loyalties, 329-339.}
\footnotesize{1309 Consider the following example. In 2001, officials in Martin’s ministry did not include funding to introduce rural broadband. The project itself was the brainchild of industry minister Brian Tobin, whom many expected would challenge Martin for the party’s leadership. When Tobin complained to Chrétien about the lack of funding for his project, Chrétien acknowledged, that “his instructions had not been followed.” But Chrétien did not ask Martin to find the necessary funding, because he did not want to undermine his finance minister. Tobin, for his part, suspected that Martin had pulled the plug on the project because he did not want Tobin to receive the credit for the initiative. But Tobin – increasingly frustrated by Martin’s control of the party executive – did not bother to find out if his suspicion had validity. He abandoned his plans for leadership, resigned and returned to Newfoundland. But before doing so, Tobin told Chrétien that Martin had “captured” the party hierarchy in a way that would make it impossible for anyone else to mount an effective leadership campaign. Events would prove him correct. Ibid., 359.}
\footnotesize{1310 Ibid., 361-362.}
\footnotesize{1311 LeDuc, Pammett, et al., Dynasties and Interludes, 480.}
continue to remain a de-facto one-party state perhaps similar to Japan, where the Liberal Democratic Party has had a stranglehold on national politics for decades. These predictions, though, failed to appreciate the damage that the Martin-Chrétien feud had caused. Nor could the party count on a gripping leadership race that might refocus public attention, because the campaign that eventually unfolded failed to achieve the two goals of any leadership succession. First, it did not boost the popularity of the party. Martin was the obvious and only possible choice to succeed Chrétien. More than 100 MPs, 259 out of 301 riding presidents and all provincial presidents had already declared their support for Martin when he filed his nominations papers in early 2003. The inevitable “Martin steamroller” discouraged credible challengers such as Allan Rock and depressed public interest in the race, which was quickly becoming a non-event. 1312 Second, the race did not lead to a policy renewal, despite various efforts. With a fourth straight majority at stake, Liberals had to convince Canadians that they remained a vibrant source of fresh ideas and innovation in line with pressing public issues. Traditionally, Liberals had relied on their more or less brief spells in opposition to renew themselves. This option was course not available in 2003.1313 To fulfill this essential imperative for renewal, former Trudeau advisor Tom Axworthy organized a “thinkers conference” outside the confines of the leadership campaign. Participants included past and current members of the party elite, including none other than former Pearson advisor Tom Kent who would issue a prophetic warning when he urged his party to end its reliance on the corporate sector for financial support if it wished to remain credible with the public. This appeal must have left a sour taste in the mouths of many Martin supporters since their man stood accused of being a corporate stooge by virtue of his own personal wealth and support from Bay Street.

For his part, Martin had identified two specific policy areas: cities and the so-called “democratic deficit.” Of course, these issues did not represent the full extent of interests. At one stage, Martin’s campaign had recruited some 300 experts to craft proposals for twenty-two separate policy areas. But Martin faced several dilemmas. First, he could not fully air his views lest he wanted to confirm the impression that his

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1312 Jeffrey, *Divided Loyalties*, 373-405.
campaign was the unofficial opposition to the Chrétien government. Advisors also urged Martin to keep his cards close until the eventual election. While commendable and tactically sound, this restraint meant Martin spent most of the campaign issuing very general statements. Martin, in other words, found himself in a lose-lose situation, one Liberals could have possibly avoided if the actual leadership race and Chrétien’s long goodbye had not dragged on. Yet the timing of these events created the very conditions for more Liberal infighting. In fact, the convention further embarrassed the party, when Chrétien delivered his farewell speech. If Chrétien’s heir apparent was highly popular among delegates, their applause was most audible during portions of the speech that seemed to repudiate Martin. The first standing ovation came when he discussed the Clarity Act as one of his three great achievements. Martin’s public support for it was “lukewarm.” Delegates rose for a second time when Chrétien defended his decision to keep Canada out of the Iraq War. Martin, meanwhile, was eager to repair relations with the Republican administration of George W. Bush. The third ovation came near the end of the speech, when Chrétien asked Liberals to remember their social conscience in warning against a philosophical shift towards the right. Reactions to Chretien’s speech raised questions about why the party was ready to choose a leader whose positions seemed to be at odds with the speech. A staged show of unity featuring Martin, Turner and Chretien after Martin had defeated Shelia Copps by more than 3,000 votes completed the surreal optics.  

Canadians reacted to this bungled leadership transition with a sense of disbelief. The preceding Liberal feuding and the disproportionate amount of coverage that it received in the media seemed out of touch with real world concerns such as the state of Canadian security/civil liberties following 9/11 or the future of health care. But if this Liberal imbroglio seemed like a childish luxury, it was a costly diversion whose dilatory effects would be compounded by the almost simultaneous arrival of two threats – the sponsorship scandal and the end of the divisions that had characterized the right side of Canada’s political spectrum since 1993. These two developments would ultimately come shape the narrative of the Martin years and the minority that bore its name. What follows next details the events that led to the electoral emergence of the Martin minority and its

[1314 Jeffrey, Divided Loyalties, 403-436.]
eventual performance during the course of its tenure in office, which lasted from June 2004 through January 2006, a period of relative prosperity.

7.4 Martin in Power: A Frantic Exercise in Excessive Ambition

We already know that Martin minority was ineffective, because it failed its probationary period. Accordingly, it falls into the same class as the second minority of John Diefenbaker and the Clark minority. This said, the Martin minority is at least remembered for something more than just being a brief entry in the chronicles of Canadian politics. For better or worse, it could look back on some accomplishments, from the controversial but far-reaching federal-provincial health accord signed in September 2004\(^\text{1315}\) to the partially realized promise of a national child care program,\(^\text{1316}\) from the legalization of gay marriage\(^\text{1317}\) to the Kelowna Accord that aimed to spend $5 billion over a ten-year period on Aboriginal education, employment and other measures to improve overall living conditions.\(^\text{1318}\) Despite its various dysfunctions, the Martin minority was not unproductive.\(^\text{1319}\) During a singular parliamentary session that lasted 159 days, the Martin minority tabled eighty-two bills, of which they forty-six received royal assent for a success rate of fifty-six per cent (Table C.10).\(^\text{1320}\) It is precisely this record that magnifies its many failures. It had potential. But this potential went unrealized, because the Martin minority suffered from the same basic flaw as the other ineffective minorities. Its central figures starting with its head possessed a level of


ambition that exceeded their abilities.\textsuperscript{1321} In fact, Martin saw his minority in the same tradition as the Pearson minorities. But this misapprehension actually speaks to the larger point about Martin’s faulty judgment. He failed to realize that the political ground was shifting underneath his feet.

If 1993 marked the emergence of the fourth party system, 2003 marked the emergence of the fifth party system.\textsuperscript{1322} Its formative event was the creation of the new Conservative Party. This development ended the regional fragmentation that had kept the Liberals in power through three straight elections. Other parameters of Canadian political life also changed. Canadian politics would become more partisan, more divisive and less tolerant of brokerage politics. Some have described this development as the Americanization of Canadian politics,\textsuperscript{1323} while others have pointed to the influence of Australian conservatism.\textsuperscript{1324} The ‘family’ would become the dominant topic of political discourse. The Internet emerged as a genuine and increasingly important tool of political communication. Finally, parties would have to find new ways to raise money after sweeping legislation passed during the final Chrétien years curtailed donations from corporations and unions.\textsuperscript{1325} Some of these changes occurred overnight, others more gradually. But they would nonetheless shape the course of Canadian politics for the next decade. And it would be the Conservatives, not the Liberals, who successfully passed through this transitional period of which the Martin minority was itself a symptom.

Not everything was Martin’s fault. Trudeau once said that timing is everything in politics and Martin had undeniably poor timing. He ascended to the Liberal leadership at a time when the Liberal advantage on social issues and national unity was evaporating. Martin’s role in managing the economy during the 1990s had reassured the public. But this very record also diminished the significance of economic issues, at least until the financial crisis that began 2008. The Liberal advantage on social issues had always rested

\textsuperscript{1321} LeDuc, Pammett, et al., Dynasties and Interludes, 499.
\textsuperscript{1325} Walchuk, “A Whole New Ballgame?” 418-434.
on their ability to portray themselves as the guardians of social services. This advantage was especially evident during the federal election of 2000 when Chrétien raised serious concerns about Day’s willingness to defend the public health care system. But Liberal efforts to reform health care proved to be increasingly ineffective. Fundamental factors including an aging population, longer life expectancies and soaring hospital and medical costs combined to render most simple fixes futile. These realities changed the way that Canadians perceived government and made them increasingly weary of far-reaching promises to fix large-scale problems. Accordingly, the scope of political discourse narrowed.

After assuming power in early December 2003, Martin expanded significant energies on simultaneously broadening the Liberal base in western Canada and in Quebec, a complex and contradictory enterprise. Martin’s interest in western Canada was not surprising. Key members of Martin’s team hailed from the region and Martin himself had promised that he would spend more time dealing with the concerns of western Canada. In fact, Martin himself believed that western alienation was a genuine phenomenon that should be taken seriously, a stance that clearly separated him from Chrétien who had warned against acknowledging the phenomenon because it might create a self-fulfilling prophecy. To show his commitment towards western Canada, Martin used the occasion of the 2003 Grey Cup in Regina to arrange an informal meeting with the provincial premiers just days after having won the leadership. This meeting, not to mention its location, could have not sent a clearer message about Martin’s priorities. The composition of Martin’s first cabinet confirmed this earlier signal. Ralph Goodale of Saskatchewan and Anne McLellan of Alberta received promotions to two of the most important cabinet posts – finance minister and deputy prime minister, respectively. Other senior cabinet ministers from western Canada retained their posts, while veteran backbenchers from the region finally received promotions to cabinet.

But if these moves were meant to signal Martin’s commitment towards the concerns of western Canada, his overtures towards Quebec would only deepen western grievances. Support for the Bloc had been collapsing during the final days of the Chrétien

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1326 LeDuc, Pammett, et al., Dynasties and Interludes, 483-484.
1327 Jeffrey, Divided Loyalties, 421- 443.
government. Encouraged by advisers who believed that Martin could expand the existing Chrétien majority into a super-majority of some 200 seats\textsuperscript{1328} through the addition of seats in western Canada and Quebec, Martin reached out to soft nationalists who had previously supported the Bloc as part of a softer approach towards Quebec. Gagnon had anticipated as much, but also wondered whether Martin’s new approach would succeed in light of the issues that would eventually come to define relations between Ottawa and Quebec during the last run of minority governments: They included (i) l’obligation constitutionnelle de transiger avec le gouvernement du Québec; (ii) l’existence d’un déséquilibre fiscal qu’il a lui-même contribué à accentuer alors qu’il était ministre des Finances; et (iii) non le moindre, la reconnaissance formelle de la nation québécoise au sein de l’État fédéral multinational.” Finally, Gagnon raised two fundamental questions about Martin’s approach towards federalism.

“Si à Québec, la saison des idées est lancée, à Ottawa le temps des paris est arrivé. Le Canada de Paul Martin sera-t-il plus conciliant avec le Québec que ne l’a été celui de Pierre Trudeau et de Jean Chrétien? Peut-être que oui. Est-ce que le Canada est prêt pour cette éventualité ? Là est la question fondamentale et seul l’avenir nous apportera la réponse.”\textsuperscript{1329}

The answer to the second question arrived when Martin recruited Lapierre, the former Liberal who had co-founded the Bloc Québécois. And to the amazement of many Liberals, Martin not only gave Lapierre a safe seat, but also made him his Quebec lieutenant, with the understanding that Lapierre would encourage other soft nationalists to abandon the Bloc in favour of the Liberals. His role, as one Martin adviser said, was simple: turn forty seats into sixty. Lapierre’s return to the Liberal ranks was nothing less than a provocation, deeply unpopular in parts of the English-speaking media. Western Liberals counselled against the appointment. Lapierre further fueled Liberal anger when he attacked the Clarity Act. In the end, Lapierre recruited six additional Bloc and PQ

\textsuperscript{1328} Ibid., 441, 485.
members to the Liberal ranks. For his part, Martin gamely defended these turncoats. Yes, some of these new Liberals had briefly flirted with separatism, Martin admitted. But “(the) fact is that none of those people are separatists. They are nationalists, but not separatists and they have committed themselves very, very strongly to the unity of our country…” But this claim barely held up to additional scrutiny. Most would soon reveal themselves as political opportunists and their cynical presence divided Liberals, just as Conservatives had put aside their differences.

As noted, the collapse of the PCs in 1993 had fractured the right side of the political spectrum, a division that eventually placed two right-of-centre parties in the Commons: the Reform Party which represented the western wing of the former Mulroney coalition and the remnants of the Progressive Conservatives themselves. Reform eventually turned itself into the Canadian Alliance, but also failed to form a credible alternative to the Liberals. In fact, these divisions took a bizarre turn less than a year after the 2000 election when a group of Alliance MPs revolted against their leader Day to form a separate parliamentary group with their Tory cousins. This revolt eventually triggered a leadership race between Day and Harper, a former Reform MP, who had served one term in the Commons before quitting elected politics to head the National Citizens’ Coalition, an interest group promoting free enterprise and small government. Receiving pressure to return, Harper handily defeated Day in March 2002 to become leader of the Alliance. But Harper had no intention to remain in this post. His goal was to unite conservatives on his terms. These efforts eventually assumed an unprecedented momentum. On May 31, 2003, Progressive Conservatives elected Peter MacKay as their last leader. He had won this office after promising that he would not merge the PCs with the Alliance. Yet he violated this pledge within months by negotiating an agreement with Harper to create the new Conservative Party of Canada. On March 20, 2004, Harper became the first leader of this new party, beating third-placed Tony Clement and runner-up Belinda Stronach, Mackay’s partner. So within the space of less than two years, long-time political enemies managed

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1330 Jeffrey, Divided Loyalties, 485-486.
1331 Quoted in Ibid., 487.
to bridge political and personal differences that had divided the right side of the political spectrum for more than a decade.  

But this new party was not the old Progressive Conservative party. Socially conscious ‘Red Tories’ and others uncomfortable with the social conservatism of Reform and the Canadian Alliance abandoned the new party for other parties, including the Liberals. This new party also lacked a presence in Quebec, because sizable segments of it were uncomfortable with official bilingualism and unwilling to meet Quebec’s demands for special recognition. We will see in the next chapter that Harper would spend his first years as Conservative leader wooing Quebec, often with less than satisfactory results. Overall, the ‘new’ Conservatives sounded like bitter, even angry prairie populists, their policies seemingly unrefined and of limited appeal beyond certain quarters. This was not surprising if we consider that the main roots of this new party reached back to a party that had tried to repudiate the politics of brokerage, before admitting that this approach would only take it so far. One other notable difference between the ‘old’ Tories and the ‘new’ Tories concerns leadership, as Harper imposed the sort of discipline and clarity of purpose that often seemed missing from the Tories.

We see this condition perhaps most clearly in Harper’s relentless exploitation of what came to be known as the sponsorship scandal, or Adscam. The scandal first entered public consciousness during the late spring of 2002. Specifically, it revolved around several federal advertising contracts that had first caught the attention of Auditor-General Shelia Fraser in 2000. Ottawa had awarded the contracts to a Quebec advertising agency with Liberal ties to promote federalism through the so-called sponsorship program run by Public Works. Yet Fraser’s initial investigation questioned whether the public had received any value in return. Armed with this preliminary evidence, Fraser launched a full review of the sponsorship program. She also asked the RCMP to investigate. Chrétien was quick to respond to these developments in supporting these efforts. But he also denied that these revelations, which coincided with several other mini-scandals, represented evidence of Liberal corruption. This said, Chrétien had no other choice than to demote the responsible minister, replacing Don Boudria with Goodale, who

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1332 LeDuc, Pammett, et al., Dynasties and Interludes, 481.
subsequently suspended the entire sponsorship program. The issue would simmer just below the surface for the following months, as Fraser and the RCMP conducted their respective investigations. It erupted on February 10, 2004, when Fraser released her report. Specifically, she found that Ottawa had spent more than $250 million on the sponsorship program, with more than third of this money ($100 million) going towards communication consultants with close ties to the Liberals. Worse, Fraser raised serious questions about the eventual whereabouts of this money.

The sponsorship scandal was certainly not the first scandal that the Liberals had to absorb since coming to office in 1993, but it was undeniably the most damaging one. Martin responded to this development in a number of ways. The day after Fraser had released her report, Martin fired Alfonso Gagliano, the former minister who had been responsible for the program at the time of the alleged fraud, from his appointment as ambassador to Denmark. Other firings followed. Martin also called a public inquiry, the Gomery Commission. Sometimes, governments call public inquiries to divert attention and deter questions. But Martin seemed eager to break with the past. Finally, he launched an extensive public relations campaign during which he strongly denied any personal involvement, while promising to prosecute those who were responsible. Canadians responded with skepticism, if not incredulity. They found it particularly difficult to believe that the country’s former finance minister, who was also the senior minister from Quebec at the time, neither knew about the program nor the problems associated with it. Martin’s decision to deny any personal involvement also had internal ramifications. It inevitably created the impression that Martin was blaming Chrétien and his camp, a dangerous step, because it would risk discrediting and alienating many long-time Liberals, especially in Quebec. When Martin finally headed to the polls, many Pearson, Trudeau, and Chrétien Liberals simply refused to work for Martin Liberal candidates or even to cast their ballots.

Which brings us to a larger question of considerable interest: should Martin have reacted differently? Sober second thought suggests that the sponsorship scandal might

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1333 Jeffrey, *Divided Loyalties*, 370.
1334 LeDuc, Pammett, et al., *Dynasties and Interludes*, 486.
1335 Ibid., 485-486.
have been a tempest in a teapot.\textsuperscript{1338} Chrétien supporters, meanwhile, noted that all of the central figures fired by Martin had been Chrétien appointees. Martin, in other words, used the occasion to settle old scores. Martin critics also noted that the Gomery Commission kept the issue in full public view.\textsuperscript{1339} Others however argue that Martin had no alternative. If Martin had attempted to downplay the significance of the scandal, he would have likely lost the 2004 election, according to this school of thought.\textsuperscript{1340} Because the Auditor General had first raised the issue, it was the government’s fundamental responsibility to launch some sort of inquiry, regardless of its eventual revelations. Ultimately, this question will remain unanswered. But few would deny that the scandal tarnished the larger Liberal record on fiscal management and national unity.\textsuperscript{1341} The damage was particularly pronounced in Quebec, where the televised hearings of the Gomery Commission became appointment television.

Quebeckers specifically resented the implication that Ottawa could ‘buy’ their loyalty. Not surprisingly, the Bloc was one of the benefactors of the scandal, an ironic turn, because the sponsorship program was once “a necessary part of a strategy in the war against Quebec separatists”\textsuperscript{1342} in the words of Chrétien. Accordingly, support for sovereignty, deemed dead only months earlier, rose steadily as the scandal continued to make headlines. It eventually reached 56 per cent in June 2005, its highest levels in ten years.\textsuperscript{1343} As for the Conservatives, the scandal afforded them the opportunity to attack the Liberals as arrogant and accountable, a charge that was starting to stick. This reaction caught the Martin camp off ground. They had billed themselves as “cool and ultra-competent technocrats” who been waiting for just the right moment to rid the party of popular but old codger. Things would be different, they promised, once they had replaced Chrétien and his circle of backroom boys. Rationalism, expertise and good management would replace threats, personal connections and greasy handshakes.\textsuperscript{1344} Yet this scandal was becoming ‘their’ scandal. Most importantly, it would shape the timing of the next election.

\textsuperscript{1338} Jeffrey, \textit{Divided Loyalties}, 489.
\textsuperscript{1339} LeDuc, Pammett, et al., \textit{Dynasties and Interludes}, 485.
\textsuperscript{1340} Jeffrey, \textit{Divided Loyalties}, 473.
\textsuperscript{1341} LeDuc, Pammett, et al., \textit{Dynasties and Interludes}, 486.
\textsuperscript{1342} Quoted in LeDuc, Pammett, et al., \textit{Dynasties and Interludes}, 498.
\textsuperscript{1343} LeDuc, Pammett, et al., \textit{Dynasties and Interludes}, 499.
\textsuperscript{1344} Pammett and Dornan, “Election Night in Canada,” 8.
The Martin camp contemplated two possible choices as it prepared to take power. The first was to seek an electoral mandate at the earliest possible moment. The second was to govern for a period, then seek a mandate. Fraser’s report complicated this choice because it immediately depressed Liberal support by seventeen per cent over the course of forty-eight hours following its release – the “most sudden, catastrophic plunge in Canadian political history” according to Duffy. Two other variables also clouded the issue. First, the public greeted Martin’s first budget with indifference. Second, the party was hardly prepared for an election. Martin’s “Mad as Hell” tour in the wake of the sponsorship scandal across the country had created the impression that he was running against the Liberal record – read, the Chrétien record. But Chrétien remained a popular figure among federal Liberals, especially in Quebec, where the party would likely face its biggest test in the wake of the sponsorship scandal. In other words, Martin indirectly aided the Bloc by depressing Liberal morale. Martin’s decision to distance himself from Chrétien would also have other consequences. We have already discussed the consequences of his decision to recruit former Bloc members. Martin compounded this internal dissent within the Liberal Party by sidelining many of its most seasoned campaign managers. Furthermore, his chosen campaign team continued the transformation of the Liberal Party into the Martin party by rigging open nomination races in favour of preferred candidates or exposing incumbent MPs who had remained loyal to Chrétien to nomination contests. These steps did not only discourage qualified would-be candidates from running for the Liberals, but also caused needless divisions that would ultimately end up costing the Liberals several winnable seats.

In the end, the Martin team pressed ahead with a late spring election with voting day scheduled for June 28, 2004. This timing however was neither early enough for Liberals to use the argument that a new prime minister needed a new mandate nor late enough to see their electoral prospects sufficiently improve. In fact, several Liberals openly questioned the timing of the election. The sponsorship scandal was still making headlines and polls showed that the party was still recovering. The new provincial Liberal government in Ontario had also hurt Liberal prospects when it imposed a new tax to fund

1346 Jeffrey, Divided Loyalties, 474-488.
1347 LeDuc, Pammett, et al., Dynasties and Interludes, 487.
health care. But these tactical disagreements coupled with concerns about the state of the party merely hinted at a larger question: what exactly did Martin set out to accomplish?\textsuperscript{1348} The campaign itself certainly promised a measure of novelty not seen for some time. A new party, ostensibly pan-Canadian in orientation, was contesting its first election. All three federalist parties entered the campaign with new leaders. And only one of them, Martin, was a genuinely familiar figure. Yes, Harper had developed a national profile and reputation in his previous political stops. But he too was still relatively untested and many observers wondered whether his new party would be capable of mounting an effective campaign so soon after the ‘merger’ with the Tories. Questions of this sort also confronted the new leader of the New Democratic Party, Jack Layton, who had been a Toronto city councilor before entering federal politics. His election as NPD leader in 2003 had pushed the party to the left, but not necessarily out of the Canadian mainstream. In fact, New Democrats believed that the neo-liberal ascendancy of the 1990s had runs its course in predicting a return to social democratic values. Governments would once again matter and the NDP advertised itself as an antidote to the neo-liberalism of the era by promoting a message that mixed traditional promises (no privatization of health care) with appeals to various social and environmental movements. The Bloc, meanwhile, entered the campaign under the leadership of Gilles Duceppe, who had led the party since 1997.

In terms of issues, the campaign focused on health care, which forty-seven per cent of Canadians identified as the most important issue, and to a lesser degree, accountability.\textsuperscript{1349} Despite their various organizational problems, the Martin Liberals entered the campaign as the prohibitive front-runners thanks to three apparent advantages. First, they could claim an impressive record of accomplishments. From the \textit{Clarity Act} to the ratification of the Kyoto Accord, from the consolidation of Canada’s finances to the 2003 decision to stay out of the Iraq conflict, Canadians continued to see the overall record of the Chrétien years in a very positive light. This record also speaks to the second advantage. Canadians have historically considered the Grits the primary guardians of Canadian values and a poll published a week before the election confirmed

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\textsuperscript{1348} Pammett and Dornan, “Election Night in Canada,” 12.
\textsuperscript{1349} LeDuc, Pammett, et al., \textit{Dynasties and Interludes}, 488
that 44 per cent of Canadians still believed Martin and the Liberals “would provide the best overall government for Canada” compared with only twenty-eight per cent who chose the Harper Conservatives. Statistics of this sort point to the third and final Liberal advantage. While Harper might have been a more formidable opponent than either Manning or Day, he did not threaten Martin in the same manner as Mulroney had Turner. Despite his best efforts, Harper had failed to convince enough Canadians that he was moderate enough to serve as their prime minister. Radicals from the Reform era still populated the Conservative backbenches and some time would pass before Harper could purge them.  

Canada’s “nastiest campaign” featured three distinct phases. The first saw the Liberals get off to a stuttering start, which was not surprising if we consider their organizational issues. Still living off their perceived advantage on health care, they had made health care the central plank of their platform. In fact, Martin promised to fix health care “for a generation.” But the Conservatives surprised the Liberals by promising even more money for health care. This promise, designed to move the party towards the centre, did not quite add up with the generous tax cuts and deductions that Harper was also promising to Canadian families. But it nonetheless blunted a perceived Liberal advantage. This in turn allowed the Tories to keep the attention on the sponsorship scandal with devastating results. Liberal support started to collapse and the party would eventually find itself in “in a downward spiral” as a senior campaign leader put it. As their support crumbled during the second phase of the campaign, the Liberals turned ‘negative’ in raising questions about Harper’s commitment towards ‘Canadian’ values. Caught off-guard, Harper partially aided this negative advertising campaign. Facing questions about abortion, Harper said he would not re-open the abortion debate “in the first term” of a Conservative government, an addendum that the Liberals were more than happy to highlight.

As the campaign approached its conclusion, polls increasingly favoured the Conservatives. And the Grits were contemplating the genuine possibility of losing

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1350 Jeffrey, Divided Loyalties, 498-499.  
1352 Jeffrey, Divided Loyalties, 508.  
1353 LeDuc, Pammett, et al., Dynasties and Interludes, 491.
power. This was the point where Harper made his first mistake by openly speculating about a majority government. Such musings misread the public mood. Voters were turning against the Liberals, but were not ready to embrace the Conservatives. Harper’s second mistake came during the closing days of the campaigns, when he approved a press release that suggested Martin was in favor of child pornography, because he had not done enough to prevent it while in government. This attack made the Conservatives appear unfair and actually distracted their campaign, as voters began to have second and third thoughts about Harper.

In the end, the Liberals recovered to stay in power as a minority with thirty-seven per cent of the popular vote and 135 seats (Table B.7), with seventy-four coming from Ontario. This strong showing in Ontario allowed them to offset significant losses in Quebec and western Canada, areas where Martin had actually hoped to improve Liberal fortunes. Overall, these figures represented a loss of thirty-seven seats from the 2000 election and of four per cent in terms of popular support. As for the Conservatives, they elected ninety-nine seats with thirty per cent of the vote. On the one hand, these figures disappointed Conservatives, who once stood on the verge of assuming power. On the other hand, the outcome confirmed the wisdom of the merger, despite the fact that the party did not match the combined Alliance and PC vote of 1997. This said, it was always unlikely that the new party would unite all small-c conservatives, many of whom had remained with the Liberals. Canadians who voted PC in the previous elections were more likely to resemble Liberal voters than the Alliance or Reform voters. To them, the most sober option was to favor a stronger opposition.

Actually, almost all parties could claim some kind of victory in the 2004 election. Duceppe’s reward for running a smart, clever campaign under the slogan “un parti propre au Quebec” (“a clean party”) was seeing the Bloc win fifty-four seats and forty-

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1354 Part of the problem was Martin himself. His team had made him the focus of the campaign, but his personality did not translate well to the main stage. In fact, he seemed out step with the times. He could have compensated by appearing calm and composed. But Martin often looked frantic and his speaking style was hurried. And if Jack Layton acted much the same way, he at least appeared younger. Harper, meanwhile, appeared wooden, but his appearance was not distracting. And Duceppe was practically presidential, particularly during the television debates, in which he performed well.


1356 LeDuc, Pammett, et al., Dynasties and Interludes, 492.

1357 Ibid., 491-493.
nine per cent of the popular vote in Quebec. The Bloc also prevented the Conservatives from rebuilding the Mulroney coalition. In the process, they denied them any chance of forming a government. In fact, the magnitude of the Bloc’s victory in Quebec meant that its grip on Quebec appeared firm for the foreseeable future. Quebec’s separatist premier Bernard Landry even talked about the possibility of another referendum. In a larger sense, it also reaffirmed the regionalization of Canadian party politics evident since 1993.\(^{1358}\) And as we have seen in previous chapters, the federal presence of a Quebec ‘protest’ party often has often produced a minority government provided Ontario does not break for one of the two ‘national’ parties. Layton, meanwhile, led the NDP to its best showing since 1988 in framing the New Democrats as an option for Canadians who did not like the Liberals and were scared of the Conservatives.\(^{1359}\) This said, Layton had also reasons to be disappointed. New Democrats had gained only six additional seats to finish with nineteen, not quite enough to wield the balance of power.\(^{1360}\) Finally, the Liberals could claim that that they had survived the relentless Conservative attacks over the sponsorship scandal in returning to power, albeit as a minority.\(^{1361}\) While still in power, Martin had nearly managed to lose an election few thought he could lose when he assumed power.

In his account, Clarkson compares the events that led to the Martin minority of 2004 to the transfer of power from Trudeau to Turner. “Indeed, the parallels between the two aspirants (Turner and Martin) were eerie,”\(^{1362}\) he writes. Both Turner and Martin had been successful finance ministers who eventually left cabinet following a bitter personal break with their respective prime ministers. Each became “the toast of the business community and the darling of the media.” As dauphins-in-exile, each built power bases within the party in splitting it. Each then swept into office as “if the Opposition had just defeated the government,” purging incumbents connected to the old regime. “Then supremely confident in their own electoral superiority, they rejected counsels of caution,

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\(^{1359}\) Whitehorn, “Jack Layton and the NDP,” 128.


\(^{1361}\) Richard Gwyn, “Reading the entrails of the two elections – the Liberals were first punished, then re-elected,” Policy Options 25, no. 8 (2004): 10-13.

preferring campaigning to governing.”

Eager to please everybody, “they blundered on the campaign hustings, giving mixed ideological messages and managing thereby to enhance their enemies.” Ultimately, it was the difference in their respective opponents that saved Martin from Turner’s fate of losing power after assuming office. Whereas Mulroney was more of a ‘Liberal’ than Turner in 1984, Martin’s challenger in 2004 came from the far right rather than the centre. This reality allowed Martin to placate the public with “bland, left-leaning policy rhetoric” and demonize Harper. “With the media communicating deep concerns about (Harper’s) social conservatism, the voters ultimately had second thoughts about dismissing the government party, however unworthy of office it might have been.” The emergence of the Martin minority thus confirms the claim that minority government signals a sense of ambivalence among voters. This reaction certainly meant that Martin had received a second, probationary chance and Liberals were prepared to see if he could lead them back to a majority, as Trudeau had done.

In fact, LeDuc suggests the Martin minority might have been able to duplicate the Pearson minorities. This potential certainly existed. Martin, like Pearson, confronted a fractured parliamentary opposition that consisted of three parties. Like Pearson, Martin would need only one of them to stay in power. Better yet, at least two members of this opposition trio seemed un-prepared for an early election. Harper especially needed time to revise his strategy and purge his party of the loose cannons, who had damaged the Conservative cause during the finals days of the 2004 campaign. In fact, Canadians “would most likely blame the Conservatives if the minority government collapses” according to an EKOS poll published in October 2004 that also showed a majority of Canadians “want the parties to cooperate.” So the Martin’s minority could be safe for some time and better yet follow in the footsteps of Pearson, with whom he shared a desire to develop and deliver transformative pieces of social policies. In fact, Pearson’s biographer John English found several parallels between the results of 2004 and 1963.

1363 Ibid.
1364 Ibid.
1365 Ibid.
1366 LeDuc, Pammett, et al., Dynasties and Interludes, 493.
1368 Jeffrey, Divided Loyalties, 524-525.
when Pearson won his first minority. This said, these perceived similarities were superficial upon further review and what follows next briefly highlights these differences – differences that would ultimately play their part in bringing down the Martin minority.

First, the Martin minority confronted a competitive and cacophonous media. Smith notes that minority government gives political observers cause for excitement, because of its unpredictable lifespan and the Martin minority found itself in an “especially precarious situation” because the numerical composition of the Commons hung very much in the balance in reflecting a divided electorate. Not counting House Speaker Peter Milliken, the Liberals and their likely New Democratic allies held 153 votes – the same number controlled by the Conservatives and the Bloc. This calculus placed the balance of power in the hands of the lone independent member, former Conservative Chuck Cadman. Naturally, the “media welcomed the drama of close votes held in the House,” Smith notes. Outside the House, meanwhile, the media was likely to focus its energies on the unfolding sponsorship scandal, which would also complicate parliamentary relations with the Bloc, whose leadership was bound to see everything through the prism of Quebec nationalism. Second, Martin, unlike Pearson, was a business liberal, whose personal wealth and pivotal role in “slaying the deficit monster” during the 1990s had earned him a dubious reputation among the very circles who were counting

They include among others biographical similarities between Pearson and Martin in terms of their age, previous political accomplishments and future ambitions; the regional breakdown of the vote; and the issues that would face the Martin minority. Writing shortly after the election, English predicted Martin would focus on Quebec. “As in the 1960s, only Quebec offers the Liberals the chance for the cherished majority,” he wrote. “The Liberal government, therefore, is likely to focus on those issues that will expand Liberal support beyond the centre of Montreal and a small cluster of constituencies around the national capital.” In fact, English suggested that Martin’s problems in Quebec actually presented an opportunity to renew the party’s fortunes in terms of policy and personnel. “For the federal Liberals, the stars are beginning to form a pattern that presents potential opportunity but also many real dangers,” he wrote. “New voices, better ideas, and broad public debate are critical if the Liberals are to avoid the shoals. Back to the sixties anyone?” John English, “Back to the Future – It’s 1963 all over again,” Policy Options 25, no. 8 (2004): 27-31

Smith, “Canada’s Minority Parliament,” 135. Failed to properly cited this source

Former deputy finance minister Stanley Hartt, who later served as Brian Mulroney’s chief of staff, wrote in Policy Options that Canadians could not have produced a more perfectly poised Parliament. “As if with a unified, Canadians have contrived to install a Parliament that features rewards and punishments for each of the principal political parties,” he wrote. “Strategic voting by osmosis has produced a deliciously fractured House of Commons with unique checks and balances for all the naughty politicians the public just couldn’t get around to actually liking, or defeating. Stanley H. Hartt, “The genius of the Canadian electorate – everybody lost,” Policy Options 25, no. 8 (2004): 43-46


on Layton to reduce, even reverse, the corporate influence on Canadian politics. Martin’s reputation as an avatar for corporate Canada and as an advocate for better political and economic relations with the United States during a period of rising anti-Americanism following the US-led invasion of Iraq would likely complicate relations with Layton. Finally, the Conservatives were eager to bring down the Martin minority at the earliest opportunity, once they had exorcised their populist ghosts and tamed their social conservatives. In other words, the Martin minority would be in for a rough ride and so it came to be.

So despite the fact that Martin had obtained a strong minority on paper, his government would eventually lurch from crisis to crisis, thanks in no small part to the findings of the Gomery Commission. The daily stream of stories about envelopes stuffed with cash delivered in Montreal restaurants, contracts awarded without tender, kickbacks and false invoices proved highly distracting in exacerbating the indecisiveness that plagued the Martin minority. Publicly, it tried to present a united, even defiant front. As Martin and his team were preparing throughout the summer of 2004 to meet Canada’s 38th Parliament in the fall, they eventually decided that they would govern as if they had a majority, just as Clark had done in 1979. This approach meant that the Martin minority would seek parliamentary allies on a case-by-case basis rather than forge a temporary alliance with the NDP as the Trudeau minority had done. While promising more flexibility, the success of this approach would hinge on finding a willing partner, hardly a foregone conclusion. It also required the right personnel and this is one area where the Liberal feuding had left the deepest scars.

Arguably one of the most important personnel decisions for any minority government is the post of House leader. Its holder bears responsibility for setting the day-to-day parliamentary agenda, a task that requires diplomatic skills and a deep knowledge of parliamentary procedure. Yet Martin chose Tony Valeri, a unilingual Ontarian with little experience. His main qualification? Unquestioned loyalty towards Martin. In fact,

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1375 Ibid.
1376 Jeffrey, *Divided Loyalties*, 526.
1377 LeDuc, Pammett, et al., *Dynasties and Interludes*, 493.
1378 Jeffrey, *Divided Loyalties*, 524.
the Martin minority seemed eager to reward loyalists as it prepared for government. Ultimately, this ‘score-settling’ had two effects. First, it alienated sections of the Liberal party from its leadership, now increasingly adopting a siege mentality that isolated Martin from the Liberal base. Second, it unnecessarily antagonized the opposition, which was not particularly eager to cooperate with the Liberals, a fact confirmed in September 2004, when Harper, Layton and Duceppe issued a joint press release warning Martin of defeat if his pending Speech from the Throne failed to recognize parliamentary realities. The three opposition leaders also co-wrote a letter to Governor General Adrienne Clarkson in which they urged her to “consider all options” in case the Martin minority was to suffer an early parliamentary defeat. This was a less than subtle hint. Clarkson, in other words, could refuse Martin’s request for dissolution should his government fall and instead ask Harper to form a minority government himself.

At the same time, the three opposition parties had few reasons to cooperate with each other. New Democrats might have shared the left side of the political spectrum with the Bloc in presenting a supposedly progressive front against the Conservatives. But the NDP strenuously disagreed with the Bloc’s decentralizing, anti-federalist agenda. As for the Conservatives, they could find reasons to agree with parts of the Bloc’s agenda, insofar that they also favored a less interventionist federal government. But these dalliances with the Bloc could only go so far lest the party wished to anger its supporters in western Canada, where special status for Quebec remained an unpopular proposition. The gap between these two parties was even wider on a range of social and economic issues. Canadians therefore found their politics in a familiar state: a governing party unworthy of their full trust but an opposition divided by regional and ideological smallness. On the one hand, the Martin Liberals had chosen to isolate themselves. On the other hand, the opposition parties viewed each other with considerable suspicion. The combination of these factors created an uneasy stalemate, bound to encourage repeated episodes of brinkmanship. To borrow a vernacular phrase from Russell, Canadians were about to witness a game of ‘political chicken’ whose eventual resolution came down to

the following question: who would blink first?\textsuperscript{1382} Would the Liberals cave when confronted with policy concessions? Or would the opposition parties find enough common ground to topple the Liberals? The answer would be forthcoming when Parliament returned in early October 2004.

But before we can reveal the final answer, let us briefly consider what many consider the most significant achievement of the Martin minority – the federal-provincial health care accord of September 2004. Finalized days before the return of Parliament, the agreement established a formula with which Ottawa would increase health care funding to the provinces by $41 billion over ten years. Not surprisingly, Martin loyalists such as Tim Murphy described the deal as an “incredibly innovative” agreement whose “post-modern” approach recognized Canadian realities. For his part, Martin touted this agreement as fulfillment of his promise to fix health care “for a generation.” Furthermore, he told Canadians that they could expect comparable agreements in the fields of childcare and municipal renewal. Martin even walked in the footsteps of Mulroney when he suggested that the accord would be an “important building block…in getting Quebec to sign on to the 1982 constitutional amendment.” This was indeed a bold promise. The deal was certainly consistent with Martin’s long-standing preference for a more decentralized federation in line with his previously stated support for the Meech Lake Accord.

Notably, it included a side deal with Quebec in conforming Martin’s preference for asymmetrical federalism, here defined as federalism that admits differences in competence among the sub-national units relative to each other.\textsuperscript{1383} Others were understandably less enthusiastic in suggesting that Martin would not have spared any expense to sign any deal. Indeed, many Liberals were just relieved that Martin had signed a deal, even if he had given away the store. Ironically, the loudest criticisms came once again from Liberals. Former finance minister and leadership contestant John Manley feared that the cost of agreement would stretch federal budgets beyond their breaking point. Former environment minister David Anderson meanwhile questioned the mechanics of the agreement. How can Ottawa be sure that the provinces would keep their part of the bargain? Martin’s advisers tried to dismiss these criticisms as the biased

\textsuperscript{1382} Ibid., 41.
\textsuperscript{1383} McMenemy, ed., The Language of Canadian Politics, 8.
assessments of defeated leadership candidates and deposed ministers once loyal to Chrétien. More serious charges came from Trudeau federalists who rightly argued that Martin’s public embrace of asymmetrical federalism was incompatible with Liberal orthodoxy.\textsuperscript{1384}

While certain practical realities challenged the purist version of Trudeau’s vision, these critics feared that Martin’s health care accord was the administrative version of the Meech Lake Accord. Some of these critics argued that it granted Quebec special status. Other argued that it mocked the concept of minimum national standards. Others feared that Martin would eventually leave the provision of public services to the provinces. And it should be said that not all of these critics were Chrétien loyalists. Certainly all of them were convinced that Martin’s asymmetrical turn would eventually destroy the welfare state and undermine federal nation-building efforts by creating a patchwork quilt of different services and degrees of access. Martin loyalists once again branded these internal critics as biased, still smarting from their defeat.\textsuperscript{1385} But their arguments were beginning to carry the day among national newspaper columnists and among Canadians outside of Quebec. Worse, Martin’s embrace of asymmetrical federalism reignited internal divisions. Rumours of a leadership challenge started to make the rounds, as Liberals wondered whether their party would remain the party of national unity. When Murphy told rank-and-file members that it was “time to cast off the dead hand of history,” this less-than-subtle attack on the Trudeau legacy only stoked internal divisions.\textsuperscript{1386}

What especially caught the attention of critics was Martin’s intellectual inconsistency on federal files. \textit{Globe and Mail} columnist Jeffrey Simpson hammered home this point when he chided the Martin government for its failure to criticize Quebec Premier Jean Charest, when Charest announced that he would be joining a French trade mission to Mexico. The timing of this unilateral trade trip was particularly piquant. It came just days after Martin had agreed to Charest’s conditions to secure Quebec’s signature on the health care accord. Martin, Simpson concluded, was unwilling to defend the national interest. “Here we have a federal government that is intruding

\textsuperscript{1384} Jeffrey, \textit{Divided Loyalties}, 541-543.
\textsuperscript{1385} Ibid., 543.
\textsuperscript{1386} Ibid., 544.
everywhere in areas of provincial jurisdictions – cities, child care, health – throwing around tens of billions of dollars that will cripple the federal government for years to come,” he wrote. “But one (that) lacks the backbone to defend an area (trade and foreign affairs) that is clearly within federal jurisdiction.” If foreign affairs minister Pierre Pettigrew and intergovernmental affairs minister Lucienne Robillard remained silent when asked for comment, others were more than eager to be heard. Liberal Senator Terry Mercer wondered what kind of message the “party of national unity” was sending by allowing Charest to meet independently with a foreign head of state. Would Martin and his ministers extend similar privileges if the Quebec premier was not a Martin supporter but a separatist? Mercer then linked this issue with asymmetrical federalism in arguing that the concept itself was “far more worrisome” than Harper’s “flirtations with Belgian federalism.” Asymmetrical federalism as articulated by Martin’s transport minister Jean Lapierre – and not anything Harper was saying – was the real threat to the vision of One Canada, Mercer concluded.1387

But if Martin had hoped that the accord would boost his chances of political survival, he was sorely mistaken when his government finally met the opposition in the Commons. The danger of his unapologetic approach towards the opposition became apparent after Governor-General Adrienne Clarkson had delivered the Speech from the Throne. Convinced that their safest course was to push ahead with their election promises, the Liberals used the Speech to simply recycle their campaign platform. This approach rested on the belief that the opposition was not liable to criticize the government for sticking to its election promises. If so, the opposition’s reaction surprised the Liberals. “If the Liberals think they can walk in and make parliament not work because they refuse to cooperate or consult, they’re in for a rude awakening,” Harper said, telling the media that his party would not support the Speech. Layton also lamented the Liberals’ failure to consult in claiming that New Democrats had been trying to speak with the Liberal cabinet for weeks, largely unsuccessfully. This statement was surprising, because the Liberal platform addressed many of the issues that the NDP deemed important. This said, it would have not taken the Martin minority much effort to reassure their most likely ally. In the end, the Liberals did not distribute a draft of the speech until

1387 Ibid., 544-545.
hours before its delivery.\textsuperscript{1388} This failure to consult would have several consequences. First, it opened the 38\textsuperscript{th} Parliament on a highly charged, partisan note. Second, the failure to consult with the opposition parties strengthened their case that Governor General Adrienne Clarkson should give them an opportunity before pushing the country into an early, unwanted election.

The speech itself covered familiar terrain as suggested. But it was also notable for what it downplayed and omitted. The health care accord, arguably a signature policy achievement, received only a few references. Asymmetrical federalism, the theoretical concept at the heart of the accord, did not appear at all. It had however in an earlier draft of the speech, only to be struck from the final version after several MPs had raised concerns. Fearing another embarrassing public feud within the party, Martin relented. One way or another, this retreat confirmed the public image of Martin the Vacillator. And things would get worse after the speech. Despite its predictable content, the speech became an immediate threat to the survival of the Martin minority after Duceppe demanded major changes. With Harper having already announced that the Conservatives would vote against the speech, it was starting to look as if the government might fall out of the gates. Anxious to stay in power, the Martin minority accepted several amendments to the speech, an unprecedented step that many predicted would set a dangerous precedent for future minority governments.\textsuperscript{1389} This move deepened the impression that Martin lacked a backbone. After this exercise in brinkmanship, the Commons settled down for the reminder of the fall in the sense that the Martin minority was able to push through parts of its policy platform by making concessions without sacrificing the central elements of its agenda. In fact, some argued that this period was relatively productive.\textsuperscript{1390}

But this commentary should not leave the impression that the Commons had transformed itself into a deliberative assembly. Its atmosphere remained fractious. So did the Liberal party. To make matters worse, the Gomery Commission continued to make waves. Its optics became dramatic when both Chrétien and Martin appeared separately in front of the Commission within days of each other in early February. Chrétien defended the sponsorship program as necessary and questioned the rationale behind the inquiry, a

\footnotesize{\textsuperscript{1388} Ibid., 546-547.}  \hfill \footnotesize{\textsuperscript{1389} Ibid., 548-549.} \hfill \footnotesize{\textsuperscript{1390} Russell, \textit{Two Cheers for Minority Government}, 41-42.}
position that earned him applause from sections of the Liberal caucus. Martin, meanwhile, praised the inquiry and implicitly blamed Chrétien for the program in successfully distancing himself. But Martin’s performance deepened internal divisions. Worse, polls showed no evidence that Martin was getting the credit for trying to clean this “unjustifiable mess.” Yet none of this compared to what would happen in the spring of 2005, as the full extent of the scandal became known. In fact, the revelations had become so damaging that Martin was compelled to apologize to Canadians during a public television address in which he also promised an election thirty days after Gomery had delivered his final report.

But this commitment satisfied neither Harper nor Duceppe. They, especially Harper, wanted an immediate election in the wake of collapsing Liberal support and on May 10, 2005, their respective parties combined to pass a motion that called for the Martin minority to resign. But the Liberals ignored the motion, despite the fact that it had passed by a vote of 153 to 150 against them. The reason? They maintained that it was a procedural vote rather than a vote of confidence, a point of considerable debate in the literature, as noted earlier. One way or another, Martin promised the opposition parties that they would get their chance to bring down the government at the end of the month. While this incident previewed the constitutional uncertainties that characterized the Harper minorities, Martin’s decision to ignore the motion immediately enraged Conservatives and the Bloc. They responded by grinding parliamentary business to a halt, boycotting committee meetings, cancelling Question Periods and prematurely ending the parliamentary day. Things took a truly bizarre turn when Harper and Duceppe asked Clarkson to intervene by pursuing Martin to resign.

With his government drawing comparison to the Clark minority and facing defeat, Martin reached out to Layton, whom he promised $4.6 billion in additional social spending in the next budget. In fact, Martin’s move very much resembled the steps that

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1391 Jeffrey, Divided Loyalties, 573.
1396 Roy MacGregor, “This is not sunstroke: On the Hill, it is starting to feel a lot like 1979,” Globe and Mail, May 11, 2005, A2.
Trudeau took during his minority to secure the support of the NDP with one major difference. Trudeau had developed a plan to stay in power from the very first day of his probationary period. Martin seemed to make up his along the way, waiting until the last conceivable moment to avoid defeat. This said, Martin also had one final trump up his sleeve. Hours before his government was to face the Commons on May 19, 2005, he convinced Stronach, Harper’s former leadership rival, to cross the floor by offering her a cabinet post. Either a stroke of genius or cynicism, this desperate move stunned everybody. It reminded the public that the Liberal still possessed a reservoir of tactical tricks. Stronach’s floor-of-crossing undermined Harper’s reputation as a master tactician and had a personal dimension because it ended Stronach’s relationship with Harper’s deputy Peter Mackay. Politically, Stronach’s decision to sit with the Liberals gave the Grits another vote and their fate now depended on three independents – Carolyn Parrish, a former Liberal, whom Martin had booted from caucus for her perceived anti-Americanism; David Kilgour, who wanted the government to take actions against the genocide in Darfur; and the late Chuck Cadman, who at the time was suffering from terminal cancer.

In the end, Cadman and Parrish joined the Liberals and New Democrats to produce a rare tie – 152 to 152. Speaker Peter Milliken, a Liberal, broke it, saving the Martin minority in one of the most dramatic votes in the Commons in recent memory. While undeniably historic, this vote and the events leading up to it also left bitter taste in

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1398 This personal aspect also assumed a political dimension when Conservative backbenchers used the occasion to hurl sexist comments at Stronach in confirming the the divisive atmosphere in the Commons.

1399 Now-retired Conservative MP Darrell Stinson was also suffering from cancer at the time and his frequent absences from the Commons proved to be a factor in the eventual vote that saved Martin’s minority. It also became the source of partisan bickering, when Harper suggested that Martin was waiting for Stinson and Cadman to pass away. Ibid.

1400 Cadman later told journalists that he had voted with the Martin minority after polling voters in this riding.
the mouths of many observers.\textsuperscript{1401} Without wishing to sound naïve, the occasion left the impression that the exercise of public policy could be reduced to a series of proverbial deals, a few billions for a few New Democratic votes, a cabinet post for a Conservative opportunist and her vote. In fact, some of the very people who participated in this parliamentary bargaining seemed to find it amusing, as Layton did, when he later entertained journalists with a song sung to the tune of Roger Miller’s King of the Road. It featured the following lines: “Party for sale or rent, we will support any government, no principles, no guts, no spine…make us an offer we can’t refuse, anything to get me in the news, you need bills approved, so let’s play, make me a deal.” While it is fair to appreciate Layton’s sense of humour, others were less amused in raising questions about the integrity of the NDP specifically and Parliament generally.\textsuperscript{1402} Developments eventually de-escalated over the summer break, but only after another volley of partisanship. The occasion this time was a procedural trick that limited debate on the budget amendment bill known as Bill C-48 and ensured its passage, with Conservatives greatly outnumbered at the time of the vote. Caught off-guard, Harper accused the Liberals, New Democrats and the Bloc of working in concert. “So I guess what it should remind Canadians is that when push comes to shove, the Liberals will make a deal with anybody,” he said. “It doesn’t matter if it’s with socialists, or the separatists or any bunch of crooks they can find.”\textsuperscript{1403}

\textsuperscript{1401} For example, the Globe and Mail noted in an editorial that the survival of the Martin minority “by the narrowest possible margin…was an expression of confidence in only the most technical sense. The government is still very much on probation. Voters will pass their final judgment on it by next winter at the latest and unless, its performance improves, the judgment will be harsh.” The editorial was especially critical of Martin’s “tawdry deal” with the NDP and called Stronach a “turncoat” in questioning her suitability for her new position. “Was it worth it?” It asked. “The Liberals clearly think so, if their victorious demonstration last night is anything to go by. But the price, both to the treasury and the public trust in politician (what little of it remains), was high.” This said, it also acknowledged the House’s verdict that the government should continue in office and urged the Harper Conservatives, “whose shrill performance in the past few, tumultuous weeks has been barely more admirable than the Liberals’ to stand down and give the Liberals a chance to govern.” Globe and Mail, “The government survives, by luck more than merit,” May 20, 2005, A18.

\textsuperscript{1402} For more about the NDP’s role see, Chantal Hébert, “La conscience troublée du Parlement,” L’Actualité 34, no. 17 (2009): 31. Tories also charged that the Martin minority had been trying to woo a Conservative backbencher of Indo-Canadian heritage from British Columbia and his MP wife with promises of political advancement. As proof, Tories produced a secret audio recording between Grewal and Ujjal Dosanjh, Martin’s chief of staff and health minister. But experts soon raised questions about the accuracy of the recording. Campbell Clark, “Liberals woo Tory on tape,” Globe and Mail, June 1, 2005, A1.

\textsuperscript{1403} Brian Laghi, Steven Chase, and Gloria Galloway, “Liberals outmanoeuvre Tories to ensure budget bill is passed,” Globe and Mail, June 24, 2005, A1.
Having survived a raucous spring, the Martin minority was hoping to use the relatively calm summer break to redefine its agenda and shift public attention away from scandal to policy, a sensible move in light of polls that showed Canadians distrusted the Tory agenda regardless of its messenger. But this respite was short. On November 1, 2005, Gomery delivered his first of two reports. It absolved both Chrétien and Martin of any malfeasance, but indirectly blamed Chrétien’s office for failing to supervise the program. Reactions to the report varied. Predictably, Martin and Chrétien supporters picked out the parts that favoured their narrative. In the words of Jeffrey, it “rekindled the smoldering ashes of the Martin/Chrétien conflict” as Chrétien loyalists complained about the way with which Martin reacted to the report. Not only did Martin dole out additional punishment, he did so while flanked by Lapierre, the former separatist, and Scott Brison, a former Progressive Conservative. These optics reinforced the image that Martin was trying to exact retribution for the perceived sins of the Chrétien years. Putting things into perspective, noted Tory pollster Allan Gregg noted that initial figures cited by Fraser were the equivalent of a $15 shortfall in a $100,000 stock account or .015 per cent of the federal budget from 1995 to 2000. Ultimately, the scandal accounted for .0003 per cent of the total $200 billion budget that the federal budget manages each year. “The fact is that our governments manage our tax dollars with the utmost professionalism and that systems of compliance, control and audit more stringent than in the private sector,” he wrote. Gregg also argued that the scandal had produced what Jeffrey would call “a perverse and unintended consequence, namely the vilification of all party officials, politicians and public servants as incompetent or corrupt.”

The report certainly did not stop the opposition from going after the Martin Liberals, who used the occasion of its release to reiterate their commitment for an election in March 2006. But this date was too late for the opposition, certainly for the Conservatives and the Bloc. Martin’s fate was once again in the hands of Layton, whose standing had benefited from the budget deal that had saved the Liberals in the previous summer. But Layton sensed that the political utility of his relationship with Martin was rapidly diminishing. Accordingly, he proposed a motion to move the election to early

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1406 Jeffrey, Divided Loyalties, 577-578.
January. It passed on November 21 by a vote of 167 to 129. The terms of this motion gave the Martin minority one week to accept this election timing or face a motion of non-confidence. Martin refused to accept these conditions and one week later, the government fell on an explicit motion of non-confidence that passed easily by 171-131 votes. This outcome eventually triggered an election campaign that extended through the holidays with voting day scheduled for January 23, 2006.

The campaign, described in detail in the next chapter, terminated the Martin minority. Looking at the larger factors behind its demise, at least three reasons stand out. First, the Conservatives’ campaign was much more in line with the emerging issues of the period. Second, Martin’s image as an indecisive and increasingly inarticulate leader had hurt the party. When the election writ dropped, he was only slightly more popular than his party and about even with Harper in terms of personal appeal. LeDuc et al. note that “(the) continued erosion of Martin’s public image, along with his party’s, made the eventual Liberal electoral defeat inevitable.”1407 Third, the Liberals ran an unfocused campaign that merely mirrored the demoralized and divided state of the party itself. A party that continued to turn on itself was not going to survive an electoral contest against a disciplined opponent, who had drawn the right lessons from previous mistakes. In fact, we will see in the next chapters that these Liberal divisions continued even after Martin had resigned the leadership of the party. This was particularly evident in Quebec, where the Martin camp had burnt its bridges with the Chrétien Liberals.

Yes, the sponsorship scandal had also tarnished the Liberal brand. And yes, voter volatility was high. At the same, the Liberals had been the authors of their own misfortune.1408 While some of the blame belongs to Chrétien, most of it belongs to Martin.1409 The party’s defeat in 2006, Clarkson argues, “spoke to unerrring propensity of its leader and his clique for strategic miscalculations and tactical ineptitude.”1410 And one of those miscalculations was Martin’s embrace of asymmetrical federalism. Not only did this direction intensify the rifts with the Liberal party between the Martin and Chrétien camps. It also made the party increasingly indistinguishable from its main national

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1407 LeDuc, Pammett, et al., Dynasties and Interludes, 493-497.
1408 Jeffrey, Divided Loyalties, 604.
opponent (the Conservatives) and its main opponent in Quebec (the Bloc). Martin finally realized this development during the dying days of the 2006 campaign when he belatedly embraced the Trudeau’s centralized vision of federalism. But this last minute conversion was not only too late, but also unconvincing. It certainly could not stop the partial emergence of the Conservatives as the real federalist option in Quebec. Martin thus failed to achieve one of his central ambitions after becoming Prime Minister – expand the Liberal presence in Quebec. In fact, Liberals lost badly in Quebec, losing nearly half of their seats. Results elsewhere were equally poor, as the party was nearly wiped out in western Canada, another areas, where Martin was hoping to make a breakthrough. Only a decent showing in Ontario prevented worse. But even this regional redoubt of strength was starting to crumble in the face of the Conservatives’ growing strength.

7.4 Summary

This chapter has reviewed the effectiveness of the minority government headed by Paul Martin. It has argued that the Martin minority proved to be an ineffective successor of the three Chrétien majorities that governed for most of the 1990s and into the early 2000s. Three factors accounted for record. First, Martin bore most of the blame for a civil war within the Liberal war that had left the party demoralized by the time he replaced Chrétien as prime minister after having served as his finance minister. In fact, Martin would continue to purge Chrétien loyalists from the party in compounding the collateral damage that his feud with Chrétien had wrought. This desire to distinguish himself from Chrétien was particularly evident during the sponsorship scandal. It undeniably damaged the Liberal brand in Quebec, but also elsewhere and handed the ‘new’ Conservative party under Stephen Harper an issue with which they could hammer the Liberals and it is questionable whether the Liberals could have mustered an adequate response to this line of attack. The party, as noted, had been in power for more than a decade and was drifting. But there is no question that Martin’s response to it only heightened Liberal division because the public and party members would inevitably see it through the prism of the on-going Liberal feuding. To make matters worse, the sponsorship scandal coincided with unpopular policy changes. Yes, the Martin minority

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1411 Jeffrey, Divided Loyalties, 603.
can claim some accomplishments. But in doing so, it betrayed its historical policy record on federalism. As noted, one pillar of the party’s dominance has been its historic support for a relatively strong central government. Martin undermined this foundation and in doing so further alienated key parts of his own party. Divided and demoralized through its tenure, the Martin minority ultimately stood no chance against an opposition eager to bring it down. Looking at the larger picture, two points stand out. First, minority government coincided with a sharp rise in partisanship, for which it was not prepared. Second, it pointed the way towards the first of two Consecutive minorities. The first of these will be the subject of the next chapter.
CHAPTER 8 THE FIRST HARPER MINORITY

8.1 Opening

The first minority government of Conservative Prime Minister Stephen Harper holds a unique place in the annals of Canadian minority governments. Saddled with the smallest mandate of any federal minority government in Canadian history, this “precarious minority” eventually governed as if it were a majority in lasting two years and seven months. Only one of its post-war predecessors – the second Pearson minority – had managed to stay in office longer. The longevity of the first Harper minority therefore challenges the common claim that minority governments are fleeting. On the other hand, the first Harper minority passed fewer laws than many of its short-lived predecessors. In short, it was durable but unproductive. The reasons behind this seemingly unproductive record vary. Some reflect broader ideological realities such the decline of the pan-Canadian welfare state in the face of neo-liberalism and the proliferation of partisanship consistent with the emergence of a new party system. Others mirror specific choices consistent with the personal character and political style of Harper as the central figure within the Conservative Party of Canada (CPC). It goes without saying that these reasons are not mutually exclusive. Regardless of the reasons, it is clear that the portfolio of public policies passed by the first Harper minority appears perfunctory and not just by the standards of the Pearson era. Even Conservatives have conceded as much in questioning the legislative productivity of the first Harper minority.

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1413 Jeffrey, Divided Loyalties,” 619.
1415 Specifically, it lasted two years and eight months. Russell, Two Cheers for Minority Government, 62.
1417 Martin, Harperland, 267-268. One notable Conservative who openly applauded the first Harper minority was Lorne Gunter. Writing in the National Post at the end of 2007, Gunter praised the first Harper minority as “historic” in lauding its many accomplishments. “Before Harper’s, Canada’s Conservative minorities produced almost nothing other than (usually) a brief timeout between Liberal majorities,” he wrote. Despite being the smallest minority government in history, Gunter noted that the first Harper minority has “cut taxes, changed childcare policy, backed us away from draconian Kyoto emission targets in favour of made-in-Canada reductions, curtailed the federal spending power, increased provincial autonomy and tried to end the ridiculous leniency of our criminal justice system.” While Gunter expressed some reservations about the fiscal credentials of the first Harper minority, he was nonetheless satisfied with its performance and suggested that Harper himself might not longer be itching for an election. Tellingly, voices on the left also praised first Harper minority, if only to challenge the larger narrative that minority governments were unproductive. Lorne Gunter, “Harper’s history minority,” National Post, December 31, 2007.
minority. This record worsens when held up against the public rhetoric of the first Harper minority. We will see that it failed to meet many of its own stated goals, particularly but not exclusively in the field of criminal law. And yet we have no reason to call it ineffective.

Indeed, Harper’s first probationary government confirms the weakening link between legislative productivity and effectiveness. As we saw in the preceding chapters, effective minority governments were also productive minorities. This relationship changed with the Martin minority and continued through the Harper minorities. Minority governments, in other words, can be effective without being productive and the first Harper minority offers partial proof. While it might have lasted as long as Pearson’s second minority, its approach towards parliamentary affairs was anything but diplomatic. Contrary to the popular expectation that the institutional constraints of minority rule would moderate the Conservatives, they frequently chose confrontation ahead of cooperation in their dealings with the parliamentary opposition, particularly after the Liberals had elected Stephané Dion as their new leader to replace Martin. This approach deliberately ignored the insight gleaned from previous minority governments that legislative productivity governance requires the ability to work with the opposition rather than demonize it, as the Conservatives did on more than one occasion. Accordingly, the first Harper minority produced little policy but plenty of partisanship during a long tenure marred by several episodes of parliamentary brinkmanship that seemingly confirmed the worst impressions about minority government. Yet it is also apparent that this antagonistic approach towards the opposition benefited the Conservatives in their efforts to replace the Liberals as the dominant political force in Canada.

Apparently appreciative of the aphorism that the worst day in government is always better than the best day in opposition, Harper approached his first minority mandate with two larger, related goals in mind: expand the Conservative coalition without excessive ideological experiments and undermine the Liberals at every opportunity. This focus premised on Harper’s personal belief that the “the Liberal order

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and the Canadian order were almost one and the same. To take down one was to take down the other.” Measured against these metrics, the record of the first Harper minority reveals that it partially accomplished both goals. Evidence to this point includes the fall election of 2008, which strengthened the Conservatives on their way towards winning a majority in 2011, notwithstanding the coalition crisis of 2008. So the first Harper minority was at least partially effective, as defined earlier. What follows next defends this thesis. This defence opens with some comments about the electoral events that culminated in the first Harper minority in January 2006. It will then consider the legislative behaviour of the first Harper minority. This assessment will eventually conclude that the first Harper minority set the stage for future Conservative successes through an approach that combined incremental policies with excessive partisanship in areas bound to energize the Conservative base through a form of populism that favors the principles of neo-liberalism. With this behaviour, the first Harper minority also confirmed and compounded certain characteristics of the ‘fifth’ Canadian party system, whose context and culture leaves little room for political compromise.

8.2 The Electoral Emergence of the First Harper Minority

The first Harper minority emerged after Canadians had elected their 39th Parliament on January 23, 2006. This unusual winter election was called after the previous parliament had passed a motion of non-confidence in the minority government of Liberal Prime Minister Paul Martin on November 28, 2005. The motion itself did not cite any specific policy or principle to justify the dismissal of the Martin government, an unprecedented departure. It also bore risks, at least for the opposition and its leaders, including Harper. Despite concerns about Liberal corruption in light of the unfolding sponsorship scandal described earlier, Canadians were not clamouring for a change in government. Some Conservatives actually questioned the rationale for

1421 Martin, Harperland, 6.
1423 Harper submitted the motion with support from the Bloc Quebecois (BQ) and the New Democratic Party (NDP). Gervais, “Minority Governments in Canada,” 100.
1424 Jeffrey, Divided Loyalties, 582.
1427 Jeffrey, Divided Loyalties, 581.
forcing an early election that would likely return the Liberals to power office based on previous results and present polls.\textsuperscript{1428} Some Liberals meanwhile welcomed an early election. Its timing meant that they would face Canadians before rather than after the release of a potentially damaging report into the sponsorship scandal. Some Liberals also believed that Canadians would punish the opposition for sending them to polls in the middle of the winter,\textsuperscript{1429} hardly the most ideal season for electioneering.\textsuperscript{1430} Larger fundamentals such as the strong state of the economy and a moderate record of accomplishments also favoured the Grits.\textsuperscript{1431}

Two months later, the country had a new government and a new prime minister,\textsuperscript{1432} as Canadians “ventured – arguably for the first time in their history – outside the mainstream, beyond the broad middle of the political spectrum where the country’s consensus resided” by granting power to “a decidedly different party, a substantively different man, a long-excluded region.”\textsuperscript{1433} The electoral record (Table B.8) shows that the Conservatives won 124 seats with 36 per cent of the popular vote. The Liberals won 103 seats with 30 per cent of the popular vote. The Bloc Quebecois (BQ) won 51 seats with 10 per cent of the popular vote, while the New Democratic Party (NDP) won 29 seats on 17 per cent of the popular vote. Martin reacted to this result by tendering his resignation to Governor General Michaëlle Jean, whom he also advised to ask Harper to assemble a cabinet, a commission Harper accepted to become the leader of Canada’s twelfth minority government overall and eight minority government since 1945.\textsuperscript{1434} Several scholars have told the unusual story behind this unusual election from several

\begin{footnotesize}
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\item[1428] For one, the Liberals had history on their side. Every federal minority government with the exception of two returned to office following an election, but not necessarily with a majority, it should be added. Clarkson, “How the Big Red Machine Became the Little Red Machine,” 24. The polls also favoured the Liberals. One poll showed them eight points ahead. LeDuc, “The federal election in Canada, 2006,” 716.
\item[1430] This comment also applies to the candidates. Winter conditions played a contributing role when the car of Conservative candidate Derek Zeisman collided with the vehicle of Caroline Best from Rossland, B.C. near Castlegar, B.C. on 20 December 2005. While the crash caused severe injuries to both drivers, Zeisman eventually plead guilty to charges of careless driving for his role in the collision, which had happened during “treacherous” conditions. They included a snowstorm and fading daylight. Ray Masleck, “Zeisman pleads guilty to careless driving,” \textit{Nelson Daily News}, November 21, 2007.
\item[1431] Consider this commentary from Clarkson: “With a sound economy linked to Paul Martin’s fiscal record as finance minister and his moderate record of accomplishments as prime minister, it was the Liberals’ election to lose.” Clarkson, “How the Big Red Machine Became the Little Red Machine,” 24.
\item[1433] Martin, \textit{Harperland}, 1.
\item[1434] Russell, \textit{Two Cheers for Minority Government}, 44.
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angles elsewhere. This section will focus on those features that enhance our understanding of the first Harper minority and its parliamentary performance.

The first of these aspects concerns the slow but steady decline of the LPC. Its electoral defeat in 2006 was not a rout, despite its poor performance in certain parts of the country primarily but not exclusively in Quebec. But it nonetheless confirmed the perceptible pattern of decline that had started to emerge soon after Martin and his “clique” had seized control of the party from circles loyal to former prime minister Jean Chrétien without healing the deep rifts that had fractured the party. Exogenous events certainly played a role in the Liberal defeat of 2006. But the Liberals can only blame themselves for their loss, which was long in the making. Decades of internal warfare between various factions, first between John Turner and Chrétien, then Chrétien and Martin, had slowly but steadily divided the party. This divisiveness had also clogged the gears of the Big Red Machine. Once the most powerful campaign machine in Canadian political history, it was sputtering badly in 2006. In fact, its arrogant operators repeated many of the mistakes that they had made during the “disastrous” campaign of 2004. Three such mistakes stand out.

The first was the Liberals’ decision to ‘save’ their major policy announcements for the final stages of the campaign. Scheduled to last eight weeks rather than thirty-


\[1436\] Two such events shaped the outcome. The first occurred on Boxing Day 2005 when a gang-related shooting killed a teenaged girl who was shopping for bargains along a busy Toronto. This unexpected tragedy gave the Conservatives a chance to showcase their anti-crime message in accusing the Liberals of coddling criminals. A largely unfounded charge, it nonetheless played well with a public baying for answers and forced Liberals to ape punitive proposals Conservatives had proposed, an apparent “capitulation” that revealed Paul Martin as weak while eroding the Liberal reputation for moderation. The second happened three days later, when the RCMP announced that it had launched a criminal investigation into complaints from the NDP about leaked information and insider trading concerning a government announcement about income trusts dated 23 November 2005. Worse, the release announcing the criminal probe listed then-finance minister Ralph Goodale among the individuals under investigation, a controversial and unusual departure from past practices, even as the document stressed his presumed innocence, as confirmed later. This “explosive development” caused considerable panic among Liberals who saw their poll numbers drop. Jeffrey, Divided Loyalties, 592-594. Conservatives, meanwhile, viewed the incident like “manna from heaven” because it confirmed their narrative of Liberal corruption and moral decay, an opinion shared and spread by key members of the media. Flanagan, Harper’s Team, 247.

\[1437\] Jeffrey, Divided Loyalties, 604.


\[1439\] Clarkson, The Big Red Machine, 266.


six days after party leaders had agreed to take a break for the seasonal holidays, the campaign unfolded over three phases: the weeks leading up the break; the break itself; and the period after the break. Conscious of this calendar, Liberal campaign managers calculated that Canadians would not pay attention until after the break, a fatal decision. While the Liberals “simply waited for the Christmas break,” the Conservatives seized the public policy spotlight and kept it for the first four weeks, filling it with almost daily policy announcements that catered to centrist voters. While frequently “simplistic,” these announcements threw the Liberals off their message, which focused largely on their economic record, a subject that hardly resonated with Canadians. Worse, journalists started to question the substance and sincerity of the Liberal message in turning against Martin and his team. This commentary does not mean that the Liberals lacked ideas. They simply failed to communicate them in a timely manner.

This failure points to the second major mistake that characterized the Liberal campaign: its failure to agree on a consistent communication strategy, then execute it confidently and professionally. The publication of the Liberal platform speaks to this point. While comprehensive, the Liberal Red Book did not appear until January 11, 2006. This timing deepened the prevailing impression among journalists that the Liberals were making up policy on the fly, a perception they had perpetuated during earlier campaign moments with ill-timed announcements that also revealed organizational deficits. Consequently, they accorded the Liberal Red Book little attention. Even Liberal-friendly papers such as the *Toronto Star* ignored it. The Liberals subsequently compounded the damage by burying it. Hardly anyone including Martin himself cited it on the campaign trail, much to the consternation and confusion of its authors. This lack of attention

1443 Jeffrey, *Divided Loyalties*, 598.
1445 Jeffrey, *Divided Loyalties*, 590.
1447 They included among others Martin’s improvised promise to amend the Canadian constitution by removing Ottawa’s right to invoke the notwithstanding clause. First announced during one of the televised debates, it baffled many including constitutional experts and Liberals themselves. The Liberals also managed to overshadow the announcement of their own post-secondary policy package by holding it in a hockey rink rather a classroom. This venue choice caused a significant delay as organizers scrambled to round up students for the obligatory photo opportunity. This delay incensed reporters, who were already seething with resentment after the Liberals had apologized for the century-old Chinese head tax without informing them adequately. Clarkson, “How the Big Red Machine Became the Little Red Machine,” 38-41.
1448 Jeffrey, *Divided Loyalties*, 597.
left the Liberals with one choice as the polls were turning against them: demonize Harper through increasingly outlandish advertisements\textsuperscript{1449} that challenged the congruence of his alleged ‘hidden agenda’ with ‘Canadian’ (read: Liberal) values. But if the Liberals believed that this approach would rescue them from the brink of electoral defeat as it did in 2004, they had failed to recognize the evolution of Harper and respond to it in a credible fashion.\textsuperscript{1450} This third Liberal mistake, which rested on the false assumption that Harper would be their best asset during the election as he was in 2004,\textsuperscript{1451} was arguably their worst.

This point also alerts us to the second aspect that looms large in our understanding of the first Harper minority: the ambivalent ascendancy of the Conservatives as a governing alternative to the Liberals. This Conservative rise, which began in 2004, continued through the campaign of 2006. While the Conservatives had run a remarkably successful campaign in 2004, their eventual defeat revealed three central deficiencies: (i) a simple yet comprehensive vision that would inoculate the party against Liberal attacks; (ii) logistics including media outreach; and (iii) discipline.\textsuperscript{1452} These insights subsequently informed the Conservatives, who also drew inspiration from their Australian co-ideologues\textsuperscript{1453} in developing and designing a moderate yet disciplined campaign that leveraged the lessons of 2004. This process of reflection eventually produced a platform, which mostly avoided divisive social issues such as abortion\textsuperscript{1454} and same-sex marriage.\textsuperscript{1455} It instead promised that the Conservatives would focus on “Five

\textsuperscript{1449} One ad – which never aired on television but nonetheless appeared on the Liberal website – actually claimed that Harper would station troop in all Canadian cities, as if he would impose some kind of martial law. This ‘ad’ soon became a national story and actually allowed Conservatives to release their own ads that attacked the Liberals for going negative. In doing so, Conservatives “spiked Martin’s guns so that in the end, a series of ads that might have been successful were seriously discredited and became a national joke.” Clarkson, “How the Big Red Machine Became the Little Red Machine,” 50-51.

\textsuperscript{1450} Clarkson, “How the Big Red Machine Became the Little Red Machine,” 32.


\textsuperscript{1452} Flanagan, Harper’s Team, 223. Ellis and Woolstencroft note Harper opened the campaign with an upbeat address to his caucus, during which he declared that, “opposition is not enough.” They also point out that he used the occasion to frame the ballot question by stating that the election would not merely mark the “end of a tired, directionless, scandal-plagued government. It is the start of a bright new future of this great country.” Ellis and Woolstencroft, “A Change of Government, Not A Change of Country,” 77.

\textsuperscript{1453} The platform did not specifically mention abortion. Ibid.,”75.

\textsuperscript{1454} Notably, Harper put the issue of same-sex marriage to rest on the very first day of the campaign, when he promised a free vote on the issue, confident that social conservatives in his caucus would lack the
Priorities” which read as follows: (i) government accountability; (ii) tax relief for businesses and individuals through cuts in the Goods and Services Tax (GST); (iii) crime reduction; (iv) subsidized child care; and (v) reduced waiting times for certain medical procedures. This platform aimed directly at suburban voters of modest means “‘battlers’...ordinary folks forgotten or betrayed by the elites” as Australian conservatives had christened them.

This platform, which ultimately informed Conservative governance, tried to paint Harper in a positive light by showing that Conservatives were “not averse to governmental support for important initiatives” such as public health care, where Harper, once a proponent of private health care, tried to match, even outbid Martin, despite ideological objections from libertarian corners of the Conservative party. But if this platform tried to expand Conservative support, it did not try to be everything to everyone. On one hand, it appealed to traditional Liberal constituencies, whose family values might match Conservative policy preferences. On the other hand, it tried to shore up Conservative support by supplying policies on which social and fiscal conservatives could agree. This balancing act appeared throughout the platform. While granting government a positive role, it nonetheless emphasized individual choice by directly legislative muscle. Jeffrey, *Divided Loyalties*, 590. While some observers questioned the soundness of this decision, it turned to be “strategically astute.” Ellis and Woolstencroft, “A Change of Government, Not A Change of Country,” 78. It immunized Harper against charges he was hiding a social conservative agenda. At the same time, he could claim that he was true to his “rhetoric of trust and honouring commitments.” Since everybody expected that any eventual vote would fail, Conservatives could campaign on other issues. Ibid., 78.

Plamondon notes that Harper’s promise to reduce the GST immediately from seven to six per cent, and later to five per cent before the end of the first mandate was “perhaps the most telling indicator that Harper was prepared to do whatever it took to win. How could an economist propose reducing the GST, a tax that discourages consumption, rather than cutting income taxes, which discourage work and productivity?” This policy, Plamondon, notes, violated “every economist inclination Harper had ever held.” It was also a “bold stroke of political brilliance” that not only distinguished Harper from Brian Mulroney but also painted Martin into a corner. “What could Martin do: defend the hated GST, the tax the Liberals pledged to kill in 1993? It was also good street politics. Unlike income tax, which is taken from Canadian without much of a fight, the GST is visible, mostly unavoidable, and paid by every Canadian. Even children and the poorest of the poor pay the GST.” Plamondon, *Blue Thunder*, 425.

These ‘Five Priorities’ emerged out of larger platform that consisted out of sixty policies grouped into six planks. For a more detailed discussion, see Ibid., 75-83.


putting money into the hands of people and eschewing the creation of large, centralized state monopolies as the solution to social problems.\textsuperscript{1462} This approach towards policy, which reflected the influence of American political strategists in presidential campaigns,\textsuperscript{1463} was particularly apparent in the field of child-care, a subject of political discourse that tested the ability of Harper to unify the disparate parts of the Conservative coalition.\textsuperscript{1464}

While less detailed than its Liberal counterpart, the Conservative platform was arguably more accessible\textsuperscript{1465} and appropriate in the sense that it appealed to the public’s desire for more accountability following the failings of the previous Liberal government in waste, management and the ethical lapses associated with the sponsorship scandal.\textsuperscript{1466} In this way, it was reminiscent of Diefenbaker’s campaign in 1957. And while Harper lacked Diefenbaker’s rhetorical skills, he nonetheless proved himself a capable communicator, as the Conservatives spared neither effort nor expense to ensure positive coverage. Liberals discovered this aspect after one of their senior campaign managers had criticized the Conservatives’ proposed child-care tax credit, quipping parents would spend the money ($23 per child per week) on “beer and popcorn.”\textsuperscript{1467} Plamondon notes that “(no) Conservative could have articulated the differing philosophies of the two leading parties more effectively”\textsuperscript{1468} and Conservatives quickly converted his comment into a photo opportunity at an Ottawa day-care that featured toddlers surrounded by beer and popcorn. Such visuals kept the story alive for days on television and eventually forced a damaging apology.\textsuperscript{1469} They confirmed the populist, anti-intellectual dimension of the Conservative campaign and demonstrated the discipline that Harper had imposed on his party. Clear hierarchies and lines of communication gave the Conservative campaign an efficient, even ruthless appearance, despite a shaky start. This level of control also extended to Conservative candidates themselves.\textsuperscript{1470} Those with

\textsuperscript{1463} Flanagan, Harper’s Team, 78.
\textsuperscript{1464} Snow and Moffitt, “Straddling the divide,” 285.
\textsuperscript{1465} Jeffrey, Divided Loyalties, 590.
\textsuperscript{1466} Plamondon, Blue Thunder, 440.
\textsuperscript{1468} Plamondon, Blue Thunder, 424.
\textsuperscript{1469} Flanagan, Harper’s Team, 239.
controversial views or questionable pasts were either muzzled or dropped from the candidate roster.\textsuperscript{1471} This approach also had the added benefit of keeping the focus on Harper, whose staff had gone out of their way to curry favour with the English-speaking media with the positive coverage to prove it.\textsuperscript{1472} Harper also displayed an enormous amount of self-discipline for most of the campaign. This trait was particularly evident during the televised debates during which his demeanor defused Liberal charges of extremism.

Ironically, it was Harper himself who nearly undid everything by committing several critical errors during the final campaign days. Comments designed to ease public concerns about the possibility of a Conservative majority merely reinforced the suspicion that ‘scary’ Harper was indeed pursuing a ‘hidden agenda.’ Trying to deflect Martin’s increasingly frantic charges, Harper told voters that a Conservative majority would never be able to act like a Liberal majority. Efforts to clarify these comments only compounded the damage. This rhetoric confirmed the fears of many Canadians that the Conservatives were pursuing a hidden agenda. Notably, Harper had questioned the right of the Liberal-held Senate to block Conservative legislation. Such a move “would be an abuse of power” Harper mused. In retrospect, this threat foreshadowed the future relations the first Harper minority and the Senate. This late development did not save Martin though. When Canadians finally went to the polls, only one question remained open: would Harper become Canada’s next prime minister as the head of a minority or majority government?\textsuperscript{1473} In the end, Harper secured a narrow minority, which was weaker than the Martin minority.\textsuperscript{1474}

\textsuperscript{1471} Flanagan, \textit{Harper’s Team}, 231-255. One such candidate was none other than Derek Zeisman, whose wintry car crash had forced him to campaign from his hospital bed. On 12 January 2006 news broke that Zeisman faced smuggling charges for bringing a car filled with liquor into Canada from the United States. Harper quickly announced that Zeisman would not part of the Conservative caucus, if elected. In the end, it did not matter as voters in the riding of Southern Boundary elected the New Democratic candidate.

\textsuperscript{1472} By staging policy announcements early in the day, Conservative operative could reinforce key talking points during the rest of the day. It also forced other parties particularly the Liberals to be on the defensive since they would have to start their day by responding to Conservative proposals. Conservative handlers also ensured that they would meet the deadline needs of reporters. Such attention started to soften coverage of the Conservative campaign. Ellis and Woolstencroft, “A Change of Government, Not A Change of Country,” 72-73.

\textsuperscript{1473} Jeffrey, \textit{Divided Loyalties}, 601-603.

\textsuperscript{1474} LeDuc, “The federal election in Canada, January 2006,” 719.
Did this result rehabilitate Canadian conservatism more than twelve years after the Mulroney coalition had fractured into its ideological and regional factions? The answer is not clear. The Conservatives certainly moved closer to the centre of the Canadian political spectrum in 2006. Accordingly, Harper could assemble a cabinet with fair regional representation. But the Harper Conservatives did not revive the unstable regional coalition, which former Progressive Conservative prime minister Brian Mulroney had forged. They possessed a harder edge, “an attitude not readily found in the traditional Canadian middle-of-the-road parties, but more common to a strain of American Republicans. It was a current of bitterness, an anger born of a sense of exclusion.” This new party from the conservative ‘hardlands’ of western Canada certainly preached toughness and discipline. Arguably no one displayed these features more forcefully than Harper during the political journey that had preceded his path to power. Hébert has summed it up as follows: “Within the space of four years, Stephen Harper brought the Canadian Alliance back from the dead. He put an end to the feud that had divided the Conservative movement for more than ten years. He became the diffident leader of a new party, and brought it to power in less than two years.” But if this summary pays homage to Harper’s campaigning skills, it says little about his governing skills.

8.3 The Legislative Productivity of the First Harper Minority

A closer look at the legislative record (Table C.11) of the first Harper minority reveals that it tabled sixty-three government bills in the House of Commons during the First Session of the 39th Parliament. Of those, thirty-six received Royal Assent. During

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1476 This said, Harper made two controversial appointments to round out his cabinet with urban representatives. First, he appointed his Quebec campaign co-chair, Montrealer Michael Fortier Quebec, to the Senate and as minister of public works, a decision that denuded his party’s diminishing commitment towards Senate Reform. More controversially, he convinced Vancouverite and former Liberal industry minister Michael Emerson to cross the floor, in taking up duties as minister of international trade. Ellis and Woolstencroft, “A Change of Government, Not A Change of Country,” 87.
1477 Martin, Harperland, 3.
1478 Flanagan, Harper’s Team, 283-286. Consider this commentary from Flanagan. “People expect Conservatives to be tough. They believe in the values of self-help, individual responsibility, criminal justice, economic realism, and national interest. They look ridiculous if they go around sniveling and complaining about fairness every time an opponent takes a shot at time. Political campaigning is a civilized form of civil war. The point is to win the war, not complain about the fighting.” Ibid., 286.
1479 Chantel Hébert, French Kiss: Stephen Harper’s Blind Date With Quebec (Toronto: Alfred A. Knopf, 2007), 263.
the second session, it tabled sixty-two government bills, of which twenty-nine received Royal Assent.\textsuperscript{1480} So the first Harper minority was able to pass fifty-two per cent per cent of its proposed legislation,\textsuperscript{1481} a success rate that ranks below the respective rates of the two Pearson minorities, each of which achieved 80 per cent or higher. It is also below the historical average of sixty-two per cent for all minority governments since 1945.\textsuperscript{1482} The legislative productivity of the first Harper minority actually declined during the course of its tenure. Whereas it was able to pass around fifty-seven per cent of its proposed legislation during the First Session, this rate dropped to less than forty-seven per cent per cent during the Second Session, which was actually longer than the First Session. While the House of Commons sat for 117 days during the First Session, it sat for 175 days during the Second Session. In short, the first Harper minority needed more time to pass fewer laws towards the end of its term than at its start. The first Harper minority was certainly not unique among minority government during the 2000s. Starting with the Martin minority, minority governments have consistently passed fewer bills per session. Which factors may help explain the (limited) productivity of the first Harper minority? Reserving specific comments for later, it is clear that the first Harper minority found it more difficult to forge working relations with members of the parliamentary opposition,\textsuperscript{1483} many of which were not inclined to work with the Conservatives.\textsuperscript{1484} The presence of the BQ as the agent of Quebec separatism also complicated the parliamentary calculus during the first Harper minority. But it would be false to claim that the Conservatives were the innocent victims of an obstinate opposition. We will see that the first Harper minority (including Harper himself) contributed a great deal to the calculated chaos that eventually engulfed Canada’s most important elected institution with predictable consequences for its productivity. The record also reveals that the Harper minority failed to pass key parts of its public policy agenda primarily but not exclusively in the area of criminal law. While critics of the Harper Conservatives might cheer this failure, this unproductive record was not necessarily a negative from the perspective of the Conservatives, because it allowed them to polarize against the Liberals and pursue

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\item \textsuperscript{1480} Gervais, “Minority Governments in Canada,” 285, 311.
\item \textsuperscript{1481} Chalmers, “Canada’s Dysfunctional Parliament,” 30.
\item \textsuperscript{1482} Conley, “Legislative Activity in the Canadian House of Commons,” 426-429.
\item \textsuperscript{1483} Ibid., 432-433.
\item \textsuperscript{1484} To Flanagan, “It’s time for Conservative minority brinkmanship,” \textit{Globe and Mail}, August 1, 2007.
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their larger goal of diminishing the Liberals. What follows next presents evidence supporting these points.

Dobell has argued that the eventual stability of a minority government depends “on the relative numbers of seats held by the government party and by the different opposition parties, the relationship between the various parties, the leverage that minority parties might acquire by supporting the governing party and the assessment of each party as to how it would fare in a new election.” This prism shows that the first Harper minority faced the following realities within Parliament when it assumed office. First, it was thirty-one seats short of a majority in the House of Commons, the largest gap of its kind in Canadian history. Second, it lacked an obvious ideological ally, with which it could strike an informal arrangement or even a formal coalition. Opposition party members also outnumbered their Conservative colleagues on parliamentary committees. Conservatives also lacked a majority in the Senate, an institution their ideological predecessors in the Reform Party had previously attacked for being undemocratic and unresponsive in calling for reforms. Finally, Conservatives believed that the civil service and the media were teeming with Liberal sympathizers.

This isolation, partially a product of circumstances, partially self-imposed by the government’s pious self-regard, also offered insurances and incentives. The first Harper minority could fall only if all three opposition parties agreed to combine their votes. Such a coalition had to include the Liberals, who held the balance of parliamentary power. Practically, this condition supplied the first Harper minority sufficient room to form varying but temporary coalitions of support with only one of the opposition parties. This ability to tack back and forth among the other parties also offered other advantages. On one hand, it could help the Conservatives forge some level of consensus (albeit limited) for their agenda, while in office. On the other hand, it could help them sow

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1487 Martin, Harperland, 25.
1488 Gervais, “Minority Governments in Canada,” 293.
1490 Martin, Harperland,, 22-23.
1492 Russell, Two Cheers for Minority Government, 46.
mutual distrust and suspicion within the opposition ranks, conditions likely to divide the anti-Conservative vote in future campaigns. More importantly, it meant that the Conservatives could govern without having to compromise their brand, a perspective Harper preferred. That said, it also closed the door for compromise, because any concessions towards the opposition could be seen as nothing less than a ‘hostile takeover’ Parliamentary tactics in the service of electoral calculations therefore trumped policy.  

This choice also reflected the reality that most Conservatives lacked experience in government. Conscious of the fact that they had a limited window of opportunity in light of previous minorities headed by Tory prime ministers, senior Conservatives therefore focused their energies on ensuring that their government would appear competent in public through internal cohesiveness. By clamping down, Conservatives believed that they could learn the art and science of governance on the job. This emphasis on discipline, which was supposed to be temporary, also reflected the instincts of Harper, who had developed a reputation for controlling behaviour that has bordered on dictatorial, according to critics. Fearful that its tenure might be short, the first Harper minority therefore chose to do what it knew it could do best: attack the opposition, even though it was the government.  

Ironically, Conservatives had several reasons to feel secure in their new offices. Canadians were suffering from election fatigue. The Liberal Party was also looking for a new leader after Paul Martin had resigned from the post after his electoral defeat. The race to replace Martin consequently granted the first Harper minority a lengthy grace period. Indeed, the Liberals would not choose their new leader until 2 December 2006 when Stéphane Dion beat the two presumptive front runners, former Ontario premier Bob Rae and former university professor Michael Ignatieff, on the fourth ballot. We will see that this Liberal choice eventually encouraged the first Harper minority to become more antagonistic towards the opposition to the point that it practically dared the opposition to bring it down, a form of brinkmanship.

\[1493\] Flanagan, Harper’s Team, 275-292.
\[1494\] Martin, Harperland, 22-27.
\[1495\] Russell, Two Cheers for Minority Government, 46.
consistent with the actions of a minority government that acted as if it possessed a parliamentary majority.\textsuperscript{1497}

This eventual development defied some early expectations about the first Harper minority as it was preparing for the First Session of the 39\textsuperscript{th} Parliament. Speaking for many, Cohen welcomed the first Harper minority as a political corrective, which would nonetheless conform to the pan-Canadian consensus. While Canadians had been looking to punish the Liberals, they had also remained skeptical about the Conservatives. Against this backdrop, Cohen argued that a Conservative minority would prove useful, because it would “temper the instincts of their most conservative members, who will learn that their social agenda won’t fly with the more moderate voters of Quebec and Ontario who the party is courting. They will have to earn public trust and position themselves to win a majority the next time. It will test their ability to accommodate the opposition.”\textsuperscript{1498}

Harper, “conceivably the most conservative”\textsuperscript{1499} Canadian prime minister since World War II, certainly sounded willing to work with the opposition during the earliest phase of his minority mandate, when he offered New Democrats a parliamentary partnership. In seeking their support for two years, Harper promised New Democrats in late February 2006 that he would honour all of the spending provisions, which they had extracted from the Martin minority. In the end, New Democrats rejected this Conservative overture because they “had no intention of accepting an offer that could spell political suicide.”\textsuperscript{1500}

Readers might note at this stage that the behaviour of the NDP conforms to the coalition theory Axelrod has proposed.\textsuperscript{1501} It stipulates that parties forming a winning legislative coalition must necessarily coalesce along the same ideological space, a condition that does not apply to the Conservatives and the New Democrats. Subsequent research has strengthened this finding. Looking at the legislative record, Godbout and

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\textsuperscript{1497} Chalmers, “Canada’s Dysfunctional Minority Parliament,” 32.
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\textsuperscript{1499} Hébert,\textit{ French Kiss}, 122.
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\textsuperscript{1500} Bruce Campion-Smith, “PM sought 2-year NDP pact,”\textit{ Toronto Star}, May 2, 2006. But if the Conservatives and New Democrats could not agree to work with each other during this early phase of the 39\textsuperscript{th} Parliament, both parties nonetheless pursued one common goal: deal the Liberals what Hébert has called an electoral “coup de grâce.” Hébert,\textit{ French Kiss}, 121. As said earlier, the Harper Conservatives began their minority mandate with the long-term objective of replacing the Liberals as the dominant national party. Bold New Democrats also appreciated this ambition because it would bring them closer to their dream of replacing the Liberals as the “main progressive” alternative on the federal ballot. Ibid., 121. This point will be picked up later.
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\textsuperscript{1501} For more see, Axelrod,\textit{ The Conflict of Interest}.
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Høyland have found that the NDP was the main opposition party during the 39th Parliament, as only eight per cent of all successful government motions passed with New Democratic support. Readers will later learn that the Liberals were far more likely than any other party to prop up the first Harper minority. Ultimately, the decision of the NDP to reject Harper’s “dramatic offer” for a parliamentary partnership meant that his first minority would govern on a “case-by-case” basis, just as most federal minority governments before had done. This choice should not surprise us. Minority governments require two or more parliamentary actors to share power, if not permanently, then at least temporarily. But Canadian federal parties have had little historical experience with power-sharing agreements. No federal Canadian minority government has ever created a formal coalition to resolve legislative stalemates in the Canadian House of Commons, largely on the premise that minority governments are ephemeral phenomenon soon to morph into majorities. As noted earlier, this form of wishful thinking rests on two realities: the fickle nature of the Canadian electorate and Canada’s first-past-the-post electoral system, which may translate a small shift to votes into a wild swing of seats from one party to another.

The foregoing thinking also guided the public policies, which the first Harper minority announced in its first Speech from the Throne that opened the First Session.

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1502 Godbout and Høyland, “Coalition voting and minority governments in Canada,” 468-471.
1503 Campion-Smith, “PM sought 2-year NDP pact,” Toronto Star.
1504 Flanagan, “A Canadian Approach to Power-Sharing,” Policy Options 31, no. 8 (2010): 35. This thinking also extends to the opposition benches. Readers will learn later that the New Democrats eventually joined Conservative attacks on the Dion-led Liberals, who ironically, propped up the Conservatives, thereby forming a quasi-Grand Coalition that very much challenged Canada’s political culture. This arrangement, of course, contradicted Harper’s personal and ideological preferences, for his goal was to destroy the Liberals rather than hand them a lifeline by granting them time to recover. As for the Bloc, Cody notes that its parliamentary presence proved to a double-edged sword. On one hand, it denied the Conservatives seats, which they believed to be theirs. It was also “politically radioactive.” as a formal coalition or support partner, except on issues that might enhance the Conservative appeal in Quebec, a condition which the Conservatives exploited where appropriate, we have already seen. But if the Bloc was largely unacceptable as a political partner for the Conservatives, its presence also divided the federalist opposition, as we have seen earlier. In short, the Conservatives could (as they did) play the opposition parties off against each other, as they saw fit. Cody, “Minority Government in Canada,” 31-32.
1505 Godbout and Høyland, “Coalition voting and minority governments in Canada,” 458.
1506 Chalmers, “Canada’s Dysfunctional Minority Parliament,” 30. Supporting evidence for this claim comes from Martin who quotes former senior policy advisor Bruce Carson made the following comments: “Harper and his advisers through the government was not going to last long.” The idea was to simply put “some stuff in the window that could be done in a short period of time.” Martin, Harperland, 47.
Tabled on April 4, 2006, the speech largely re-stated the ‘Five Priorities’ on which the Conservative had campaigned. Conservatives in fact would repeat would them incessantly during the First Session, which lasted from April 3, 2006 to September 17, 2007. Politically astute but “substantively dubious,” the speech itself generated little debate and passed easily after some minor amendments. The speech was remarkable for three reasons. First, the first Harper minority did not consult the opposition about its content, an ominous sign in retrospect. Second, it signaled that the first Harper minority would operate “on a permanent pre-electoral footing.” Third, it revealed the eagerness of the Bloc Québécois to work with the Conservatives, a desire Conservatives initially reciprocated in defiance of their ideological differences. These should have prevented the two parties from working together, since the BQ stood to the left of the Conservatives between the Liberals and the NDP. But this ideological analysis, while otherwise appropriate, fails to consider the regional nature of Canadian politics.

If we were to complement the ideological x-axis with a regional y-axis as Godbout and Høyland have done, the Conservatives and the Bloc overlap on some issues. While the two parties found themselves at different ends of the ideological spectrum,

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1509 The speech also contained a few other pledges – none of which were original. They included promises to reform the Senate, improve relations with the United States and enhance Quebec’s international status. Russell, *Two Cheers for Minority Government*, 46.

1510 Simpson made the following observation. “Any Conservative MP who does not repeat them at least several times per day risks his or her future in the Harper party. Talk about other issues will be tolerated but certainly not encouraged. Like devout Catholics with their Hail Marys or Muslims repeating Koranic verses, Conservatives get to the Harper heaven through unfailing fidelity to the five priorities.” Simpson, “Five priorities, one objective: winning a majority,” *Globe and Mail*.


1513 Since the details of the speech were familiar, opposition parties used their response time to pronounce their willingness to work within the confines of a minority parliament. Russell, *Two Cheers for Minority Government*, 46. Liberal interim Bill Graham — who had earlier huffed and puffed about bringing down the government — said his party would “cooperate with the government to enable it to do the work it has been charged to do by the Canadian people” in reserving the right to oppose and propose alternatives where appropriate. NDP leader Jack Layton used the occasion to remind his parliamentary colleagues that, “some of our greatest achievements are the result of minority parliaments, minority parliaments in which the government of the day worked with New Democrats to make a difference in the lives of ordinary Canadians.” Gervais, “Minority Governments in Canada,” 275-278.


1515 Simpson, “Five priorities, one objective,” *Globe and Mail*.

they nonetheless shared a common goal at the time: woo voters in Quebec, albeit for different reasons. Whereas Harper was planning to re-create Mulroney’s Alberta-Quebec coalition, the BQ could no longer count on the Liberal sponsorship scandal as a source of electoral support.\(^\text{1517}\) In their analysis, Godbout and Høyland conclude that the BQ was willing to support any government\(^\text{1518}\) as long as its policies would benefit Quebec and thereby prepare the province for the ultimate goal of the BQ, sovereignty.\(^\text{1519}\) While Conservatives opposed this long-term objective, they had also identified Quebec as a crucial constituency in their chase for a majority.\(^\text{1520}\)

Accordingly, the Conservatives promised during the election of 2006 that they would respect provincial rights under the principles of “open federalism,” remedy the “fiscal imbalance” and reward Quebec with a greater role on the international stage through membership in UNESCO.\(^\text{1521}\) This bundle of promises proved to be effective in the short-run as the Harper Conservatives started to submit their policies for parliamentary approval, as it was the case on May 2, 2006 when they tabled their first budget. Within minutes, the BQ announced that it would support the document, because it promised to fix the so-called “fiscal imbalance.” This pledge in turn permitted Liberals and New Democrats\(^\text{1522}\) to oppose the budget without sending Canadians to the polls.\(^\text{1523}\)

The previous episode matters for two broader reasons. First, it demonstrates the pattern of shifting alliances with which the first Harper minority governed until the election of Dion, with different issues creating different legislative coalition.\(^\text{1524}\)

\(^{1517}\) Hébert, *French Kiss*, 225, 250.
\(^{1518}\) Godbout and Høyland, “Coalition voting and minority governments in Canada,” 479.
\(^{1519}\) Gervais, “Minority Governments in Canada,” 270.
\(^{1520}\) Martin, *Harperland*, 87.
\(^{1521}\) Flanagan, *Harper’s Team*, 279.
\(^{1522}\) Note though the NDP had extracted some concession from the first Harper minority on social spending before voting against the budget after it had become clear that the BQ would support the budget. Russell, *Two Cheers for Minority Government*, 47.
\(^{1523}\) Russell, “Learning to Live With Minority Parliaments,” 144.
\(^{1524}\) In case of the budget, the first Harper minority worked with the Bloc, a relationship that owed its existence to regional Realpolitik rather than ideological kinship, as shown earlier. Quebec politics also pushed the Bloc into voting for an agreement that settled (albeit unsatisfactorily) the long-running softwood-lumber dispute with the United States in the fall of 2006. While the Bloc attacked several aspects of the agreement, most of its members eventually voted for it. The Harper minority had considered the agreement a matter of confidence, so Bloc opposition would have brought down the government. Opposing the agreement would have also placed the Bloc at odds with unions representing forestry workers, their employers and the Liberal provincial government of pro-federalist Jean Charest fighting for his own electoral survival. Rhéal Séguin, “BQ between softwood and hard place,” *Globe and Mail*, September 7, 2006. Other issues, meanwhile, produced different coalitions. On Afghanistan, for example, the first Harper
importantly, the passage of the budget meant that the first Harper minority could claim that it had fulfilled two of its five priorities: cut the GST and supply some form of child-care. Towards the end of 2006, it could also claim that it had delivered on a third priority: improved government accountability. Note that this account comments neither on the quality nor on the significance of the legislation.\footnote{1525} It merely assesses whether the first Harper minority managed to pass key parts of its legislative agenda through Parliament. And within this context, we can conclude with some confidence that the first Harper minority governed with some legislative purpose, at least during the first few months of its mandate. Even would-be critics of the first Harper minority such as the Toronto Star recognized this record.\footnote{1526} But this modest record must be balanced with the larger failure of the first Harper minority to reduce wait times for specific medical procedures and pass a crime package,\footnote{1527} the two other priorities identified earlier. Overall, the first Harper minority could claim some progress on wait times, albeit unsatisfactory.\footnote{1528} This however was not the case with the crime package, which the Conservatives promised while campaigning.

The Conservative approach to crime (which draws its historical inspiration from the Reform Party and the Canadian Alliance) is readily explained. Citing studies that the

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\footnote{1525} As suggested earlier, some of these policies did not earn high marks for ambition. Brooke Jeffrey, “The Harper Minority and the Majority Myth: Implementing the Conservative Agenda” [paper presented to Canadian Political Science Association 2011 Annual Conference, Waterloo, Ontario, May 18, 2011], 2. Some (such as the various tax cuts) nonetheless pleased the public. Martin, Harperland, 267.


\footnote{1527} Russell, Two Cheers for Minority Government, 50.

\footnote{1528} Specifically, the first Harper minority eventually announced on 4 April 2007 the creation of a new federal health care wait-time reduction trust worth $600 million as part of an agreement, which commits the provinces and territories to establish wait time guarantees by 2004 in at least one of five identified priority areas. While the government promoted this agreement as fulfillment of its election promise, critics disagreed for a number of reasons. First and foremost, they noted that the Conservatives had promised to establish guarantees in all of the five priority areas, rather than just one. Critics also charged that the agreement lowered standards. Finally, they also noted that the provinces could pledge improvements in areas where they had already made progress. Gerard W. Boychuk, “Patience!...Wait Time Guarantees and Conservative Health Care Policy,” in How Ottawa Spends, 2007-2008: The Harper Conservatives – Climate of Change, ed. G. Bruce Doern (Montreal & Kingston: McGill-Queen’s University Press, 2007), 161-179.
events of 9/11 had hardened Canadian attitudes towards crime, Conservatives concluded that being tough on crime would attract votes. Conservatives, in other words, calculated that Canadians want their government to be tough on crime regardless of the evidence, which shows that crime rates have been dropping. Conservatives, for their part, have dismissed this downward trend by claiming, without supporting evidence, that the available crime statistics could not be trusted.\textsuperscript{1529} While deemed emotionally exploitive, this agenda has nonetheless resonated with parts of the Canadian public, particularly during high-profile incidents such as the gang-related shooting death of a teenager while bargain shopping downtown Toronto on Boxing Day 2005. This incident unquestionably raised the profile of the Conservatives’ anti-crime message and damaged the Liberal reputation for moderation, because it inspired proposals that lacked credibility.\textsuperscript{1530}

Once in office, the first Harper minority proposed a number of crime-related bills during the First Session. Yet most of this agenda\textsuperscript{1531} remained unrealized during the First Session. Note that some Liberals (and New Democrats) were prepared to support some Conservative proposals.\textsuperscript{1532} But if the Conservatives could count on some support within Parliament for parts of their crime agenda, they did not make any genuine efforts to broaden it by working with opposition members, many of whom were less than convinced that the Conservative approach towards crime involving tougher penalties and more prisons represented the smartest way of dealing with crime.\textsuperscript{1533} Their critiques, however, did not faze the Harper Conservatives, even as their bills remained under review in the House committees or in the Senate.\textsuperscript{1534} They simply dismissed documented concerns about the effectiveness and economics of tougher penalties at the expense of prevention. Indeed, they hardly missed a chance to charge their parliamentary critics with being “soft on crime.”\textsuperscript{1535} This reaction left little room for legislative compromise with predictable results for the Conservative proposals, increasingly under fire from Canadian

\textsuperscript{1529} Martin, Harperland, 208-212.
\textsuperscript{1531} At this stage, one might note that parts of this agenda, such as the elimination of the long-gun registry, was ambitious.
\textsuperscript{1532} Presumably because they had read the same polls about changing Canadian attitudes towards crime. Martin, Harperland, 212.
\textsuperscript{1533} Russell, Two Cheers for Minority Government, 51.
\textsuperscript{1534} Gervais, “Minority Governments in Canada,” 287.
\textsuperscript{1535} Martin, Harperland, 209-211.
The Conservative crime agenda also revealed the generally low regard for evidence-based policy, which has characterized the Harper Conservatives. This preferences for revealed ideological truths premised on their belief that that they would benefit politically by attacking “university types” in keeping with their populist agenda.

This preceding perspective on the first Harper minority is of course not comprehensive. While the 39th Parliament might not have approved any significant pieces of public policy during its First Session, its membership overwhelmingly passed a Conservative motion recognizing “that the Québécois form a nation within a united Canada.” For all its symbolism, the vote handed Harper a major victory. Self-declared separatists recognized “a united Canada,” whereas most Liberals, minus several notable names, endorsed the Conservative vision for a decentralized version of Canadian federalism. The Liberals had therefore become just like any other party, a move bound to diminish their electoral appeal. This said, this episode exemplified Harper’s preference for politics over policy. This point will become clearer once we consider the legislative record of the first Harper minority during the Second Session.

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1537 Martin, Harperland, 212.
1538 For one, it did not say same thing in English and French, according to former intergovernmental affairs minister Michael Chong. Jeffrey, Divided Loyalties, 612. The move also surprised many observers outside and inside the Conservative camp, including Chong, who believed that the motion would hand separatists a victory by departing from the consensus position among all federalist parties that Canada was one nation. Realizing that he could not vote against the motion and stay in his post, Chong resigned from cabinet, a decision that went largely unnoticed. Martin, Harperland, 86-87.
1539 Flanagan, Harper’s Team, 275.
1540 Plamondon describes this move as follows: “In one bold act, Harper disrupted the Liberal leadership race, discomfited the ... Bloc Québécois, bewildered the national media, and strengthened his hand as a champion of Québéco nationalism.” Robert B. Plamondon, “Stephen Harper meets the Tory legacy,” Policy Options 30, no. 7 (2009): 111.
1541 This group included several Liberals running for the party’s leadership, including Ken Dryden, Hedy Fry and Joe Volpe. Dion, for his part, supported the motion, as did other notable contenders. Jeffrey, Divided Loyalties, 612.
1542 Several members of the ‘Martin’ wing with the Liberal Party including Paul Martin himself had long mused about asymmetrical federalism in distancing themselves from the Trudeau legacy as defended by the Chrétien wing. The defining question of this dispute was whether Quebec qualified as a “nation,” a view favoured by the Quebec wing of the party, but naturally opposed by other factions. Conscious of this division, Harper exploited it by tabling the motion, which actually revised an earlier request from the BQ to recognize Quebec as a nation without reference to Canada.
1543 Ibid., 613. Notably, they surrendered just days before their leadership convention.
which opened on October 16, 2007 and closed on September 7, 2008, after Harper had asked Jean to dissolve Parliament.

According to the Conservative Speech from the Throne, the first Harper minority promised to pursue five additional priorities during the Second Session: Canadian sovereignty; federalism; economic leadership; the environment; and crime. The first of these priorities played well with the Conservative base. Notwithstanding this aspect, Harper has received deserving credit for drawing attention to Arctic issues and the neglected state of the Canadian military. Even critics have acknowledged Harper’s accomplishments in this area. Readers should however be aware of comments from Cody who finds that Harper’s overall approach towards foreign affairs has repudiated “long-held, Liberal-inspired identity markers” such as the commitment towards quiet diplomacy and multilateralism.

The calling of the new session terminated twenty-seven government bills in the House. It was called after Harper had asked Jean to prorogue Parliament in early September of 2007, so he might launch the “next phase” of his mandate after claiming that he “delivered on all the major commitments” made during the 2006 election campaign. This move also terminated twenty-seven government bills in the House. Gervais, “Minority Governments in Canada,” 297-298.

Ian Austin, “Prime Minister Chances Early Election in Canada,” New York Times, September 7, 2008. Some have actually suggested this subject should have been a source of parliamentary cooperation during the recent run of minority governments. Martha Hall Findlay, “The Potential in Minority Government,” Policy Options 31, no. 9 (2010): 55. This research however has yet to uncover any evidence that shows Harper used the subject to build political bridges, as he did on Afghanistan during the early day of his first minority mandate, albeit reluctantly.

For a more detailed perspective of the problematic, see Michael Byers, Who Owns the Arctic? Understanding Sovereignty Disputes in The North (Douglas & McIntyre: Vancouver, 2009).

Consider the following comments from Canadian defence expert David Bercuson, writing in 2007. “The Harper government is the first Canadian government in more than four decades to understand that credible military power is the most important element of diplomacy and that this truism applies as much to Canada as it does to Russia, Britain or the United States.” Notably, Bercuson reached this conclusion in criticizing the Conservatives for failing to furnish the public with sufficient details about the Canada First Defence Strategy announced by the first Harper minority in the spring of 2008. He wrote: “It was mainly a shopping list of what the government had already announced over the past two years and of projects being contemplated over the next decade. It was short on details; more of a précis than a policy.” Within the context of this thesis, it is also important to note that Bercuson blamed the then-existing parliamentary realities for the government’s apparent reluctance to furnish sufficient details. “(In) a minority government it is hard, if not impossible, to make rational and non-partisan decisions about long-term foreign and defence policy. Look at the agonizing process that preceded the parliamentary vote on extending the mission in Afghanistan.” David Bercuson, “First, a defence strategy, then a shopping list,” Globe and Mail, May 21, 2008.

Martin, Harperland, 268.

Turning to federalism, the record of the first Harper minority appears “mixed,” at least within its conception of “open federalism.” This concept, which “may rank as (Harper’s) most enduring domestic policy initiative” according to Cody, promises to clarify and respect the constitutional division of powers, grant Quebec greater autonomy, and fix the so-called “fiscal imbalance” between Ottawa and provinces. While the first Harper minority was able to achieve some of these goals, he failed to deliver on other policy promises in the field of federalism during the Second Session, primarily but not exclusively Senate Reform. On the question of economic leadership, the first Harper minority continued its incremental approach during the Second Session by cutting the GST another percentage point, as promised earlier. While popular with parts of the public, this cut re-energized critics who had previously accused the first Harper minority of squandering the country’s surplus without improving its economic productivity.

The Second Session of the first Harper minority also coincided with the start of the ongoing financial crisis. While Harper does not deserve blame for its onset – global forces that originated elsewhere do – his politically motivated spending policies prior to it contributed to the large deficits, which Canada would face in the future.

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1554 Evidence to this point includes include the motion recognizing that the “Québécois form a nation within a united Canada.” The second Conservative budget also revised the equalization formula in line with recommendations that called for a significant increase (some $1 billion) in overall transfers to the provinces. While not unanimously endorsed these new funding measures nonetheless encouraged the first Harper minority to claim that it had “delivered an historic worth over $39 billion in additional funding to restore fiscal balance in Canada.” Herman Bakvis, Gerald Baier and Douglas Brown, Contested Federalism: Certainty and Ambiguity in the Canadian Federation (Toronto: Oxford University Press, 2009), 165. Finally, it should also be noted that the first Harper minority honored the 10-year-plan for stable federal transfers negotiated by the Martin minority. This was not necessarily inevitable.
1555 As for Senate Reform, the first Harper minority re-tabled relevant legislation from the First Session in the Second Session, only to see it suffer the same fate: it did on the Order table. Gervais, “Minority Governments in Canada,” 396. The first Harper minority also failed to honour it fulfill its promise of tabling legislation that would limit the federal spending power for new cost-shared programs in exclusive areas of provincial jurisdiction. Bakvis, Baier and Brown, Contested Federalism, 165.
1556 Even would-be supporters of the first Harper minority joined the ideologically diverse chorus of critics, who questioned the congruence of Conservative tax policies with established macro-economic principles. Tavia Grant, “Plans to cut GST blasted,” Globe and Mail, October 24, 2007.
Turning to the environment, where the Conservative record has been called “lamentable,” the Harper minority passed some measures during the Second Session. But these hardly appeased environmental critics inside and outside of Parliament, who have frequently mocked the Conservative agenda as “aspirational.” If so, the first Harper minority was confrontational in the field of crime policy, where it managed to pass Bill C-2 (Tackling Violent Crime Act) by threatening the opposition with an election, a move whose specific mechanics will receive additional comment in the next major section. This behaviour however was hardly the exception. Conservative belligerence – which occasionally assumed the form of personal taunts aimed at Dion – frequently left Liberals with no other choice than to ratify Conservative proposals or retreat in some other way without stepping over the electoral precipice. Consider this evidence. Seventeen per cent of all voting coalitions in the 39th Parliament involved the Conservatives and Liberals. Twenty-six per cent of all voting coalitions involved the Conservatives, Bloc and the Liberals. Liberals also either abstained en masse or presented a reduced coalition of MPs to vote against a government proposal with the remaining three opposition parties on at least fifteen occasions.

This parliamentary behaviour by the Liberals created an “unprecedented situation in which a precarious minority government was able to function as a majority, while opposition parties – normally keen to bring down the minority and wage another election – were instrumental in keeping it in power” as Jeffrey puts it. Between the end of the Second Session in September 2008 and October 2007, the first Harper minority survived some forty votes of confidence – a figure that helps explains its longevity despite its

1557 Martin, Harperland, 267-268.
1559 The bill actually bundled five bills that had died on the order table with the end of the First Session, most notably Bill C-10 (mandatory sentencing), Bill C-22 (raising age of sexual consent) and Bill C-35 (reverse onus bail hearing). Laura Barnett, Robin MacKay and Dominique Valiquet, Bill C-2: An Act to Amend the Criminal Code and to make Consequential Amendments to Other Acts (Ottawa: Parliamentary Information and Research Service of the Library of Parliament, 2007), 1.
1561 Consider this line from Harper. “As I listened to the Leader of the Opposition, it reminded me a little of the professor who goes through your term paper, marks all over it everything he disagrees with and then passes you anyway.” Gervais, “Minority Governments in Canada,” 304.
1562 Godbout and Høyland, “Coalition voting and minority governments in Canada,” 471, 480.
1563 Jeffrey, Divided Loyalties, 619.
1564 Richard Brennan, “Dysfunctional’ or productive? Parliament’s record undermines Harper’s rationale for
precarious parliamentary circumstances. Did the government utilize this time productively? The record suggests otherwise. This alleged inability to get things done consequently seemingly confirmed the conventional view that minority governments are ‘ineffective,’ a critique echoed by a diverse chorus of commentators.\textsuperscript{1565} It bears noting that many of these same commentators had complained about dictatorial majority governments not so long ago. Yet this narrow view of effectiveness is deceiving. The first Harper minority assumed office with two broader goals in mind: destroy the Liberal brand and convert Canada into towards conservatism through incremental policies.\textsuperscript{1566} The first Harper minority can claim partial success on both counts.

\textbf{8.4 Bashing the Liberals, Building the Conservative Base}

To borrow a phrase from Conservative critic Lawrence Martin, Harper was “better as a basher than a builder”\textsuperscript{1567} during his first minority. Most of his initial blows aimed at the accomplishments of his predecessor. While Harper apologized on behalf of Canada to victims of the residential school system,\textsuperscript{1568} he also cancelled the Kelowna Accord, which Martin had negotiated during the dying days of his minority government.\textsuperscript{1569} Harper also replaced Martin’s national early learning and child-care program with his own program. Briefly, it grants all families with children under the age of six some $100 a month for child-care arrangements of their choice. While the Universal Child Care Benefit represents the first new universal federal income program in more than four decades, its story is really one of “retrenchment and replacement” on two levels. On one level, it terminated a major inter-governmental agreement and

\footnotesize{\textsuperscript{1565} Little more than one year into the mandate of the first Harper minority, the Conservative-friendly National Post called on Harper “to clear the air” through an early election in an effort to end the drift and dysfunction of Parliament presumably with the hope that the Conservatives would win a majority. “We Need an Election – Soon,” \textit{National Post}, May 22, 2007. Even Ned Franks – unquestionably Canada’s most renowned scholar of Canadian parliamentary democracy – agreed with this remedy in March 2008 after he called the 39\textsuperscript{th} Parliament “one of the worst that he’s ever seen.” Bev Vongdouangchanh, “Most ‘dysfunctional Parliament’ since Pearson’s minority governments, says Franks,” \textit{Hill Times}, March 24, 2008.

\textsuperscript{1566} Flanagan, \textit{Harper’s Team}, 274,.278-279.

\textsuperscript{1567} Martin, \textit{Harperland}, 267.

\textsuperscript{1568} Ibid., 134.

replaced it with a new universal cash program of modest size and scope denounced by child-care advocates as inadequate. On a deeper level, it symbolically confirmed the end of the pan-Canadian consensus that had existed since Pierre Trudeau. In the area of social policy, this model premised on a strong central government actively developing new social programs deemed to be desirable. The Conservatives’ cancellation of the Martin program openly challenged this narrative by charging the market with the delivery of a collective good. In doing so, Conservatives viewed citizens as consumers – a view at some distance from the conventional understanding of universal programs.

The Conservative child-care policy was also good politics, because the program united different sections of the Conservative base. On one hand, it satisfied economic conservatives suspicious of government spending. On the other hand, it sent social conservatives the clear message, that the Harper government favors a traditional, heterosexual view of family, which sees mothers stay at home to look after the children while their respective husbands act as the main breadwinners. Finally, the program also permitted the Conservatives to polarize against their critics. As noted earlier, child-care experts denounced the program. Conservatives, for their part, welcomed this critique because it offered them an opportunity to present themselves as defenders of ‘ordinary’ Canadians against elites under the ideological tenets of “mainstream populism,” an extension of “market populism.” Briefly, market populism is premised on three beliefs: (i) the market is the purest form of democratic choice; (ii) the welfare state has become the project of rent-seeking elites who act contrary to the interests of taxpaying citizens; and (iii) intermediary state institutions such as the courts are “strongholds of non-elected elites who distrust and override popular opinion.” Neo-liberals have in turn funneled genuine economic and social insecurities among citizens into this framework for the purpose of pursuing neo-conservative policies that curtail the

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1573 Research has shown that the child-care tax credit has favoured well-do families – the very people who may need the assistance the least but most likely to support the Conservatives. Ibid., 193-195.
Mainstream populism extends market populism through emotional appeals, stoking resentment against the “other,” some nebulous but nonetheless palpable outside force that threatens the community, its space and its symbols. Harper’s child-care policy plays on this narrative by pitting parents against experts. This said, this program has enjoyed some popular support. It certainly inoculated the Conservatives against the charge of being reactionary in a way that says something about the totality of the first Harper minority. Hardly ambitious but easily achievable, the program was an incremental piece of public policy that hardly caused a stir among large sections of the Canadian public, despite protestations from child care experts. Yet it was also deeply partisan and ideological because it reflected key Conservatives premises about the role of the state, the market, and the nature of human relations. If anything, it gave the Conservatives a chance to present themselves as populists, keen to protect ordinary Canadians against impersonal government bureaucrats and their academic allies.

The first Harper minority also effectively emasculated the Liberals, particularly after they had elected Dion as their leader, a political loner whose roots in the party ran shallow, despite the fact that he crafted one of the central legislative accomplishments of the Chrétien era, the Clarity Act. Many Liberals and most Canadians knew little about Dion, who lacked the personal charm and political communication skills to share his vision for a “richer, fairer and greener” Canada inside and outside the House of Commons, where his former leadership rivals frequently upstaged him during Question Period. Dion was in the words of Jeffrey not just “an accidental leader,” but also “an accidental politician.” While not immediately obvious, Dion was also a gift for the first Harper minority. But first things first. Russell for example has credited Dion for

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1578 Jeffrey, Divided Loyalties, 619.
1579 Jeffrey, Divided Loyalties, 618-620.
1580 Jeffrey, “Missed Opportunity,” 73.
1581 Canadians, just like Liberals, were prepared to give Dion a chance to prove himself. Polls immediately after the convention showed that support for the Liberals rose. Jeffrey, “Missed Opportunity,” 75.
1582 According to Martin, senior Conservative leaders around Harped had expected either Bob Rae or Michael Ignatieff to carry away the Liberal crown. Not surprisingly, “they were quite pleased with the choice of Dion.” While Dion hailed from Quebec, where the Tories were hoping to make inroads, Ignatieff
Conservative concessions on climate change, a development he called the “most dramatic example of minority government’s potential for consensus building.” If so, it also proved to be the last of its kind during the first Harper minority with Dion as Liberal leader.

Once Conservatives had appreciated his incompetence, they eviscerated him through an unprecedented television campaign that dismissed his policies as wasteful and his prickly personality as wholly inappropriate to national office. With polls showing a growing gap between Harper and Dion in favour of the former, many observers were predicting a spring election in 2007. While the Conservatives eventually chose against going to the polls, it was becoming increasingly clear that the first Harper minority was preparing for an election sooner rather than later. The unprecedented air war against Dion said as much. So did the second Conservative budget tabled on March 19, 2007, a very centrist document that was also friendly towards Quebec. Election speculations intensified during the Second Session, after Harper had saddled the opening Speech from the Throne with an unusual rider: if the opposition was going to pass the Speech, they could therefore not oppose the bills that would flow from it. Harper had grown tired of compromising or negotiating. From now, Russell notes, “(on) every issue,

Evidence of this apparent evolution included Harper’s decision to replace his generally ineffective environment minister Rona Ambrose with John Baird. Harper, who had previously challenged climate change science and schemes to ease its effects, also required Baird to revise Conservative policy on climate change. This turn, however, turned out to be far less drastic than Russell suggested. Russell, Two Cheers for Minority Government, 51.


Canadian political parties have rarely used the pre-wit period to attack their political opponents with targeted advertising. In doing so, the Conservatives revealed their “superior financial muscle.” Flanagan, Harper’s Team, 299.

Part of a broader plan to reach voters in Quebec on the premise that the province would profit from the Conservative vision of decentralized federalism, the budget passed once again with the Bloc’s help. Globe and Mail columnist John Ibitson called it “a budget so Liberal, the Grits should sue.” John Ibitson, “A budget so Liberal, the Grits should use,” Globe and Mail, March 20, 2007. National Post reporter John Ivison sounded a similar note. “In recent weeks, Mr. Harper has pork-barrelled his way across the country in a fashion that probably brings tears of nostalgia to the eyes of veteran Grits.” John Ivison, “Majority numbers spell election: Poll shows voters swinging to Tories after budget,” National Post, March 24, 2007. Russell, Two Cheers for Minority Government, 53.

it would be Harper’s way or no way; defeat on any issue would be treated as a non-confidence vote.” Several factors accounted for this aggressive turn. For one, Harper faced internal pressure to deliver some tangible results. Former Conservative campaign manager Tom Flanagan conceded as much in a column published before Parliament resumed. While he praised the first Harper minority for its survival skills, he also said that, “mere survival will become increasingly less rewarding unless it is matched by legislative achievement. No government can survive politically if it acquires a reputation for weakness, and that is the risk the Conservatives face if they remain tied up in Parliament.” Flanagan’s counsel? Parliamentary brinkmanship! “By using confidence measures more aggressively,” he advised, “the Conservatives can benefit politically. If the opposition parties retreat, the government gets its legislation. If the opposition unites on a matter of confidence, the Conservatives get an election for which they are the best prepared.”

This advantage was particularly apparent in the area of fund-raising, where the Liberals had made “only modest progress” in adapting to the new campaign finance model favoring individual donations, a model which they themselves had developed! Other developments also confirmed the growing strength of the Conservatives and the corresponding decline of the Liberals under Dion, who had a tendency to make decisions on his own, with little or no consultation. Conservatives won two out of three by-elections held on 18 September 2007 in Quebec, while the Liberals lost the Montreal riding of Outremont to New Democrat Thomas Mulcair, the eventual leader of his party. This loss not only symbolized the deepening divide on the left side of the political spectrum, but also the slipping status of Dion as Liberal leader within his own, increasingly alienated ranks. It was after all ‘his’ handpicked candidate who failed to win

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1590 Russell, Two Cheers for Minority Government, 57.
1592 Jeffrey, Divided Loyalties, 619.
1593 Consider the numbers. Between 1 January 2006 and 30 June 2008, the Liberals raised $17.1 million. During the same period, the Conservatives raised $44.5 million. Flanagan, Harper’s Team, 296.
1594 Jeffrey, Divided Loyalties, 620.
1595 Flanagan, Harper’s Team, 297.
a seat the Liberals had held for generations. These conditions did no go unnoticed by the first Harper minority. Flush with cash and ready to hit the election trail on short notice, the Conservatives essentially dared the opposition parties to force a premature election on numerous occasions. Such provocations divided the Liberals and encouraged them to resume their feuding, this time over whether they should swallow Conservative demands or strike back by bringing down the government, a noble but likely self-sacrificial step in light of limited campaign funds and poor poll numbers for their leader, who was slowly but steadily disappearing from public view.

So Harper had every reason to count on the Liberals to keep his minority in power. And if they chose otherwise, they would surely suffer defeat at the polls. The “advantages of staying in power” however were starting to run out during the second half of 2008. Several headline-making stories offered the parliamentary opposition

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1596 This loss only encouraged critics of Dion. The theme of their complaints were simple enough. Voters in Quebec were not buying the leadership of Dion, whom many associated with the Clarity Act and Trudeau’s vision of federalism. Jeffrey, Divided Loyalties, 620.
1597 Russell, Two Cheers for Minority Government, 58.
1598 Consider the following advantages. Early in 2007, Conservatives rented what Flanagan has called a “state-of-the-art” war room in Ottawa from where they could coordinate their media campaign. While the cost of this facility exceeded “hundreds of thousands of dollars a year” it nonetheless prepared the party for an election. It had also retained access to a jet plane since 2006. According to Flanagan, these advantages affected Conservative behaviour during the first Harper minority. For one, Conservatives arranged media tours to the facility dubbed the “Fear Factory.” In doing so, it signaled the other parties that they would face a fight if they toppled the government. Similar comments could be made about the campaign jet. “Having a campaign jet in place (also) allowed the Conservatives to play brinkmanship games in Parliament without worrying about being defeated.” Flanagan, Harper’s Team, 293-298.
1599 Jeffrey, Divided Loyalties, 619.
1601 Flanagan, Harper’s Team, 294.
1602 They included questions about the relationship between Mulroney and financier Karl-Heinz Schreiber; claims that the Conservatives had allegedly attempted to bribe Independent Chuck Cadman for his vote prior to the vote eventually saved the Martin minority; the “in-and-out” financial plan, under which the national Conservative campaign had transferred over a million dollars to local campaigns for additional advertising during the 2006 election. Ibid., 294. This list also includes questions about the treatment of Afghan prisoners, charge with serious legal ramifications. The government tried to defuse this attack through censorship of relevant documents and demagoguery that questioned the loyalty of the parliamentary opposition on the floor of the House of Commons. Despite these efforts, or may be because of them, the issue started to sully the first Harper minority by raising questions about its war management and integrity. In the end, Harper cauterized the damage (at least for a while) to his government by dropping defence minister Gordon O’Connor from his post, the second move of this sort during the first eighteen
multiple opportunities to hold the Harper minority accountable through extensive committee hearings. Harper also feared that the unfolding Great Recession, whose depth and length were unknown, could be potential political disaster for any incumbent government. Confident that he could expand, even convert his minority into a majority, Harper asked Jean to dissolve Parliament on the claim that it had become “dysfunctional,” a questionable claim since his actions contributed to this condition. In fact, critics contend that Harper’s decision to seek dissolution constituted itself a cynical act since it violated the spirit but not necessarily the letter of his own law that had fixed the date of the next election for October 19, 2009. Defenders of Harper have noted that the legislation specifically states that nothing in it “affects the powers of the Governor-General, including the power to dissolve Parliament.” Harper has also argued that the fixed election law applied only to majority rather than minority governments, because the opposition can combine to defeat the government at any time. Aside from the fact that Harper invented this argument after the law had passed, the logic of this argument is also “perverse.” Fixed election laws that aim to end the manipulation of the electoral cycle are perhaps even more important during periods of minority government, which are generally more unstable, but also more likely to sniff out the next partisan opportunity to convert their minorities into majorities. This commentary, of course, speaks to Smith’s point that “the rewards of a majority government evidently far outweigh any loss of credibility as a democratic reformer that the prime minister might sustain by making it.”

months of his minority rule the removal of Rona Ambrose from the environment portfolio. Martin, Harperland, 99-104.

1606 Dissolution followed what the Globe and Mail described was a “strained meeting” between Harper and Dion, during which Harper asked Dion to give him assurances that the Liberals would either support or abstain from opposing the Conservatives’ legislation agenda for the coming year - a request that Dion characterized as "a joke" and a "charade." Heather Scofield, “Dion, PM set to do battle on economy,” Globe and Mail, September 2, 2008.
1609 Aucoin, Jarvis and Turnbull, Democratizing the Constitution, 65.
1610 Smith, “Canada’s Minority Parliament,” 141.
Harper’s move paid off for the most part. While the Conservatives failed to convert their minority into a majority, they came close by winning 143 seats on 37.6 per cent of the popular vote. More significantly, the result confirmed the soundness of Harper’s decision to familiarize Conservative management and Conservative policies. In 2006, the Harper Conservatives had to contend with the charge that they were pursuing a ‘hidden agenda.’ Their record in office, as partisan as their behaviour in Parliament might have been, blunted that argument, as they did little to upset middle-of-the-road voters. Conservatives consequently increased their support among women, urban voters and multi-cultural communities, traditional Liberals electoral constituencies now newly in play. Only several blunders during the final campaign phase denied Harper a breakthrough in Quebec, where Conservatives ultimately lost their majority, while winning in the Rest of Canada. The Conservatives nonetheless reduced the Liberals to seventy-two seats on twenty-six per cent of the popular vote, an unprecedented figure for a party that had governed Canada longer than any other democratic political movement anywhere. Harper achieved this accomplishment without any major pieces of public policy to his credit. But his first minority mandate proved nonetheless effective in diminishing the Liberal brand, albeit with help from the Liberal leadership itself.

Much of the credit for this achievement belongs to Harper, whose relentless discipline and determination has transformed the Conservative party into a public vessel for his personal vision of Canada, one that celebrates the family, lower taxes, law and order, the military, and the monarchy, one that downplays the accomplishments of previous eras, while wishing to destroy them. But if Harper assumed office as a limited but determined agent of change, he also benefited from broader trend-lines: the fracturing of the Canadian left, the decline of political and social tolerance following the events of 9/11, the economic rise of the West and the corresponding declining of Quebec as the


source of social-democratic policy ideas and politicians. This list can also include the decline of the modern welfare state starting with the economic shocks of the 1970s, the rise of neo-liberalism beginning in the 1980s and triumphant in the 1990s, and the corresponding shattering of the pan-Canadian consensus towards social spending. These broader developments certainly help explain the historical rise of the Conservatives’ ideological predecessors (Reform/Canadian Alliance) and their antipathy towards the Liberals. As noted earlier, specifically in Chapter 3, we can tell its story by analyzing changes within the Canadian party system. This analysis specifically considers the following criteria: the nature of partisanship competition, prevailing forms of political communication, dominant topics of political discourse, and financing models. This list may also include the prevailing model for choosing party leadership. As noted earlier, this scholarship has identified five party systems: the first from 1867 to 191, the ‘second’ from 1921 to 1957, the third, from 1963 to 1993, the fourth from 1993 to 2003, and the current fifth system. While space limits deny a detailed discussion of each system within confines of this chapter – additional details can be found in Chapter 3 – a clear case can be made that the first Harper minority confirmed and compounded several conditions that currently characterize the ‘fifth’ Canadian party system.

Said conditions include among others the increasingly partisan nature of political discourse. While this aspect did not materialize with the first Harper minority, it has accelerated since the creation of the Conservatives in 2003, with detrimental consequences for the institutional functionality and public reputation of Parliament. The first Harper minority also changed the dominant topic of discourse in Canadian politics. While previous systems – especially but not exclusively the ‘third’ – frequently focused on broad, national issues, the ‘fifth’ has focused for the most part on the “family.” Conservative competitors have since copied this thematic choice, a concession to the perceived social conservatism of ‘new’ Canadians and the ideological dominance of neo-liberalism, which atomizes politics by focusing on the smallest

1613 Martin, Harperland, 269.
possible unit of analysis.\footnote{Ibid., 428.} For our purposes, this choice of discourse clearly distinguishes the first Harper minority from the minority governments of the 1960s whose pursuit of pan-Canadian policies largely reflected the political consensus at the time. No such glue has united Canadian politics in the first and second decade of the 21st century. In this sense, the first Harper minority has reflected the ideological dimensions of its era. The first Harper minority has also benefited from a new political financing model. Finally, the first Harper minority has changed the tone and tenor of political communication in Canada. While its use of modern social media between 2006 and 2008 demands additional study, the first Harper minority has ushered in the era of permanent campaigning, a point I will expand in the next chapter.

8.5 Summary

On the surface, the performance of the first Harper minority confirmed the popular perception that minority governments cannot accomplish much. The legislative record of the first Harper minority certainly feeds this impression. The Harper Conservatives campaigned on a narrow set of promises and once in office, they accomplished few of them, partly because they loathed to compromise on matters of public policy. But the legislative productivity of the first Harper minority hardly represents a comprehensive measure of its effectiveness. By manipulating the parliamentary process, the Harper Conservatives managed to stay in office longer than many including themselves had anticipated. This stability allowed the Conservatives to do two things: (i) pass a few relatively unambitious policies such as the child-care tax credit that unified its base and (ii) broadened their support among key electoral constituencies and polarize against the opposition, particularly against the Liberals, who had compounded their structural and organizational problems by electing a weak leader. Yes, the election of Dion offered the first Harper minority an unprecedented opportunity. In the end, Dion was Harper’s best asset in advancing the larger Conservative agenda of replacing the Liberals and everything they stood for as the country’s leading political movement. But this opening had to be seized first and the first Harper minority did so with an undeniable degree of skill by using their time in office to diminish the Liberal
brand. Its methods however are a different story. While the parliamentary actions of the Conservatives might have been effective in the sense of diminishing the Liberals, they also created the appearance of dysfunction and parliamentary strife – strife that provided the very pretext for the election that led to the second Harper minority, the subject of the next chapter. Yet the October election of 2008 was merely a prelude to a far more divisive campaign – a campaign whose outcome still resonates today.
CHAPTER 9 THE SECOND HARPER MINORITY

9.1 Opening

This chapter assesses the effectiveness of the second Conservative minority government headed by Stephen Harper, who is now preparing for his ninth year as Prime Minister after leading his party to a majority government in 2011. This victory, which deems the second Harper minority effective, grants Harper membership in a club that is becoming increasingly exclusive with each year. When Canadians head to the polls on October 19, 2015 to elect their 42nd Parliament, Harper will have outlasted Robert Borden and Brian Mulroney to become the second longest serving Tory prime minister in Canadian history behind John A. Macdonald, notwithstanding any unforeseen developments connected or unconnected to the Duffy-Wright Senate scandal currently unfolding. And if we are to give credence to contemporary political commentators, Harper possesses both the temperament and the talent to pass some, if not all of the figures who respectively remain ahead of him – Jean Chrétien, Wilfrid Laurier, Pierre Trudeau, Macdonald and William Mackenzie King. Each of these prime ministers defined a period of dynastic rule\(^{1619}\) and Harper’s evolving dynasty\(^{1620}\) may eclipse them all. This prospect certainly permeates the thinking among commentators with Bricker and Ibbiston as its most prominent proponents.

Specifically, this duo claims that Harper’s victory has “cemented the new Canadian politics” by displacing the small but powerful elites clustered in the communities along the watershed of the St. Lawrence River with a coalition of suburban Ontarians and western Canadians. Issue after issue, decade after decade, these previous power-brokers debated, developed and delivered what the authors describe as the ‘Laurentian Consensus,’ a pragmatic but also elitist philosophy towards politics and policy, of which the Liberal Party of Canada was not the only but the most obvious and powerful instrument.\(^{1621}\) According to the authors, this era ended in early May 2011 when ‘new’ Canadians living in the growing suburban and urban ridings of Ontario abandoned

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\(^{1619}\) LeDuc, Pammett, et al., *Dynasties and Interludes*, 21-60.
the Liberals to join hands with ‘old’ western Canadians with whom they share small c-conservative views and values best described as family-oriented. The perceived ideological cohesiveness of this regional coalition ultimately leads the authors to “believe that the Conservative Party will be to the twenty-first century what the Liberal Party was to the twentieth century: the perpetually dominant party, the natural governing party.” This does not mean that the Conservatives will govern forever. But they will be the dominant party, starting with the next election, which will likely return Harper to power with another majority.1622

If this is indeed the case, Harper will have come closer to his ultimate goal, the eradication of the legacy left by Pierre Elliott Trudeau. Popular accounts of Harper often and correctly accentuate his perceived disdain for large projects, like the types that ultimately doomed the last Tory1623 to win a majority, Brian Mulroney. Harper instead prefers an incrementalist approach. But this image actually obscures a larger picture. Contrary to Jean Chretien’s definition of a good politician as the “one who wins,” Nemni argues that Harper is of a different constitution. Indeed, Nemni argues that Harper is “very much like…Trudeau, a man who seeks political power in order to bring about a social project. To such people, political power is a means to an end.” Of course, the difference lies in the nature of their respective projects. Nemni argues that Trudeau’s goal was to combat Quebec separatism, to strengthen federalism, to enhance the bilingual and multi-ethnic nature of Canada and to enshrine a number a number of rights that protect the people against abuses, including abuse by their own government. “To a large extent the aim of Harper’s conservatism is to eradicate the whole platform,” Nemni writes.1624 And if we are believe various observers of Canadian politics, he and his eventual successors will have many more years to accomplish this agenda.

Others offer a comparable but arguably more cautious assessment. Wells agrees with Bricker and Ibbitson when he notes that Harper has shifted the political discourse from the incestuous intellectual concerns of the elitist “Ottawa bubble” to the issues that

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1622 Ibid., 126-127.
1623 As Martin and others have noted, Harper might be a Tory in name, but something entirely different in reality.
occupy middle-class Canadians. But he does not project whether Harper can win again. He is also not sure whether the Conservatives can continue their current run because he, unlike Bricker and Ibbotson, believes that the Conservative Party is more or less the Stephen Harper Party. Wells notes that Harper has methodically pre-empted the two conditions that have caused previous Conservative governments to collapse under their inflated weight. First, the party and its central figures inside and outside the Prime Minister’s Office bear the imprint of Harper’s personality decried by his critics as domineering and divisive. This condition has left little, if any room, for would-be challengers. The two majority governments that preceded the current one collapsed because its respective heads permitted the emergence of powerful rivals: Lucien Bouchard in the case of Mulroney and Paul Martin in the case of Chrétien. It was Bouchard who broke the fragile coalition forged by his former patron when he formed the Bloc Quebecois following the failure of Meech Lake and it was Martin’s clandestine campaign against Chrétien that eventually caused the divisive and potentially fatal feud within the Liberal Party of Canada. Such figures are simply unfathomable in the current Conservative party because Harper would never permit such personalities to emerge in the first place.

Despite its potential dangers for a smooth succession, rank-and-file Conservatives seem more than comfortable with Harper’s dominance. In exchange for their unquestioned loyalty, Harper has given them something many had believed they would never see: a prime minister who has not only shared their grievances against the previous societal consensus, but also replaced it with one in their favour, albeit through incremental initiatives whose combination has often created the appearance of drift. Which brings us to the second major point of Wells’ argument. If rivals are the enemy of political longevity, so are “projects,” specifically those that simultaneously seek system-wide system changes and ignore the interests of ordinary Canadians. Such projects have included in Wells’ estimation the repatriation of the Constitution under Trudeau and the constitutional debacles of Meech Lake and Charlottetown under Mulroney. These far-

1626 Wells, The Longer I’m Prime Minister, 407.
1627 Ibid., 297.
1628 Ibid., 11, 21, 403.
reaching initiatives have invited widespread opposition and ultimately undermined the respective governments that had attempted them. Harper has never tried anything as bold. This lack of ambition has also had the effect of disarming critics who warned Canadians that a Harper government would be radically conservative. Harper is certainly more than aware of what could happen when an opposition organizes itself, because he has not only faced but also led such an opposition. Harper has instead exhibited a “strong bias towards arch-incrementalism” according to an unnamed advisors, of “muddling through” much like Canada’s longest serving prime minister, King. It is for these reasons that it will take some time to assess Harper’s legacy.  

It is worth noting that two groups of people have already made up their mind about Harper. Partisan critics on the left side of the political spectrum have accused Harper of being an incendiary and illegitimate iconoclast who has destroyed everything that is good about Canada. Partisan critics on the right side of the political spectrum, meanwhile, worship Harper as the potential creator of a Conservative utopia. Efforts to reconcile these disagreements strike me as pointless and I will forego them. But I find myself in agreement with the argument that parts of the media have demonized the very qualities that have allowed Harper to prevail through more than five years of minority government from 2006 through 2011. To be clear: this comment does not condone said qualities. It merely acknowledges their effectiveness. We saw in the previous chapter that the electorate had handed Harper “a mandate fit for a pessimist” when he became Prime Minister with the smallest minority in Canadian history following his defeat of the Liberal minority government under Paul Martin. Out of 308 seats in the House of Commons, the Conservative Party of Canada had won 124 seats, thirty-one seats shorts of majority. Even Joe Clark, whose very name evokes political failure, had done better in 1979 by winning 12 more seats than Harper in a Commons with twenty-six fewer seats. The Chrétien dynasty and its Martin appendix might have ended in 2006 with the emergence of the first Harper minority, but its prospects were hardly favourable. While

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1629 Ibid., 295-303.
1633 Wells, The Longer I’m Prime Minister, 14.
the first Harper minority could claim to be a ‘national’ government in the sense that its caucus represented every geographic region of the country, including Quebec, it was also largely rural. The major cities starting with Toronto had remained largely loyal to the Liberals, as did sections of Canada’s ethnic communities. Five years later, serious people are suggesting that Harper is the founder of a Conservative order that may replicate the Liberal daisy chain of King, Louis St. Laurent, Lester Pearson, Trudeau and Chrétien after having led his party to a majority victory by forging a coalition that includes not only westerners, but also millions of other Canadians, including immigrants, Jews and even liberal-minded Torontonians. If this is indeed the case, and that is a big if, future scholars will likely identify the second Harper minority as a defining turning point, because its central event, the Coalition Crisis, subsequently triggered a set of events that has undeniably helped Harper achieve his long-term ambition, namely reduce the relevance of the Liberal Party, possibly to a point from which it may never regain its previous status. This said, it is incredibly premature, if not foolish to predict a period of Conservative hegemony.

In fact, idle speculation about the eventual importance of the second Harper minority in some distant ‘Conservative’ future actually obscures its importance in the recent here and now. It opened with a self-inflicted, deeply divisive constitutional crisis that nearly undid everything that Harper had accomplished in the preceding six years and concluded with a parliamentary motion that pronounced his government to be in contempt of Parliament, the first Canadian and Commonwealth government to bear such a stain. But if the parliamentary opposition had pinned this political Scarlett letter on the Conservatives for the purpose of chasing them out of office, it actually had the opposite effect. It appeared to confirm the Conservatives’ self-serving claim that the country needed political stability after almost seven tumultuous years of minority government. The question of whether Harper had acted like an undemocratic dictator when his government failed to furnish the Commons with financial figures concerning several

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1635 Wells, *The Longer I’m Prime Minister*, 295.
public projects never ignited the imagination of the public,\textsuperscript{1640} because for two years the Tories had told Canadians that they faced a simple but stark choice: elect a strong, stable, national Conservative majority or settle for the anarchy of a coalition. Only less than half of the Canadian electorate accepted this “marvellous, polarizing”\textsuperscript{1641} argument. In fact, its central message was hardly compelling. The total Conservative vote in 2011 – just forty per cent – rose by only two per cent compared to 2008. But this marginal increase in the Conservative vote paid huge dividends in terms of seats,\textsuperscript{1642} partly because of the way in which the party had targeted specific “ethnic” ridings in the populous parts of Ontario, a circumstance that once again confirmed the pivotal importance of this province.\textsuperscript{1643} In short, Harper did just enough to win a majority with less than half of the popular vote. He did not need anymore. Critics of Canada’s first-past-the-post system might at this stage trot out the well-rehearsed argument that the Harper Conservatives benefited from an unfair electoral system aided by a divided opposition While this familiar complaint is not without substance, it is also clear that all participating parties knew, understood and at least accepted the electoral rules responsible for the eventual outcome. Yes, the Conservatives benefited from voting split. In fact, they were counting on it. But so did other parties. Cries about the perceived illegitimacy of Harper’s “false” majority actually tend to ignore that the Conservatives (unlike the Liberals) had a long-term strategy that they pursued over time, building a cohesive coalition along the way.\textsuperscript{1644}

However this commentary only hints at the importance of the second Harper minority. The second Harper minority broadly confirms the status of minority governments as “probationary” majorities. While it might be difficult to divine the eventual record of the Harper years, the emergence of the current Harper majority out of the second Harper minority and the first Harper minority before it confirms the larger pattern that we have already seen: minority governments serve as pivots between sustained periods of majority government. So we may think of the second Harper minority as the commensurate of the second Pearson minority, which set the stage for the majority of Pierre Trudeau after three straight minorities. But this is also the point where

\textsuperscript{1640}Dornan, “From Contempt of Parliament to Majority Mandate,” 11-12.
\textsuperscript{1641}Wells, \textit{The Longer I’m Prime Minister}, 331.
\textsuperscript{1642}Ellis and Woolstencroft, “The Conservative Campaign,” 15.
\textsuperscript{1644}Ellis and Woolstencroft, “The Conservative Campaign,” 15.
any similarities between said period and the recent phase of minority governments would end. The former period proved productive in terms of legislation, the latter not. In fact, the second Harper minority proved to be the least productive of the three minority governments between 2004 and 2011 as 47.5 per cent of the government bills tabled by the second Harper minority in the Commons received Royal Assent, a figure below the respective figures for the Martin minority and the first Harper minority of fifty-six and fifty-two per cent respectively.

But if the second Harper minority was far less productive than the second Pearson minority in terms of its legislative record, it was just as effective within the confines of the prevailing party system, namely the fifth party system. Its defining conditions (as earlier noted) include the following: (i) fixed election terms; (ii) the refinement of the Internet (Web 2.0) as a medium of political communication; (iii) a ‘populist’ model of political fundraising; (iv) a focus on the ‘family’ as the dominant topic of political discourse; and (v) intense partisanship.1645 What follows next will argue that the second Harper minority exceeded its primary political opponent, the Liberals in three areas: (i) partisanship; (ii) messaging and (iii) fundraising. The four major sections following these introductory remarks will defend this thesis. The first describes the electoral emergence of the second Harper minority as well as its defining event, the Coalition Crisis of 2008. This discussion will limit itself to the details most relevant for the remaining narrative.1646 This said, it will familiarizes readers with a key concept crucial in our understanding of the second Harper minority: the “permanent campaign,” a term used to describe the process that blurs the line between campaigning and governing to the point of nearly erasing it.1647 It is through this prism that we can fully appreciate the Conservative superiority in the areas of partisanship, messaging and fundraising. The three subsequent sections then survey each of these three areas. The chapter itself concludes with a summary of observations.

9.2 The Electoral Emergence of the Second Harper Minority

The federal election that led to the emergence of the second Harper minority (Table B.9) in October 2008 will not be remembered for its outcome but for its immediate aftermath\textsuperscript{1648} – the Coalition Crisis. This legacy, or lack thereof, is unfortunate because the Canadian federal election of 2008 confirms the ambivalence of minority government. The election that no one remembers is also the election that no one won because its results disappointed every party. The Conservatives stayed in office after winning 143 seats and 37.65 per cent of the popular vote. But they also denied themselves a majority by running a poor campaign in Quebec.\textsuperscript{1649} The New Democratic Party (NDP) under Jack Layton fought a competent campaign but New Democrats failed to make any headway in their larger quest to replace the Liberals as the primary Conservative opponent.\textsuperscript{1650} The Green Party failed to win a single seat despite the fact that nearly one million people voted for it\textsuperscript{1651} in further splitting the electorate. The Bloc Quebecois (BQ) saw its grip on Quebec weakening and the Liberals under Stephane Dion failed in almost every respect,\textsuperscript{1652} be it fundraising, candidate recruitment, or day-to-day campaign. Worse, the public’s reaction to Dion’s Green Shift confirmed that the Liberals had failed to develop a credible alternative to Harper’s incremental agenda of modest relief for middle-class families.\textsuperscript{1653} And yet every party could claim some sort of victory, as well. Despite losing her own contest against Harper’s deputy Peter Mackay, Green Party leader Elizabeth May raised the national profile of her party (as well as her own) by earning herself a spot on the podium alongside the other leaders during the two national


\textsuperscript{1649} Popular accounts claim that the Conservatives ‘lost’ Quebec after Harper had made dismissive comments about arts funding. However research has found that this issue barely resonated. Rather several factors contributed to the Conservative decline. They included among others worsening federal-provincial relations and the poor quality of the Conservative candidates. Eric Belanger and Richard Nadeau, “The Bloc Quebecois: Victory by Default,” in \textit{The Canadian Federal Election of 2008}, ed. Jon H. Pammett and Christopher Dornan (Toronto: Dundurn Press, 2009), 153-157.


\textsuperscript{1652} Dornan, “The Outcome in Retrospect,” 7.

television debates. The BQ remained the dominant party in Quebec, despite the fact that its support was volatile and that its rationale, Quebec sovereignty, remained a distant prospect. The Liberals won enough seats to deny the Conservatives a majority in earning another chance to renew themselves. And despite their disappointment, Conservatives could take some comfort in the fact that their steady campaign of converting Canadians to their cause was closing in on its ultimate goal, the destruction of the Liberal party, aided in no small part by the Liberals themselves. The process of permanently replacing a broad, centrist party with a long record of successful governance (the Liberals) with a party created from scratch less than six years ago (the Conservatives) requires a special sort of politician and Harper seemed poised to reach this status when Canada’s 40th Parliament convened for its constitutive session in the third week of November 2008. Or perhaps we should say that he was anxious to reach this accomplishment.

This eagerness appears to be the only explanation for Harper’s decision to abandon his incremental agenda. The instrument that Harper had chosen for this turn was the economic update that finance minister Jim Flaherty delivered on November 27. Designed to convince the public that the Conservatives would do something about the economy following the near-collapse of the global financial system, the update was a disappointing summary of past economic statements that left Canadians wondering whether their government had even appreciated the severity of the economic storm now engulfing the global economic system. Harper had instead laced this “witless” document with several poison pills entirely removed from current economic circumstances that called for additional stimulus spending. These provocative provisions included among others (i) plans to strip civil servants of their right to strike despite the

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1656 Dornan, “The Outcome in Retrospect,” 7.
1658 Dornan says that a “more chivalrous opponent” than Harper might have let the Liberals escape from the smoking hulk, which was once the proud Liberal ship following Dion’s catastrophic captaincy. Secure in the knowledge that the Liberals would not have threatened for foreseeable future as they searched for Dion’s replacement, Harper could have governed with his second minority as if it were a majority. But party politics can be total war and Harper thought of the Liberal Party in the same way the Royal Navy thought of the Bismarck: do not let it repair itself; sink it when the chance presents itself. Dornan, “The Outcome in Retrospect,” 8.
1659 Wells, The Longer I’m Prime Minister, 206.
fact that their major union had just negotiated a new contract and (ii) a roll back of funding for a federal legal program that allowed women to sue for pay equity. But none of these proposals were as partisan, as the plan to cut a public subsidy that paid political parties a small amount for each vote they had received in the previous general election. The monetary value of this per-vote subsidy was $30 million, a paltry figure in proportion to the federal budget. But its proposed termination posed a mortal threat to the opposition parties.

Had this “political grenade” gone off at the time, it would have cost the “the cash-strapped” Liberals $7.7 million, the NDP $4.9 million, the BQ $2.6 million and the Conservatives $10 million. Yes, the Tories would have ‘lost’ the most under their own proposal. But they could have easily absorbed this blow, because the per-vote subsidy represented thirty-seven per cent of their total political funding, the lowest share among all the parties affected. Better yet, they had the tools with which they could have made up the difference, a point expanded below when the chapter examines the evolution of political financing laws before and during the fifth party system. The same cannot be said for the Liberals. The per-vote subsidy accounted for almost two-thirds (sixty-three per cent) of their total political funding. Worse, they lacked the means to make up the difference any time soon, if this form of public support were to cease. Unlike Conservatives, Liberals had just started to learn the science of raising small amounts of money from legions of highly motivated donors.

For years, they had remained “addicted to big corporate donations,”

1660 a fatal vice in the light of legislation that severely limited such donations, ironically initiated by none other than Chrétien during his final year in office in response to the sponsorship scandal. Guaranteed taxpayer funding had become the Liberal lifeline and Harper was now about to cut it too. Wells suggests in his analysis that advisers in the Prime Minister’s Office (PMO) were at least aware of the possibility that this unilateral initiative might incite the entire opposition, not just the Liberals, Harper’s primary target. They should have trusted their hunches. The NDP and the BQ also had every reason to support the status quo, because they too relied on this subsidy. It accounted for fifty-

1660 Ibid., 203.
seven per cent of the NDP’s budget and eighty-six per cent of the BQ’s budget. Yet the PMO pushed ahead with the plan on the “working assumption that (Layton) wanted to replace the Liberals as the principal opposition, and position the NDP as the principal party of the centre-left” according to an unnamed adviser. While Layton had reasons to oppose this Conservative plan, Harper falsely assumed that Layton would still support it, because it would also benefit him in the long run.

Layton had certainly pondered the possibility of replacing the Liberals as the primary Conservative opponent. But the imminent cancellation of the per-vote subsidy also offered Layton an opportunity to initiate a plan, which party insiders had been keeping in their drawers since Layton had become leader, the creation of a coalition that would replace the party that had won the most seats. Conservatives were conscious of this coalition scenario, because Layton had raised its specter during the preceding campaign, only for Dion to reject it. Fearful that the Liberal leader might yet change his mind, Conservatives formed a committee that quietly analyzed various options as the election unfolded. But its eventual outcome of a strengthened minority convinced Conservatives that they would be in the clear for the foreseeable future. Two calculations, each reasonable on first glance, but both ultimately faulty, contributed to this confidence.

First, the Liberals would be too busy looking for yet another new leader after Dion had announced that he would eventually step down. In fact, several would-be candidates had already floated their names when the Commons convened for its inaugural session. Second, the combined Liberal-NDP caucuses were simply not strong enough to bring down the government, unless the BQ supported them. And the Conservatives calculated, wrongly as it turned out, that two federalist opposition parties would not dare to make common cause with a separatist party.

Supremely confident of these conditions, the Conservatives thus pressed ahead with their agenda, including the economic update, which Dornan calls a “breathtaking political blunder, if only because it was so unnecessary.” Instead of comforting

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1661 Ibid., 202.
1662 Ibid., 205.
1663 Ibid., 204.
1664 Martin, Harperland, 176.
1665 Ibid., 176.
Canadians during a period of economic uncertainty, Harper instead picked a partisan fight that threatened to undoe everything that Conservatives had accomplished. The economic update created the very condition, which the Tories had been trying to avoid since they had assumed office in 2006: a united opposition bent on bringing them down. This measure of resolve did not materialize overnight, to be fair. The discussions that eventually led to the proposed Liberal-NDP coalition predated the economic update with the NDP leading the way. But the economic update was nothing less than an accelerating agent that rapidly distilled hypothetical discussions between previous political adversaries into a common front. The energy of this political chemistry proved explosive, as we will see. Correctly anticipating that Harper’s “catastrophic proposal”\textsuperscript{1667} would ignite the Grits’ instincts for political self-preservation, Layton reached out to Dion on the eve of the economic update. Following intense negotiations aided by senior intermediaries, Dion and Layton signed a power-sharing agreement on December 1 that proposed to replace the Harper minority with a Liberal-NDP coalition government following a vote of confidence, anticipated for December 8. This coalition would have been a minority government itself and received support from the BQ until the summer of 2010 under a separate but unpublished “policy accord.”

The enormity of this development cannot be exaggerated. Less than six weeks after Canadians had gone to the polls, they were counting down towards a new and unfamiliar form of coalition government tolerated by separatists. Even more bizarrely, the head of this proposed government, Dion, was scheduled to step down in several months, after having led the Liberals to one of their worst results in their long history. This sudden turn of fortune filled the Liberals with glee and stunned the Conservatives, who seemed poised to repeat the fiasco that had claimed the Clark minority: a strong minority government destroys itself through hubris and grants a defeated, departing Liberal leader another chance to lead.\textsuperscript{1668} Harper immediately recognized the seriousness of his situation and tried to pre-empt the emerging coalition by first cancelling the controversial provisions, then promising additional stimulus spending. But these countermeasures failed to stop his opponents, who had committed themselves to a course of

\textsuperscript{1667} Wells, \textit{The Longer I’m Prime Minister}, 204.
\textsuperscript{1668} Martin, \textit{Harperland}, 177.
action that they could not stop unless they wished to suffer humiliation. They knew that they would lose most of their future leverage, if they failed to follow through on their determination to bring down the Harper government\textsuperscript{1669} and what followed next was nothing short of confusing cacophony as both sides sought to win the battle of public perception, the “short second election of 2008”\textsuperscript{1670} as Wells calls it. Indeed, it would not be an exaggeration to suggest that it ended in the Conservatives’ favour the very moment Dion and Layton shared the stage with Duceppe to seal their arrangement during their joint press conference.

The BQ would not have been a formal part of the Liberal-NDP coalition.\textsuperscript{1671} But this specific occasion created the impression as if it were. This perception immediately allowed the Conservatives to paint the coalition with the brush of illegitimacy. Not only would this coalition assume power without an election, it would also depend on the support of separatists, enraged Tories howled. Never mind that Harper had contemplated this very scenario, when he was the leader of the Official Opposition during the Martin minority. And never mind that the Bloc was already participating in Canadian governance through its duly elected parliamentary caucus.\textsuperscript{1672} What mattered above all was the perception of Liberals, socialists and separatists conniving behind the backs of Canadians to push the Conservatives out of power without an election during a time of economic turmoil. Some Conservatives even suggested that the proposed coalition was nothing short of a coup.\textsuperscript{1673} Claims of this sort made for great political theatre and if this electoral epilogue was a matter of mobilizing public opinion in a short span of time, the Conservatives easily won this contest thanks to their vociferous corps of loyal supporters (especially in western Canada) and superior communication techniques.\textsuperscript{1674} Readers may recall that the Liberals could not even deliver Dion’s videotaped response to Harper’s televised address on time.\textsuperscript{1675} And what eventually aired possessed such amateurish

\begin{thebibliography}{99}
\bibitem{Dornan1669} Dornan, “The Outcome in Retrospect,” 9.
\bibitem{Wells1670} Wells, \textit{The Longer I’m Prime Minister}, 191.
\bibitem{Bonga1671} Bonga, “The Coalition Crisis and Competing Visions of Canadian Democracy,” 9.
\bibitem{Dornan1672} Dornan, “The Outcome in Retrospect,” 10.
\bibitem{Cheadle1673} Specifically, National Revenue Minister Jean-Pierre Blackburn made the following comment when he said prorogation was an option the government was considering. "We're realizing that no matter what we had come out with in the economic statement, their game plan was set. It's a kind of coup d'état." Bruce Cheadle, “Liberal-led coalition asks to form government,” \textit{Canadian Press}, December 1, 2008.
\bibitem{Smith1674} Smith, “Canada’s Minority Parliament,” 138.
\bibitem{Martin1675} Martin, \textit{Harperland}, 185.
\end{thebibliography}
quality it affirmed the Conservatives’ claim that Dion could not be trusted with the keys to the Prime Minister’s Office, an opinion shared by the Canadian public, according to a poll commissioned by the *Globe and Mail*. It found that fifty-eight per cent of Canadians favoured the Conservative government ahead of the proposed coalition, while thirty-eight per cent took the opposite position.\textsuperscript{1676}

But the ferocity of the Conservative argument did not necessarily match its veracity. In fact, Conservatives including Harper himself perpetuated several falsehoods during the Coalition Crisis. They included among others the claim that Canadians directly elect their prime minister.\textsuperscript{1677} This said, the Coalition Crisis actually raised several important questions about the constitutional conventions that govern Canadian parliamentary democracy, as discussed earlier. Ultimately, a singular ‘voter’ decided this ‘election,’ namely Governor-General Michaëlle Jean.\textsuperscript{1678} It was she who eventually saved Harper from his own hubris when she fulfilled his request for prorogation on December 4. This move not only postponed a pending parliamentary vote of non-confidence for several weeks but also fractured the coalition, because it hastened the departure of Dion as Liberal leader and the corresponding arrival of Michael Ignatieff as his replacement. He, unlike his hapless predecessor, had professed serious reservations about the proposed coalition as it was preparing to take power and eventually disavowed it after he had become leader and Parliament resumed following Prorogation.\textsuperscript{1679} As such, Ignatieff spoke for a segment of his party, who could not bear the thought that the party of Pearson, Trudeau and Chretien, all champions of national unity, would rely on a separatist party to share a cabinet table with the NDP. This of course did not stop Harper from connecting Ignatieff to the Coalition Crisis, a point expanded below.

A review of the events before and during the Coalition Crisis reveals that both camps made similar mistakes insofar that each side had over-estimated their own strength while discounting the resolve of their opponents in the face of political annihilation. The Conservatives failed to remember that they were still a minority when they started to govern like a majority in attempting to cut the financial lifeline of the Liberals, now

\textsuperscript{1677} Martin, *Harperland*, 182, 187-188.
\textsuperscript{1678} Dornan, “The Outcome in Retrospect,” 8.
\textsuperscript{1679} Newman, *When The Gods Changed*, 173-175.
severed. As for the Liberals and New Democrats, they had failed to appreciate the poor optics of cooperating with the Bloc. They also misread the public’s apprehension towards coalition. Dating back to the first minority government under King, Canadian political parties neither possess the inclination nor the institutional attitudes necessary to form formal political coalitions, Smith notes. Consequently, the public has little understanding of what coalition government entails and thus “is easily into considering it a problem rather than a solution to the challenge of a minority parliament”\textsuperscript{1680} as demonstrated by the ability of the second Harper minority to win the public relations battle. First impressions make it difficult to discern which mistake was worse. Hindsight of course reveals that the Conservatives possessed more resolve. In fact, the Coalition Crisis represented a pivotal turning point in Harper’s political fortunes. Before the Coalition Crisis, Harper was never sure whether a working plurality of Canadians would prefer him to any would-be challenger. Suddenly and most definitely against his wishes, the Coalition Crisis created this very binary choice and Canadians clearly preferred him to the alternative, namely a Dion-led coalition,\textsuperscript{1681} according to available polls from this time.

The Liberal-NDP coalition could vaguely claim that it spoke for the majority of Canadians by virtue of the fact that a majority of MPs was getting ready to vote the second Harper minority out of office. But this claim relied on the coalition’s not-so silent partnership with the BQ, a reality that caused undeniable anxiety among sizable sections of Liberal and New Democratic voters in English-Canada. It is one thing to contemplate the abstract notion of an anti-Conservative coalition that unites all parties; it is an entirely different thing to confront it in the flesh. Not surprisingly, opinion polls revealed that more Canadians opposed the coalition than had voted for its three working components, as noted above. And it was precisely this “profound disconnect”\textsuperscript{1682} between the electoral choices of Canadians and their reaction to the coalition that convinced Harper that enough Canadians would choose him over any future coalition. The public’s instinctive hostility to the coalition also inspired the Conservatives to intensify their “permanent

\textsuperscript{1680} Smith, “Canada’s Minority Parliament,” 152.
\textsuperscript{1681} Wells, The Longer I’m Prime Minister, 231.
\textsuperscript{1682} Franks, “To Prorogue or Not Prorogue,” 40.
campaign” against the parliamentary opposition and what follows next describes this concept in additional detail.

Like so many other contemporary concepts in Canadian politics, the ‘permanent campaign’ made its debut in the United States, where scholars such as Heclo describe it as the “non-stop process seeking to manipulate sources of public approval to engage in the act of governing itself.” Election campaigns used to be discrete, temporary events in the political calendar. But a “permanent campaign” turns every day into an election day and can take place anywhere and at any time as the government, its allies and its opponents attempt to exploit every occasion for partisan advantage. Theatres of combat include various channels of political communication, parliamentary chambers and the courts to name just a few frontlines. This verbal allusion to warfare is deliberate, because a “permanent campaign” requires disciplined, hierarchical leadership not unlike the kind we see in the military. If the “permanent campaign” turns every day into an election day, the respective political combatants cannot afford to break rank lest they wish to invite defeat, or at least that is the logic of a permanent campaign. It should be said that the divided political institutions of the United States encourage permanent campaigning because the U.S. election cycle is not just highly predictable but also unceasing as Americans elect their governing executive and legislative representatives at different points in time.

Such choices are of course not available to Canadians. But a fused system of parliamentary government also features the possibility that the executive may lose the confidence of the legislature at any point in time. This possibility increases significantly during periods of minority government and with it the need for constant election readiness. The “permanent campaign” also reinforces confrontational attitudes at the

1684 The origin of the term dates back to Sydney Blumenthal’s The Permanent Campaign: Inside the World of Elite Political Operatives (Boston: Beacon Press, 1980).
1686 Ibid., 27.
1688 Tom Flanagan, “Something Blue…Conservative Organization in an Era of Permanent Campaigning” (paper presented at the annual meeting of the Canadian Political Science Association, Montreal, June 3, 2010), 8.
expense of collaborative ones\textsuperscript{1689} with detrimental consequences for the policy making process\textsuperscript{1690} and the level of political discourse, hardly an unintentional development, as we will see. “Permanent campaigns” can only succeed if its participants sharpen their partisan differences. This requirement in turn frequently reduces, even relegates, the relevance of governance, an ironic development since campaigning is arguably just a mean towards an end, namely governance. But the “permanent campaign” is also increasingly becoming an end in it itself. This said, this commentary is not a lament for some distant era of politics whose participants somehow magically managed to compartmentalize the distinct demands of electioneering on one hand and governance on the other. Such a period has likely never existed and probably never will.\textsuperscript{1691} Rare is the modern democratic government that does not propose policy with an eye on the polls and its political opponents. In fact, we may think of minority government as a high-wire version of the “permanent campaign,” perhaps even the epitome of the phenomenon itself, since the reward of a successful campaign is a legislative majority.

If so, the second Harper minority represents an evolutionary leap, a new species of minority government, which has arguably elevated the art of the “permanent campaign” to an unprecedented level. Unlike its historical and recent contemporary predecessors, the second Harper minority invested most of its energy into eviscerating the Liberal opposition. Governance largely took a back seat. In fact, the second Harper minority frequently claimed that it could not govern unless it possessed a parliamentary majority. This argument was not necessarily original. Even Pearson, who headed two productive minorities, was weary of minority government and wanted to escape its constraints as quickly as possible. But the Pearson minorities also possessed a sense of ambition, one distinctly missing from the Harper minorities, especially the second one. Yes, it had to manage an issue of singular importance, the state of the Canadian economy, following the near-collapse of the global financial system. But it will likely take future historians considerable effort to link the second Harper minority with any memorable legislative initiatives, which is of course precisely what Harper has preferred. Of course, it bears repeating that no government, especially a Conservative one, is under any

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\item \textsuperscript{1689} Ibid.
\item \textsuperscript{1690} Ornstein and Mann, “The Permanent Campaign and the Future of American Democracy,” 219.
\item \textsuperscript{1691} Ibid., 221-225.
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obligation to initiate major public policies, especially if the government possesses a limited mandate.

Observers have noted that Harper’s dithering approach has created a serious policy lag in areas such as economic productivity and competiveness. Others, meanwhile, have condemned Harper’s divisiveness as the continued Americanization of Canadian politics. Such complaints may be fair, even appropriate, but ultimately difficult to assess. What we can say, though, is that Harper’s polarizing approach in the absence of legislative productivity turned out to be effective. It converted his “probationary” majority into a genuine majority. As such, the second Harper minority conformed to one of the central conditions of the fifth party system, namely a changing partisan landscape that insists on partisan intensity. But this alignment was only one reason why the second Harper minority was effective. The fifth party system, which emerged with the creation of Conservative party, did not just change previous patterns of partisan competition. It also coincided with significant changes to political fundraising and political messaging increasingly focused on the ‘family.’ And in each case, the Conservatives proved superior than their parliamentary opponents, particularly the Liberals, be it in the area of partisanship, messaging and fundraising.

These factors were of course interrelated. The Coalition Crisis allowed the Conservatives to claim for the next two-and-a-half years that they were the one and only “familiar, stable, democratically legitimate alternative to the fractious collection of all the other parties that was conspiring to ‘steal’ power by way of a sinister coalition.” This line of attack inevitably limited the Conservatives’ appeal in Quebec because it depended on demonizing the BQ. But it also opened up possibilities outside of Quebec and what we witnessed after the Coalition Crisis was a clear and concise campaign by the second Harper minority for new Conservative votes outside of Quebec. Conservatives could be confident that their traditional ‘western’ supporters would remain loyal in the absence of alternative choices. So they consciously turned their attention towards courting urban and suburban Ontarians, whom they had identified as ‘natural’ conservative voters. Specifically, Conservatives tried to convince recent immigrants that their values were

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1692 Martin, Harperland, 3.
consistent with the moderately conservative, family-oriented policies of the CPC.  

This said, this Conservative strategy of simultaneously bashing the Liberals and building up new bases of support among new constituencies would not have been as effective if the Conservatives did not have the financial resources to pull it off. The three major sections that follow now look at these three specific factors – changing patterns of partisanship, messaging and fundraising – in additional detail. Our analysis starts with an account of the changes that defined Canada’s partisan landscape.

9.3 Changing Patterns of Partisan Competition: The End of Brokerage?

The federal election that led to the second Harper minority was the fourth federal election in less than eight years. In fact, elections defined federal politics during the decade that started in 2000. In addition to the four federal elections just mentioned, Canadians also witnessed eleven national leadership campaigns, some of which involved parties that would not longer exist by the end of decade. Of course, we have previously seen this degree of instability during the era of minority governments that began in 1957 and ended in 1968, notwithstanding the impressive but ultimately in-cohesive majority under the leadership of Progressive Conservative John Diefenbaker. And as it was the case during the 1960s, these changes in terms of party organization and personnel only teased at the larger shifts in the tectonics of Canadian politics. To appreciate the significance of these changes, let us briefly survey the state of the Canadian party system in 2000. Little more than a decade ago, the Liberal Party of Canada was striding across the Canadian political landscape. Having marched from majority government to majority government under the leadership of Jean Chrétien but increasingly uncertain of purpose, it appeared destined to dominate the land for the foreseeable future as its diminutive and divided political opponents scattered for safety. This prospect was neither revolutionary nor necessarily problematic. Enough Canadians had historically agreed with the Grits’ interpretation that they, and only they, could bridge the numerous social, religious and linguistic trenches that crisscrossed Canada. Accordingly, they, and only they, could genuinely be trusted with custody of Canada and its political institutions. However this Liberal sense of entitlement, which frequently erased the line between state and party

1694 Ibid., 16-17.
1695 Newman, When Gods Changed, 118.
government, also bred a pervasive expectation of inevitability that reached a disastrous degree during the Chrétien era when the party indulged itself in an incessant civil war that eventually helped the Conservatives gain power in 2006 after Harper had merged the Canadian Alliance with the remains of the Progressive Conservative to create the current Conservative Party in 2003. But this development, which inaugurated the fifth Canadian party system, was only part of a larger Conservative design, namely the destruction of the Liberal party and the larger political order it eventually represented for most of the 20th century.

In 1963, Canadian political scientist John Meisel defined Canadian politics as brokerage politics, a form of politics that neither articulates nor advances the particular interests of specific communities. This brokerage system has historically eschewed ideological agendas and embraced pragmatic politics that actually tried to obscure differences in the name of social accommodation and the promotion of national community. Notably, brokerage parties would rather form a minority government than a coalition because the very principle not to mention the practice of coalition government undermines their self-serving claim to speak for all. This said, the historical boundaries of the Canadian brokerage system have left room for one and only one genuine brokerage party, the Liberals, as already mentioned. Yes, the former Progressive Conservatives in its various incarnations had also considered itself a brokerage party. But this self-image failed to match the record. Historically, it acted more like a European party that caters to distinct communities. On three occasions during the 20th century, Conservatives spectacularly expanded beyond their electoral base to construct three huge majorities, the largest of the preceding century. But each of these respective majorities revealed itself to be an oversized electoral coalition that imploded in the face of the party’s inherent inability to reconcile its regionally diverse clientele.

An awareness of this history has subsequently shaped Harper’s approach. When he re-entered electoral politics in 2002, his initial goal was to re-unite western populists,

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1697 Carty, “Has Brokerage Politics Ended?” 11.
1698 Ibid., 17.
1699 Ibid., 18.
1700 Ibid., 17-19.
moderate Tories from rural Ontario and the Maritimes and francophone nationalists who opposed separatism but favored strong provincial autonomy. He had first articulated this agenda in 1996 when he argued that all previous Conservative majorities had relied on this coalition. But this argument also implied that this coalition represented the only path to power. This prospect gave Harper pause, because he also knew that these Conservative governments had not lasted very long, because they possessed what Flanagan calls an “ends-against-the-middle-quality” in the sense that they united groups liable to turn on each other. Two larger lessons eventually emerged. First, the task of undoing the Liberal legacy would require years of sustained conservatism, a necessity that has placed a premium on political survival and disciplined leadership. This logic also meant that the Harper Conservatives would avoid unnecessary political experiments. In fact, Harper, unlike his Conservative predecessors, deliberately avoided any rhetoric with a visionary ring to it. That said, Harper was not prepared to make conservatism meaningless by diluting it. He was not interested in creating another version of the Liberals. His overall aim was to end brokerage politics, not perpetuate it. Rather, he would gradually convert enough Canadians for the conservative cause in a way that moved Conservatives towards the mainstream but also the mainstream towards conservatism.

What has subsequently emerged is an ideologically cohesive party with a hierarchical leadership structure that practices a pragmatic form of conservatism that aims to avoid the appearance of a radical agenda but nonetheless appeals to economic and

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1703 As Plamondon notes, “MacDonald had a national vision. Borden pledged fidelity to Canadian soldiers fighting overseas and envisioned an international identity for Canada. Diefenbaker had a northern vision. And Mulroney offered a vision of national reconciliation and economic renewal. These broad strokes were simple and powerful.” But Harper, Plamondon continues, “has never been an advocate of strong or sweeping visions. When he lead the Alliance, he told supporters, “(there) isn’t going to be any visionary statement. You can deduce the vision when you see us in action, but we’re not going to talk in these grand abstractions.” Plamondon, *Blue Thunder*, 440.
1704 Wells puts it like this. “(Harper) could not sell a stew that had no flavor. Indeed, he needed to make it spicer.” Wells, *The Longer I’m Prime Minister*, 54.
social conservatives alike under the umbrella of “mainstream populism,” an extension of “market populism.” As previously described, “market populism” premised on three beliefs: (i) the market is the purest form of democratic choice; (ii) the welfare state has become the project of rent-seeking elites who act contrary to the interests of taxpaying citizens; and (iii) intermediary state institutions such as the courts and the bureaucracy are “strongholds of non-elected elites who distrust and override popular opinion.”

Neo-liberals have in turn funneled genuine economic and social insecurities among citizens into this framework for the purpose of pursuing neo-conservative policies that curtail the welfare state.

Consider the Conservatives’ decision to cut the Goods and Services Tax (GST) by two percentage points starting in 2006. Part and parcel of a larger tax policy that critics say actually favors corporations ahead of individuals, the GST cuts have proven popular with the Conservative base. But economists have collectively criticized these cuts because of their detrimental effects on the federal budget and failure to boost productivity. But Harper has not been interested in boosting productivity. His primary interest lies in steadily but irreversibly reducing the influence of federal government, be it through federal-provincial agreements that limit Ottawa’s role in social spending or through tax cuts that starve federal coffers. This agenda, which aims to “wean” Canadians off the Liberals, so far with success, offers several political advantages, according to Wells. It allows Conservatives to accuse their political opponents of being in favour of taxes, should they try to find additional funds for future projects. Wells argues that this approach will make it very difficult to reverse the Conservative economic

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1709 Ibid., 135.
1710 Ibid., 135.
1711 Wells, The Longer I’m Prime Minister, 82.
1712 Each percentage point cost the federal treasury about $7 billion in foregone revenue, according to the 2011 calculations by the Parliamentary Budget Office. To put this context, the second Harper minority could have come close to balancing the federal budget in 2011, if it had chosen to reverse the GST rollback. Barrie McKenna, “Canada lost when Ottawa cut the GST,” Globe and Mail, March 24. See also Wells, The Longer I’m Prime Minister, 80.
1713 Ibid.
1714 In 2006, total federal government revenue accounted for 16.2 per cent of GDP. By the middle of 2013, it has dropped to 14.5 per cent of GDP, the lowest figure in Harper’s lifetime. Ibid., 393.
agenda. “Mainstream populism,” meanwhile, extends market populism through emotional appeals that stoke resentment against the “other,” some nebulous but nonetheless palpable outside force that threatens the community, its space and its symbols.

In fact, the Conservatives’ campaign against the coalition generally and its would-be leader Ignatieff was nothing less than a manifestation of this “mainstream populism.” We will see that this campaign with its anti-intellectual bias was hardly the only one. But it was undeniably its most extensive and sustained expression. As mentioned, its central object was Ignatieff, who assumed the Liberal leadership after Dion’s resignation in mid-December 2008. Ignatieff’s anointment meant that he did not experience the hurly-burly of a leadership convention that could have prepared him for the larger battle ahead, the eventual election. Liberals have historically used their relative short stays in opposition to renew themselves. This process has traditionally included one or both of the following items: a competitive leadership race and a renewal of its policies. However Ignatieff’s installment ensured that the party would fight the next election with a relatively untested leader and an undefined policy program. Subsequent accounts of this period argue that Ignatieff was an inappropriate choice. But Ignatieff also possessed a sense of inevitability. It was after all his reputation as an academic, journalist and writer that inspired Liberal insiders to recruit him. At this stage, it bears reminding that the Liberals could have chosen Bob Rae, whose resume as a politician was undeniably more extensive than Ignatieff’s, albeit as a New Democrat, a history that undeniably disadvantaged him.

This said, they could not have known that Ignatieff’s impressive intellectual resume contributed to his downfall and the potential demise of the Liberal Party of Canada. Weeks after Ignatieff had become leader, Conservatives began to air a series of political ads that accused him of ‘just visiting,’ a less than subtle illusion to the fact that he had spent a good deal of his adult life living outside of Canada. Later ads struck a similar tone in raising questions about his commitment to Canada, a spurious suggestion in light of Ignatieff’s personal biography that links him to some of Canada’s most

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1715 Ibid.
prominent families through his mother’s side, most notably Canadian nationalist and Red Tory philosopher George Grant. Conservatives later supplemented this image of Ignatieff as a cosmopolitan, un-Canadian interloper who had only come to Canada to satisfy his personal political ambitions with a series of ads that also raised questions about his economic agenda. Notably, the ads painted Ignatieff as pro-tax. Collectively, these Conservative ads ruthlessly and relentlessly undermined Ignatieff’s credibility. Ignatieff’s perception of incompetence, which we will see was not without merit, allowed the Conservatives to create a plausible narrative in which they appeared as the only party concerned about economic issues that mattered most to Canadians and therefore the only party deserving of a majority government that would end the perceived parliamentary instability and hyper-partisanship that had defined the Commons since the Coalition Crisis. Conservatives had of course contributed to the toxic atmosphere that Canadians could witness almost every night in the news.

The most immediate issue that incited the government’s ire toward the opposition (and vice versa) following the Coalition Crisis was the fate of prisoners captured by Canadian forces during their engagement in Afghanistan and delivered to the Afghan military, police and prison system. The issue revolved around claims that these individuals suffered maltreatment and torture at the hands of Canada’s Afghan allies. If confirmed, these allegations would expose Canada to charges of having breached international law. Yet like its predecessor, the second Harper minority refused to cooperate, specifically with requests for relevant documents that would have confirmed or denied allegations that Afghan officials had routinely tortured individuals that Canadians had captured. This refusal eventually prompted Parliament to produce an extraordinary motion that ordered the government to produce all documentation related to the fate of Afghan detainees. Facing a threatening firestorm of criticism that could have incinerated Conservative support and ignited an election, the second Harper minority prorogued Parliament in December 2009 for the second time in a year, citing the 2010 Winter Olympic Games in Vancouver as justification. This cynical use, some might say abuse, of a prerogative power to cool down the political climate amidst charges that the

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1719 Ibid., 17.
government had misled Parliament about its alleged complicity in torture triggered public protests across the country.\footnote{Martin, Harperland, 236.}

But the second Harper minority calculated correctly, and not for the last time, that this extraordinary step would not be controversial beyond certain circles of Canadians, many of whom were hostile towards the Harper Conservatives in any case. As Dornan concludes, prorogation might have been a case of bad government, but “inarguably good politics.”\footnote{Dornan, “From Contempt of Parliament to Majority Mandate,” 10.} Conservatives welcomed criticism from academics, parliamentary officers, former civil servants and other would-be members of the political elite and special interest groups because it allowed them to brandish their populist credentials.\footnote{Ibid.,11.} In fact, Conservatives deliberately invited such occasions. They included among others an unsuccessful effort to eliminate the long-gun registry (now realized) through a Conservative private member’s bill and the decision to scrap Statistics Canada’s mandatory long-form census through an order-in-council. Conservatives claimed that these respective institutions unnecessarily interfered in the lives of ordinary, law-abiding Canadians. Voices representing countless organizations including several said to be sympathetic towards Conservatives such as law-enforcement officials and corporate leaders objected to these measures because they believed them to be bad policy. In doing so, they had joined the countless criminologists and economists who had criticized the first Harper minority when he pushed tougher crime laws and cut the GST. But if these various controversies looked like repeated cases of negligent, even bad governance, Conservatives viewed them as politically beneficial. They presented opportunities during which the Tories could paint their parliamentary opponents as elitist defenders of the status quo opposed to the future liberty and liberty of ordinary Canadians.\footnote{Ibid.} Not surprisingly, the second Harper minority governed little, despite the fact that it was quite stable.\footnote{Parliament of Canada, Table of Legislation Introduced and Passed by Session, http://www.parl.gc.ca/parlinfo/compilations/HouseOfCommons/BillSummary.aspx?Parliament=8714654b-cdbf-48a2-b1ad-57a3c8e8e839 (accessed January 17, 2014).}
Ultimately, the figures (Table C.12) confirm but also contradict commonly held notions about minority government. The relevant literature proposes a relationship between stability and effectiveness, often meant to mean legislative productivity. But the second Harper minority and to a lesser degree its immediate predecessor confound this relationship. We can clearly see that the second Harper minority was quite stable. Notably, the second Harper minority exceeded both the first and second Pearson minority in terms of duration. On the other hand, it did not match their respective legislative output. And yet, it would it be difficult to argue that the second Harper minority was ineffective. It passed its probationary period and diminished its primary political opponent to the point of irrelevance in the process. It achieved what all the other effective minorities accomplished: it won a majority, period. A strict reading of the historical record could lead the conclusion that the second Harper minority reached this goal during the campaign that culminated in the election of Canada’s 41st Parliament on May 2, 2011. But this discrete period represented only a small phase in a much larger Conservative campaign that had begun almost immediately after the federal election of 2008.

As noted earlier, it nearly ended in disaster with the Coalition Crisis of December 2008. But if this crisis nearly ended Harper’s time as Prime Minister, it also inspired the central message that defined the rest of his tenure: either elect a Conservative majority or experience the anarchy of a coalition, presumably under the leadership of Ignatieff. This message inevitably meant that the Conservatives would seek every possible partisan advantage available and only accommodate the opposition when absolutely necessary. One such occasion was the government’s decision to tone down the partisanship in billboards designed to advertise public projects funded by stimulus money. But this retreat was a rare varietal flourishing in the increasingly toxic air of the Commons. The second Harper minority clearly favored confrontation over cooperation on a wide variety of files as 2010 turned into 2011. In doing so, they continued to frame the next election as a choice between them and all the other parties. This polarizing approach proved particularly unpopular in Quebec, where nationalistic voices used equally inflammatory language to describe Harper and his agenda. Notably, some of these critiques could not let go of the failed coalition proposal in noting that

Harper would have been prepared to govern with the help of the NDP and the Bloc in 2004 when he, Duceppe and Layton had penned a letter to then Governor-General Adrienne Clarkson in which they suggested that she could consider other options when presented with a request for dissolution from the Martin minority.  

This approach, with its corresponding reaction from the opposition, climaxed on March 25, 2011 when the House of Commons found the second Harper minority in contempt of Parliament for its consistent refusal to release full financial figures for several governments projects, including hosting the G8 and G20 summits, the planned purchase of new F-35 fighter jets, proposed new crime legislation and plans to cut corporate taxes. Appalled Conservative opponents believed that Canadians would share their outrage. They did not. Conservatives had correctly calculated once more that the public would dismiss this historic motion of contempt as “partisan theatrics that bore little relevance to the day-to-day concerns of voters and citizens,” as Dornan writes. “And they were right.” This finding of contempt was damning only if one accepts the argument that Parliament speaks with unimpeachable authority and without partisan interests. But if one sees Parliament as a vicious partisan forum whose participants seek to inflict upon each other the worst possible harm, “then the historic finding of contempt is just a political use of a procedural ordnance, on the order of proroguing Parliament when things get overheated,” he concludes. In fact, LeDuc suggests that the contempt motion was part and parcel of an elaborate Conservative design to trigger an election at the most opportune occasion. LeDuc notes that Harper would have preferred that his government had fallen on the budget tabled on March 23, 2011 rather than this “obscure motion” of contempt. While Harper might have been quick to denounce the subsequent election as “an election that no one wants,” the reality was “that the Conservatives been complicit in engineering their own defeat,” LeDuc concludes.

But if the second Harper minority had lost the confidence of the House on ethical grounds, the issue never ignited the public’s imagination. For one, it was not entirely credible for the Liberals to campaign on this issue. The sponsorship scandal might have happened almost a decade ago when Ignatieff urged Canadians to punish Harper for his

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cavalier attitudes towards parliamentary democracy. But the very same audiences also still remembered various Liberal affronts. In fact, the campaign immediately revolved around the question of whether Ignatieff would revive the aborted coalition of 2008 if another minority government were to emerge, a distinct possibility at the start of the campaign. Ignatieff’s poor handling of this question minutes after the second Harper minority had fallen revived the coalition issue and shifted the larger campaign into the Tories’ corner and boasted their argument that a majority government was absolutely essential for effective governance, indeed national unity. Specifically, he argued during a campaign stop that only a Conservative majority would be able to prevent a return to the constitutional divisions of the past. Specifically, Harper argued that he “pourrait ainsi éviter un retour au «fédéral de toutes ces vieilles chicanes constitutionnelles sur l'unité nationale”.

Notably though, he refused to answer a question about what a majority government might be able to do differently than a minority government in case of another sovereignty referendum. Not surprisingly, the Bloc Duceppe reminded Harper of his part in the 2004 letter. Calling the Bloc MPs “les représentants légitimes du peuple québécois,” Duceppe accused Harper of lying about his actions in 2004. “Je vais vous confier un secret,” Duceppe said. “Stephen Harper n’ hésitait pas dans le passé à collaborer avec les souverainistes.” Be that as it may, these charges did not resonate.

The coalition issue was not the only factor that helps explain the Conservative majority. It would be negligent to mention Layton’s inspired performance, especially during the English-language debate when he attacked Ignatieff’s attendance record in the Commons. This signature moment sparked a remarkable surge towards Layton, who had once advertised himself as a happy-go-lucky alternative to the dour Harper and the thin-skinned Ignatieff. This wave, which swept the BQ away and coloured Quebec orange, temporarily forced the Tories to turn their attention towards the New Democrats in

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1730 Wells, The Longer I’m Prime Minister, 324.
1731 Ibid., 310-312.
1732 Ibid., 319-320.
1733 La Presse canadienne, “Un gouvernement minoritaire paverait la voie à la souveraineté, dit Harper,” Le Devoir, April 19, 2011. English translation: Specifically, Harper argued that he “could prevent a return to these old federal constitutional disputes about national unity.”
certain parts of the country such as British Columbia. But the rise of the New Democrats under Layton also benefited the Conservatives because it split the anti-Conservative vote in competitive Ontario ridings, which they were hoping to win (and largely did) with their anti-coalition message. In the end, the Conservatives increased their share of the popular vote in every province except Quebec, aided once again this time decisively by a divided opposition. Save for five seats lost in Quebec and one seat lost in British Columbia, the Conservatives also maintained or increased their seat totals in every province. Crucially, they won more than two-thirds of their seats in Ontario. These results recognized that the Conservative route to power ran through southern Ontario and validated Harper’s decision to demonize the BQ during the Coalition Crisis and after it.

Carty has subsequently interpreted this result as the end of brokerage politics, because the current government governs without substantial support in Quebec. This circumstance is not likely to change in the foreseeable future because the Harper Conservatives remain deeply unpopular in the province. This too is a legacy of the Coalition Crisis. At the same time, Carty is also skeptical that the Liberals will be able to regain their previous status as a brokerage party. Years of decline have reduced the political reach of the Liberals. While the Liberals have not abandoned their nation-building agenda, it not clear if they can re-emerge as a genuine brokerage party if large parts of the country including Quebec and western Canada reject it. As for the NDP, its national ambitions end largely beyond the border of Quebec, where it has replaced the BQ as the dominant party. But in doing so, it has also confined itself to being a regional party. In short, the election of 2011 has left behind three European-style parties with the Liberals likely the weakest member of this trio since it lacks a definitive regional base after having lost key constituencies to both the Conservatives and the New Democrats. Most importantly, this pattern confirms the larger point of the section. The emergence of the fifth party system has created a new political ecosystem in which survival depends on deepening rather than erasing partisan differences. And if we are judging the

1735 Wells, The Longer I’m Prime Minister, 324.
1737 Ibid., 16.
effectiveness of the second Harper minority by its electoral performance, the record clearly shows that their polarizing approach eventually pushed them over the top.

Yes, this approach almost proved to be fatal during the Coalition Crisis. But this very moment of crisis also provided inspiration for a permanent campaign that might have been divisive and despicable in tone but nonetheless effective. While Harper’s polarizing approach following the Coalition Crisis might have been predictable, it is one thing to develop a strategy, something entirely else to successfully execute it. This comment in turn raises two related questions: why did the Conservatives’ permanent campaign against the parliamentary opposition eventually succeed? And if Harper pursued this strategy for two-and-a-half years, why did the opposition particularly the Liberals fail to counter it? The answers to these questions once again appear through the prism of the fifth party system. As we just heard, the Conservatives won their majority by polarizing against their parliamentary opponents. In doing so, Conservatives confirmed and deepened the transition towards a party system with fewer, but clearer ideological choice. This said, Conservative messaging also stressed the ‘family,’ the primary topic of political discourse in the fifth party system. And this messaging (along with the entire “permanent campaign” against the Liberals) would not have been as effective as it was if the Conservatives had not mastered the political fundraising model that emerged with the fifth party system. Each of the two sections that follow expands on these points, starting with a discussion of the Conservative messaging and the failure of the Liberals to counter it. The subsequent section will then turn towards what was arguably the most decisive factor in the effectiveness of the second Harper minority, its superior financial resources.

9.4 The Conservative Message: Families First

One of the most important criteria with which scholars classify party any party system is its primary topic of discourse. According to Patten, this concept refers to the “core issues, interests and identities that animate partisan competition.” The actual topic of discourse of course changes from system to system and helps to determine the overall effectiveness of any government, minority or otherwise, because it inevitably limits the boundaries of debate in framing policy options. As noted in the previous

chapter, the fifth-party system focused on the ‘family.’ To fully appreciate the pervasiveness of this term, consider recent research by Walchuk. His analysis of the 2011 federal election finds that Conservatives, Liberals and New Democrats all made extensive use of the term ‘family’ or ‘families’ in their respective election platforms. Specifically, he notes that the Conservatives used these terms fifty-eight times across sixty-seven pages, the New Democrats thirty-three times across twenty-eight pages and the Liberals 142 times across ninety-eight pages. Only the Greens and the BQ did not rely on this rhetoric in their campaign literature. It is of course important to note these terms themselves are highly contested. It is also important to ponder of question of whether this focus on the ‘family’ represents in the words of Walchuk “a meaningful foray into a new area of public policy, or is simply populist rhetoric designed to appeal to the broadest number of voters.” Walchuk notes himself that the term often appears in conjunction with political promises so seemingly devoid of substance, that they resemble bullet points in a PowerPoint presentation. Finally, scholars have admittedly struggled to identify the precise point in time when the ‘family’ became the dominant topic of political discourse within the fifth party system. This said, it is nonetheless possible to tease out some relevant insights.

First, it is important to note that this emphasis on the family marked a distinct departure from previous party systems. The third party system (1963-1993) focused mainly on the nation. The fourth party system (1993-2003) focused mostly on regions. So even if this presumed focus on the family is nothing more than populist rhetoric, it nonetheless represents a reframing of responsibilities. Parties in the third-party system saw themselves as competing promoters of pan-Canadian social policies. Parties in the fourth party system stylized themselves as defenders of regional interests. Parties in fifth-party system have now shifted their representational responsibilities towards the ‘family,’ however they might define this term. Seen against this background, the emergence of the family as the primary topic of discourse marked a declination in the unit of analysis, a downward trajectory said to be consistent with the conditions of neo-liberalism, which

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1741 Walchuk,”A Whole New Ballgame?” 428-429.
1742 Ibid., 429.
tends to atomize politics and focus on the smallest possible unit of analysis. It is also notable that neither the Liberals nor the New Democrats discovered this topic for themselves, or at least not immediately. In other words, they were imitating the Conservatives.

In 2004, the Liberals under Paul Martin ran on the promise of fixing health care, a proposal arguably more appropriate for the third-party system. In 2006, they also ran on an activist agenda that failed to address public concerns about crime and anticipate changing public preferences for the delivery of social programs such as child-care. In fact, we can easily interpret the 2006 election as a rejection of Martin’s proposed national child-care program. In 2008, the Liberals ran on Dion’s much-ridiculed Green Shift with the results to prove it. It was only during the final weeks and months of Ignatieff’s leadership that the Liberals started to re-orient their rhetoric towards the ‘family.’ During the 2011 campaign, the Liberals promoted something called the “Family Pack,” a collection of pragmatic policies that sought to re-establish the party as a champion of working families. The term ‘family’ even appeared in the very title of the Grits’ platform. But this focus came far too late. And even if they had pressed this point earlier, it is unclear whether they would have able to mitigate the Conservative advantage.

Conservative critics may have genuine reasons to question this narrative. But the available evidence also shows that Canadians concerned about day-to-day concerns were more likely to trust the Conservatives than any other federal party. This was particularly the case among the growing multicultural communities living in and around Canada’s largest cities, including Toronto, once a Liberal ‘fortress.’ A regional analysis of the 2011 election results shows that the Conservatives won twenty-one out of twenty-two seats in the suburban belt around Toronto that uses the 905-prefix. In Toronto proper, they won nine out of twenty-three seats, a remarkable figure in light of the fact that Conservatives had not won a seat in the 416-prefix since 1988. What accounts for this result? First, it is important to acknowledge the increasingly sophisticated techniques with which Conservatives can identify and reach potential voters, including those who belong to

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1743 Ibid., 428-429.
1744 Wells, *The Longer I’m Prime Minister*, 323.
specific ethnic-religious groups. These efforts, which often resemble corporate marketing campaigns, have undeniably helped the Conservatives forge a cohesive coalition. This said, it is hard to deny that their family-oriented messaging resonated with so-called ‘value’ voters, many of whom happen to be immigrants.1746

Once loyal Liberal voters thanks to the political legacy of Pierre Trudeau and his promotion of multiculturalism, immigrants are now largely breaking for the Conservatives. What accounts for this change? In their analysis, Bricker and Ibbitson argue that immigrants are more likely to be “strivers” than “creatives.” Whereas “creatives” prefer living downtown, “strivers” seek safety in the suburbs. Whereas “creatives” value community services, the environment and international engagement, “strivers” value jobs, low taxes and safe streets for themselves and their families. This hypothesis does not enjoy unanimous support.1747 Polls generally agree with Bricker and Ibbitson’s claim that foreign-born Canadians, particularly recent arrivals, are more socially conservative than native-born Canadians. Yet attitudes begin to converge with time.1748 Foreign-born Canadians also share similar views with native-born Canadians about taxes, the role of government and social programs. Yes, the era of big government is over and Canadians do not want the public sector to deliver every service or solve every problem. But Canadians are not as suspicious of government as Bricker and Ibbitson suggest. While many aspects of government may indeed require reform, Canadians are likely to favour moderate reforms rather than sweeping ones.1749 In other words, Bricker and Ibbitson might be greatly exaggerating the differences between “strivers” and “creatives.” This said, critics of Bricker and Ibbitson such as Adams acknowledge that “(there) is no doubt the federal Conservatives have made impressive inroads with immigrant and ethno-cultural minority populations over the past several years, broadening their tent and steering clear of any hint of racism or xenophobia, and they are being rewarded with some suburban ridings with large concentrations of newcomers.”1750

1746 Bricker and Ibbitson, The Big Shift, 31-34.
1748 Ibid., 60-61.
1749 Ibid., 57-60.
1750 Ibid., 61.
This process did not happen overnight. But it arguably started in 2003 when Harper set out to create the current conservative coalition. And if it ever had a founding manifesto, it would be Harper’s speech to Civitas, a small-c conservative group. The speech itself has become somewhat of a Rosetta Stone with which political scientists have tried to decode the Harper agenda. Granted, this last statement might slightly overstate the significance of the speech because it is hardly enigmatic. Delivered when Harper was still leader of the Canadian Alliance, the speech not only castigated various enemies of conservatism within the Liberal-dominated civil service, the mainstream media and academia, but also laid out a broad blueprint to create an ideologically cohesive coalition, a blueprint that revolves around the family. Lamenting the historic tension economic conservatives and social conservatives, Harper noted that both factions share common ground because each “favoured private property, small government and reliance on civil society rather than the state to resolve the social dilemmas.” He then went on to argue that both camps should find common ground in confronting the liberal welfare state as it threats “our most important institutions, particularly the family.”

Notably, Harper did not talk about hot button social issues such as abortion. In fact, he counseled his audience to temper their expectations and accept incremental successes. Such gains were “inevitably” the only genuine ones. Reforms that are not incremental are bound to fail, he argued. Harper also prepared his listeners for the possibility that not all small-c conservatives would be prepared to follow him, because he wanted to create a different form of conservatism, one with an edge, yet deeply rooted in the culture. In short, Harper wanted to take conservatism to a place where the Liberals could not follow. And once Harper had staked out this new ground, a new constituency would be waiting for the Conservatives. In fact, Harper identified this new constituency himself when he called upon social conservatives to pursue issues that would appeal to social conservatives of “different denominations and even different faiths.”

This comment clearly signaled that the Conservatives would seek new voters in Canada’s multicultural communities, a development that marked a radical departure from the Reform Party and even the Canadian Alliance. Both parties suffered from the

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1751 Quoted in Wells, *The Longer I’m Prime Minister*, 56.
1752 Quoted in Ibid., 59.
1753 Quoted in Ibid., 60-61.
reputation of harbouring ‘angry white men,’ the type of voters who might cast ballots for Jean-Marie Le Pen or Geert Wilders if they lived in France or the Netherlands. While these elements were among the most loyal conservative foot soldiers, their continued presence also allowed the Liberals to claim that Harper stood outside the Canadian mainstream, pursuing a hidden agenda. Harper implicitly acknowledged the effectiveness of this argument when he took multiple steps to mute these voices, whose radical positions on issues such as abortion, gay marriage and the death penalty threatened Harper’s incremental agenda. But Harper, as noted earlier, was not prepared to abandon social conservatives either. He instead developed an agenda that reconciled different streams of conservatism around the ‘family.’

This approach offered two advantages. First, it maintained unity among conservatives. More importantly, it made the party accessible to immigrants. With radical elements purged, Conservatives could approach immigrants by appealing to what Bricker and Ibbitson call their “aspirational sensibilities”\textsuperscript{1754} instincts for better jobs, suburban housing and safer streets. In fact, Conservatives went out of their way to reach these groups. These efforts included among others symbolic gestures, general legislative initiatives on issues such as crime and tax-relief for families and good-old fashioned outreach. Within this context, it is important to mention the contributions of Harper loyalist Jason Kenny in reaching out to ethnic groups around the country were particularly important.\textsuperscript{1755} These efforts have created a unique condition. Whereas conservative governments around the world indulge themselves in rhetoric critical of immigration, Canada’s most conservative prime minister has openly embraced immigration.\textsuperscript{1756} Is this Conservative commitment towards multiculturalism politically expedient and potentially temporary? Perhaps. Is it effective? Absolutely. And what made it effective, at least in the ridings where it mattered, was the perception that the Conservatives were more in tune with pocket-book issues than the other parties especially during a period of uneconomic uncertainty.

There is no doubt that this perception owed much to the partisanship described in the previous section. But that is precisely the larger point. Building on the

\textsuperscript{1754} Bricker and Ibbitson, \textit{The Big Shift}, 34.
\textsuperscript{1755} Martin, \textit{Harperland}, 227-229.
\textsuperscript{1756} Adams, “The Myth of Conservative Canada,” 61.
accomplishments of the first Harper minority, the second Harper minority surveyed the prevailing political conditions and advantageously manipulated them. This comment of course raises an important question: what caused these conditions to emerge in the first place? The answer is not necessarily straightforward. As noted earlier, the literature dates the emergence of the fifth party system to the creation of the current Conservative Party of Canada. Its appearance did not suddenly change the entire nature of Canadian politics. But nothing like it existed before 2003; and its subsequent actions under the leadership of Harper have had multiple catalytic effects, one of which was the end of the Chrétien/Martin dynasty that had dominated the fourth party system. Some of these subsequent changes were of a cultural nature, namely the rise in partisanship. All parties, not just the Harper Conservatives, were guilty in different degrees of raising the rhetorical intensity while lowering the level of civility. Yes, partisanship lies in the eye of the beholder, acceptable to one observer, reprehensible to another. This said, none of the parties currently competing in the fifth-party system has shied away from demonizing their opponents.

It is difficult to criticize Harper for questioning Ignatieff’s loyalty towards Canada if one remembers that the Martin Liberals accused Harper of being a proxy for George W. Bush. One crucial difference however separates the combatants in this game of strike and counter-strike. The Conservatives have played it far more effectively than any of the other parties.\footnote{Brooke Jeffrey, “The Disappearing Liberals: Caught in the Crossfire,” in \textit{The Canadian Federal Election of 2011}, ed. Jon H. Pammett and Christopher Dornan (Toronto: Dundurn, 2011), 57.} The reason behind this reality will become apparent in an moment. Other changes have been of a rhetorical nature. I speak specifically of the way parties have focused on the family. Whether their specific policies genuinely improve the lives of families is an entirely different question and beyond the scope of this research. We must also acknowledge that talking about the ‘family’ is one of the oldest tricks in the political playbook. What ultimately matters for a minority government competing in this context is whether it can convince enough voters that it genuinely cares about families and the record shows that the second Harper minority was able to make this case. And finally, other changes have been institutional. Which brings us arguably to the most
important factor behind the effectiveness of the second Harper minority: its superior fundraising methods.

9.5 Financing The Permanent Campaign

At the most basic level, the term party system refers “to competition between political parties in an attempt to garner support for their particular interests and gain electoral support in the process.” The factors that shape this competition of course change over time. Yet the central questions with which scholars try to catalogue and categorize these changes have remarkably remained the same. Key queries focus on organizational details, representational responsibilities and communication strategies. Yet one question looms particularly large: how do parties finance themselves? Money is absolutely essential in politics. Parties not only require financial resources to maintain their day-to-day operations, but also perform one of their central functions: campaign for the purpose of winning office. And this process has become only more expensive. Reasons include among others (i) the emergence of new forms of political communication, (ii) the continued refinement of new political technologies such as public relations and polling, and (iii) the increasingly permanent nature of campaigning. As noted earlier, election campaigns have ceased to be discrete events. They have instead become perpetual affairs, a development that has required parties to raise additional resources, a development that has only nourished this unceasing cycle of campaign. This of course describes a feedback loop. In short, the prevailing system of raising money is “of considerable importance to the nature of partisan competition and the functioning of a party system.” This was particularly true during the decade that began in 2000, a period defined by federal elections and leadership campaigns, many of them related to realities of minority government. To complicate matters further, the legislation that governed political fundraising changed along with the emerging fifth-party system. Parties, in other words, had to constantly re-adjust their fund-raising methods as they were gearing up for the next campaign. What follows next first describes the most

relevant changes in the transition towards the current system, a populist model of fundraising that emphasizes small personal donations. I will then show how the second Harper minority used this emerging system to essentially win the 2011 election campaign before it had even begun.

To appreciate the institutional importance of Canada’s political finance legislation, it is important to note that Canada lacked such legislation until 1974 when Parliament passed the *Election Expenses Act*. \(^{1761}\) Over the years, the act has undergone a number of revisions, perhaps none more sweeping than the changes passed by the outgoing Liberal government under Chrétien. These changes included among others a national ban on political donations from corporations and unions. \(^{1762}\) To compensate for this lost revenue, the legislation increased the amount of financing available from the public purse, including the introduction of the per-vote subsidy mentioned earlier. By way of background, reactions to these changes ranged significantly. Both the BQ and the Greens welcomed them because they stood to gain funding that would not have been available to them otherwise. Conservatives opposed them because the per-vote subsidy promised to give the Liberals a significant financial advantage because they have historically won the most votes. But many Liberals also opposed these changes because they banned donations from corporations, a major source of Liberal support. Designed to address concerns about political corruption in the wake of the sponsorship scandal, these changes eventually came into effect on January 1, 2004. Their effects were immediate, particularly for the Liberals and NDP. Looking at the period between 2004 and 2008, both parties saw their average annual party revenue drop by 12.5 and thirteen per cent respectively. Reasons for these declines varied. For the Liberals, part of the problem was the fact that they lost power in 2006. Much of Liberal fundraising was built around their leader and fewer people were inclined to donate money if the leader did not happen to be the prime minister. Equally problematic was their reliance on corporate donations. More than half of their revenues before the 2004 changes had come from corporate donations and the per-vote subsidy failed to make up the difference. New Democrats faced


\(^{1762}\) Ibid., 195.
comparable problems, only that they had relied on union donations, which accounted for about twenty per cent of their total revenues.\textsuperscript{1763}

But if the Liberals and New Democrats shared a similar problem, their respective reactions differed somewhat. The New Democrats took steps to improve their fundraising. And while these improvements did not immediately reduce the NDP’s reliance on the per-vote subsidy, the party was nonetheless moving in the right direction, albeit slowly. The Liberals, meanwhile, were not. Their reliance on this subsidy actually increased over time, particularly during the leadership of Dion, whose less-than-charismatic personality was hardly a magnet for donations. In fact, only the Bloc relied more on the per-vote subsidy than the Liberals. It was of course this very reliance that explains the reaction of the opposition to the economic update tabled by the second Harper minority in late November 2008. The Coalition Crisis can therefore be seen as a nearly fatal attempt by the second Harper minority to gain an additional institutional advantage within the confines of the fifth-party system because it was far less reliant on the per-vote subsidy than the other parties. So what accounts for this advantage? Part of the reason lies in the history of the Conservative Party and its roots in the Reform Party. While Reform was open to corporate donations, its populist nature had little appeal to large donors. But if this appeared like a disadvantage, Reform turned it into an advantage by developing a large base of individual, grassroots donors. Harper imposed this populist model of fundraising on the Conservative Party after becoming its leader and subsequently refined it by combining fundraising with voter identification. Using sophisticated software, Conservatives cannot only track would-be voters, but also hit them up for donations. In the words of Flanagan it is “populism with a technological edge.”\textsuperscript{1764} It is also increasingly the way in which the other parties try to raise funds following the cancellation of the per-vote subsidy and other revisions. This said, the other parties have yet to catch up with Conservatives in terms of fundraising.

These institutional advantages are also evident in other areas. Unlike the Liberal Party of Canada, the Conservative Party of Canada consists of relatively few moving parts. Separate wings representing provinces, women, youth and other special interests as

\textsuperscript{1763} Ibid., 197-199.
\textsuperscript{1764} Flanagan, “Something Blue,” 6.
they are found in the Liberal Party do not exist in the Conservative Party. Only Tories from Quebec are allowed to assemble in a separate organization. And unlike the Quebec wing of the Liberal party, its means are limited. This structure not only maintains party unity, but also maximizes the effectiveness of fundraising since its spoils do not need to be shared with additional layers of party bureaucrats below the national level. Finally, all financial activities, including fundraising, takes place within the Conservative Fund of Canada, one of only three national entities under the Conservative umbrella. Its leadership reports directly to the party leader (Harper), who in turn uses it to control the rest of the party. This structure means that the political leadership can rapidly respond to developments, including fundraising opportunities. Importantly, it points to a larger condition of the Conservative Party. Its party and campaign operations are essentially fused.\[^{1765}\] Flanagan sums up it as follows: “Just as chronic warfare produces a garrison state, permanent campaigning has caused the Conservative Party to merge with the campaign team, producing a garrison party,” he writes. “The party is today, for all intents and purposes, a campaign organization focused on being ready for and winning the next election, whenever it may come.”\[^{1766}\] Be that as it may, there is no question that this structure has allowed the Conservatives to outraise their parliamentary opponents during the course of the second Harper minority. In doing so, they set the stage for their eventual victory.

As we saw in the previous chapter, Conservatives used their superior financial resources to discredit Dion to the point where the Liberals actually kept the Conservatives in power because it was more advantageous than heading to the polls, despite the fact that the first Harper minority was the weakest minority in Canadian history, at least numerically. Dion, of course, had contributed to his own misfortune by embracing an environmentalist agenda at odds with the party’s historical ties to the corporate sector. A similar pattern emerged after Ignatieff had become leader.\[^{1767}\] Flush with cash, Conservatives immediately launched a series of ads against Ignatieff without having to worry about spending limits that would have been applicable during a regular campaign. As mentioned earlier, these ads described Ignatieff as an intellectual interloper

and ultimately damaged his credibility. When Ignatieff boldly declared in the fall of 2009 that the Tories’ time in office was up, the Conservatives once again had the resources to respond with a series of ads. When Ignatieff signaled in the spring of 2011 that the Liberals would vote against the budget regardless of its content, the Conservatives launched a third round of ads. They rounded out these with a series of positive ads that framed Harper as a stable and trustworthy manager of national affairs, who was diligently working at his desk while his competitors were scheming behind the scenes.  

It is important to note that these ads ran before the actual campaign of 2011 when spending limits would somewhat mitigate the Conservative advantage. Wells perhaps sums it up the best when he writes that these ads were not trying to “set the scene for a campaign. They were seeking to end it before it began.” And the Conservatives had the necessary resources to achieve this goal. In the immediate weeks leading up the 2011 budget tabled just days before the second Harper minority fell, the Conservatives bought air-time for 1,600 ads. The Liberals, meanwhile, purchased 131 during the same period, the NDP 25. “It was a massacre,” as one Liberal operative said. If so, it was predictable, according to the fundraising figure from this period. To their credit, Liberals took step to improve their fundraising during the Ignatieff years. These steps included among others the hiring of a professional fundraiser. They seemed to make a difference when the party raised $9.5 million dollars in 2009. But these improvements were short-lived. In 2010, fundraising dropped to $6.6 million, a dip blamed on Ignatieff’s failure to resonate with potential donors and the loss of key personnel. Worse, Conservatives coffers were overflowing. In 2010 alone, they raised $17.4 million, a figure that was almost three times the Liberal total.

These measures of financial strength did not guarantee that the Conservatives would carry the day. New Democrats also had limited financial resources, but still managed to win more than 100 seats, largely on the strength of Layton. Inadequate

1769 Wells, The Longer I’m Prime Minister, 280.
1770 According to Newman, the Liberals’ fund-raising was superior than that of the NDP or the Bloc. “The problem for the Liberals was that the power brokers divided the spoils,” he writes. “The Grits had the highest infrastructure costs of all the political parties (and the party’s) rotten internal culture meant that the power brokers would rather the party die than lose their little fiefdom.” Newman, When The Gods Changed, 238.
1771 Jeffrey, “The Disappearing Liberals,” 47.
fundraising was only one of many problems that plagued the Liberals. For one, they were too timid in their response to the Conservative ads, which Jeffrey deems effective. This lack of response, she suggests, was puzzling because the Liberals did have some resources available to them. Liberals however chose the high road, dismissing the ads as the desperate actions of a government unable to handle serious issues. But if that was so, the Liberals failed to convince Canadians by offering them a substantive agenda. Liberals instead often offered nothing more than generalities, raising a larger question: what was Ignatieff trying to accomplish? 1772 The answer was far from clear. Even Liberals wondered if they had made a mistake by settling for Ignatieff and not few of them yearned for Dion in ruing the day when Ignatieff ruled out the coalition. 1773 This said, it would be far too easy to blame Ignatieff for everything that wrong with the Liberals during the second Harper minority.

Ignatieff might have been a poor communicator who lacked the necessary temperament to cross swords with Harper. But Ignatieff also lacked a clear message. When Ignatieff became leader, he was the third leader in five years. Worse, he took charge of a party that had just fought its third election in four years. This frequency had made it nearly impossible for Liberals to go through a necessary leadership and renew their policy book.1774 Ignatieff, in other words, was a product of Liberal confusion, not its cause. The positions that eventually emerged during the early phases of the Ignatieff regime were substance-less and actually drew the wrong lessons from the Dion debacle. Convinced that Dion had steered the party too far to the left, the Liberals decided that they would avoid the appearance of being too far too left. 1775 This self-imposed restriction left the Liberals with few salient issues. They also remained silent on a number of other issues said to be Liberal strengths such as Quebec, national unity or federalism. Ignatieff did try to raise some substantive issues. They included among others proposals to reform Employment Insurance, develop high-speed rail, launch a national childcare plan, forge a national industrial strategy, and launch a national policy on postsecondary

1772 Ibid., 54-55.
1774 Jeffrey, “The Disappearing Liberals,” 57.
1775 Ibid., 58.
education. But this list of items of course underscores the central complaint: the Liberals failed to match the sharpness of the Conservative message.

Wells makes a similar point. Since 2004, Liberals had questioned almost everything about Harper: his patriotism, his sense of fair play, his candidates’ position on abortion, his love of the arts, his respect for parliamentary procedure, and so on. But as Wells says, they rarely, if ever challenged him on pocket-book issues. As I already noted, the Liberals changed their approach towards the end of the second Harper minority when they started to question Harper’s narrative that his party was the truest friends of Canadian families. Wells notes that this perceived change “intrigued” Conservatives, who feared that they might have to change their approach, if the Liberals continued along this path. Liberals however did not fully pursue this line of attack. They instead focused on the Conservatives’ contempt for Parliament, an issue that never really resonated with the broader public as noted above. In short, it would be somewhat simplistic to credit the barrage of Conservative ad attacks for their victory. This said, it is equally hard to deny that the Conservative advantage in fundraising played a crucial role in the demise of the Liberals and their inability to match the financial firepower of the Tories actually confirmed that the Grits had failed to appreciate the prevailing political context and revise their actions accordingly.

9.6 Summary

The second Harper minority will likely not be known for any particular piece of groundbreaking legislation or national initiative. Yes, it may one day receive credit for expanding trade relations with the European Union and turning Canada into a notable player on global energy markets, but it is far too early to make such pronouncements. It is also not clear whether the second Harper minority ushered in a Conservative age. Any talk of a ‘Big Shift’ in Canadian politics is precisely just that. It is instructive to remember that the Conservatives did not significantly increase their overall share of the vote in 2011. Equally notable is the overall poor quality of the opposition, which the Harper Conservatives defeated in 2011. Much has already changed since then. And while it might be premature to speculate about a Liberal revival, the Grits have already

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1776 Ibid., 58-59.
1777 Wells, The Longer I’m Prime Minister, 277-278.
exceeded the admittedly low expectations that come with being the third party in the House of Commons. It is certainly clear that their current leader Justin Trudeau receives more attention than the official prime-minister-in-waiting, New Democrat Tom Mulcair. First dismissed as an intellectual lightweight who trades off his famous last name, Trudeau has restored the Liberals to a point where they do not need to fear the next election, as did they so frequently under Dion and Ignatieff. In fact, they may yet confirm the aphorism that the condemned live longer. Add to this dynamic the undeniable aura of scandal and is easy to foresee a scenario that concludes with the election of yet another minority government in 2015. In short, the Conservative revolution of 2011 might have to be postponed. This said, the second Harper minority nonetheless stands as an original among the minority governments covered so far. With the exception of the first Harper minority, no other minority since the 1945 has lasted longer, almost two-and-a-half years to be exact. And yet it spent little time governing, as measured by its low legislative productivity. Yes, this is not a perfect measure. It did after all confront the worst economic crisis since the Great Depression. But its ambitions did not extend beyond surviving that particular economic crisis. So much appears to be clear from its behaviour towards the parliamentary opposition. Using the Coalition Crisis as a pivot point, it deliberately polarized against the opposition. In this way, it conformed to a political culture that insists on partisanship. But this approach would have not been as effective if the second Harper minority did not also recognize that the Canadian party landscape was changing, both in terms of its prevailing discourse and means of financing. If the index of leadership is whether you can get people to follow you, Harper surely ranks very high on it. It was he who created the Conservative Party of Canada. It was he who developed the party’s structure, culture and policies. And it was he who expanded his party’s share of the national vote and number of seats in Parliament to the point that it can now govern with a majority. But perhaps his biggest accomplishment, which can be easily overlooked, lies in recognizing that the Canadian party system was evolving. Yes, he undeniably contributed to this evolution himself. But this option was also available to his opponents and the fact that his opponents are now copying his approach is perhaps the most flattering concession to his effectiveness. Newman sums it up the best. “One secret

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1778 Dornan, “From Contempt of Parliament to Majority Mandate,” 8
of success, as noted by Benjamin Disraeli, is that great politicians must feel comfortable both in themselves and in their times,” he writes. “Though many of us might like to deny it, Harper may be in fact a creature of his times. Ignatieff showed little sign of being able to master the politics of his time and gave little evidence that he was comfortable with himself.”

CHAPTER 10 CONCLUSION

10.1 Opening

The literature categorizes Canada as a majoritarian model of democracy that has inherited the Westminster system of parliamentary democracy from the United Kingdom. Yet the recent run of minority governments has confronted Canadians with a peculiar problem: this system has regularly failed to produce the political clarity that their educators, journalists and political representatives have promised them. Almost half of all the federal elections held since 1945 have produced government cabinets that control less than half of the seats in the House of Commons. While this prevalence should have familiarized Canadians and their political class with the practice of minority government, the most recent run of minority governments clearly indicates a discernible degree of unfamiliarity, if not ignorance with the phenomenon. To be fair, the nine minorities discussed in this dissertation have come in spikes, punctuating long periods of presumed majoritarian tranquility: four between 1957 and 1968, notwithstanding the Diefenbaker’s majority; two in the 1970s five years apart; and three between 2004 and 2011. While many have predicted that the current Conservative majority will be the first of many, I see no compelling reason to accept this prophesy. Little more than a year before the current Conservative government won its present majority, we heard from several scholars that Canadians should brace themselves for a long stretch of minority governments. Now we are to believe that we shall have electoral stability in our time? As noted above, the Canadian electoral system has not performed as predicted, a circumstance that has confounded scholars of the Canadian party system. In any case, the recent period of minority governments has raised pressing questions about the effectiveness and legitimacy of the phenomenon and this dissertation has responded to them. The first major section that follows this introduction presents in summary the conclusions that emerged from the preceding chapters. The sections that follow this summary will then discuss the conclusions in additional detail. Specifically, I will highlight their implications and outline future paths of research that may emerge from them.
10.2 Major Observations

This presentation starts with a brief discussion of the methodology that I have used. My analysis starts from the hypothesis that minority governments are probationary majorities who must still convince voters that deserve a majority. Seen through this prism, minority governments enjoy limited legitimacy from an input perspective. All minority governments confront this probationary status and we can ultimately judge their effectiveness by whether they shed this position. This measure of effectiveness avoids several methodological traps. Quantitative measures of effectiveness that focus on the legislative productivity of minority governments deny readers insights into their sociological, economical and political environs. In fact, such measures are prepared to place the far-reaching social legislation of the Pearson years on par with lesser acts of legislation, an undeserving fate. While this circumstance creates an opening for qualitative assessments, they cannot succeed either unless we find ways to judge the importance of legislation without inviting charges of bias, a distinctly difficult task. Better to avoid it entirely. Quantitative measures of effectiveness also fail to explain certain outcomes. Consider the three minorities that governed Canada from 2004 through 2011. The first member of this trio, the Liberal minority under Paul Martin, managed to accomplish no small part of the various social policies that it pursued, from negotiating a health care agreement with the provinces to launching a national child care program, from passing legislation legalizing same-sex marriages to the Kelowna Accord. Many may note at this stage that these accomplishments were either provisional or problematic. Naturally, others may disagree with this assessment. Be that as it may, these accomplishments were part of a legislative record which its two Conservative successors under Stephen Harper failed to match, despite the fact that each of them lasted significantly longer than Martin’s mandate. And yet, it was Harper, not Martin, who eventually managed to win a majority. Looking further back, we find that the effective minority governments of the 1960s and 1970s regardless of party affiliation were quite productive. The Harper minorities, meanwhile, defy this relationship. In short, legislative productivity offers a limited picture of effectiveness at best and a misleading one at worst. More importantly, it lacks explanatory power.
Conscious of these conditions, I have adopted an approach that avoids the methodological challenges described earlier by adopting a definition of effectiveness that retroactively measures the effectiveness of minority governments by whether they manage to shed their probationary status. Importantly, it links the effectiveness of any minority government to the conditions of the prevailing party system, which still remains the best prism through which scholars can probe Canadian politics according to the available literature. Specifically, I argue that effective minority governments manage and manipulate the conditions of the prevailing system to their advantage, while ineffective ones fail in this effort. Consider the first Diefenbaker minority. It appeared during the transition from the second to the third party system that eventually placed a premium on pan-Canadian social policies. The first Diefenbaker minority responded to this demand with a tailored agenda that eventually led the way towards the largest majority in Canadian history. The Liberals, whom voters had punished for their failure to recognize this development, responded in kind by building the modern Canadian welfare state during the Pearson minorities of the mid-to-late 1960s. Their reward was a period of dominance under Trudeau that lasted until 1984 notwithstanding his own minority and the brief Tory minority under Joe Clark. While many factors were responsible for Clark’s failure, one central reason was his decision to challenge, albeit mildly, the social policy consensus of the era. As for the Trudeau minority, its emergence was the work of one person – Trudeau himself. So was its recovery. If Trudeau thought himself to be above the politics of the day, he fully immersed himself in it during the minority years. Specifically, he engineered an alliance of convenience with the New Democrats that produced a range of popular social policies that resonated with the consensus of the era.

This alignment was also evident during the minority governments of the fifth party system. It has witnessed the emergence of a new right-of-centre party, which many scholars say has not only replaced the Liberals as the dominant Canadian party but also redefined the nature of Canadian politics itself towards a more polarized system. This process began in 2003 with the creation of the Conservative Party of Canada and continued through the Martin minority and the Harper minorities. It is not clear yet whether the Harper Conservatives can match the dominance of previous Liberal regimes. No other recent regime is more closely aligned with one specific person and it is not clear
whether Harper’s eventual successor will enjoy the same status as Harper currently does. But if the Harper government remains dominant, it will likely have done so in a different way than the Grit governments that emerged from their successful minority governments. Whereas the Pearson minorities and to a lesser degree the Trudeau minority succeeded through arguably generous social spending while in office, the Harper minorities used their legislative time to advance a limited but populist agenda that simultaneously focused on the ‘family’ and tried to eliminate their primary parliamentary opponent, the Liberals. And this approach would not have been as successful had it not been for the fact that the Conservatives had built a fundraising system congruent with the political financing architecture of the fifth party system.

Overall, the effectiveness record of the nine minority governments surveyed suggests an inversion of political fortunes. If we look at the six minorities before 2004, they evenly divide between Liberals and Progressive Conservatives. Yet each of the three Liberal minorities lasted longer than any of the three Tory minorities. Additionally, each of the three Liberal minorities managed to shed their probationary status, whereas only the first Diefenbaker minority accomplished this feat. The record of the three minorities since 2004 is more mixed, but favours the Conservatives. The Martin minority might be known for some notable legislative initiatives, but failed this study’s test of effectiveness. As for the Harper minorities, their respective electoral performances confirm the wisdom of Harper’s polarizing approach towards the opposition, his populist agenda and his approach towards fund-raising. This insight might not be palatable for parts of the so-called Laurentian Consensus and some ideological critics are quick to challenge the narrative that Harper is some sort of a political mastermind by pointing out this personal role in causing the Coalition Crisis of 2008. It was after all he who personally insisted on eliminating the per-vote subsidy, a move that created the very scenario that he had skillfully avoided for more than two years, a united parliamentary opposition. While this point is not without substance, its proponents frequently fail to mention that Harper also recovered from this near-death experience, turning it into a pillar of strength from which he pivoted towards a majority. One wonders if John Diefenbaker or Joe Clark would have been as skillful as Harper in similar circumstances. With the exception of Jean Chretien,
it is hard to identify a federal politician who has shown as much skill in manipulating the levers of power. His recovery from the Coalition Crisis speaks to this point.

Harper’s impact on the presumed legitimacy of minority government is certainly extraordinary if we are to believe his critics, who have accused him of undermining the very nature of Canadian parliamentary democracy. This critique rests on their interpretations of his comments during the Coalition Crisis when he faced the prospect of losing power to a proposed Liberal-NDP minority coalition government that proposed to govern with the support of the Bloc Quebecois. Specifically, they accuse him of advancing an “elections-only” theory of governmental change, which would preclude the possibility of one minority government losing power to another would-be minority government following a lost confidence vote. Others have challenged this conclusion. Specifically, they argue that Harper’s comments should be read within the context of a separatist party determining the fate of Canada during the worst economic downturn in memory. The proposed arrangement might have been legitimate according to Canada’s constitutional conventions, but illegitimate according to other criteria such as the perceived undue influence of a separatist party that only runs candidates in one province (input legitimacy) or its perceived effectiveness (output legitimacy). These disagreements in turn point to one of my central arguments: competing theories of legitimacy have confused, even crowded out the established consensus that minority government is legitimate according to the unwritten constitutional conventions of parliamentary government, which many scholars now say are in desperate need of codification to prevent the type of confusion that reigned during the Coalition Crisis of 2008.

This demand is motivated by the perception that the two leaders of the recent minority governments, Martin and Harper, have played fast and loose with these conventions for partisan gains in undermining the legitimacy of parliamentary government itself. Something similar can also said about the historical minority governments of the 1960s and 1970s, although with the proviso that the Coalition Crisis marked a unique occasion, even a turning point in how the public perceives minority government and its institutional relative, coalition government. Both had already been suffering from a less than stellar reputation before the Coalition Crisis and this negative
perception likely took a turn for the worse after it. Minority government has always confronted such challenges. As noted, several scholars have questioned the legitimacy of minority government because of its perceived inability to deliver effective policy outcomes. But as I have argued, it is difficult to draw definitive conclusions about the policy outcomes of minority government, because scholars have struggled to develop a methodology with which they can reliably judge minority government. But if scholars remain divided about the output legitimacy of minority government, an emerging literature has argued that minority government improves the procedural, or input legitimacy, of parliamentary government. This claim is equally difficult to defend. While minority governments often present themselves as defenders of parliamentary government, periods of minority government tend to witness increased partisanship. Far from enhancing the deliberative capacity of the Commons, minority governments have shown little interest in cooperating with the parliamentary opposition unless absolutely necessary. And when they did, their actions did not follow the rationale of the best available argument as demanded by deliberative democratic theory, but the logic of political survival.

Perhaps the best historical example is the Trudeau minority. Barely clinging to power after the 1972 election, the Trudeau Liberals agreed to almost every policy demand that the NDP made in exchange for their parliamentary votes. In fact, this seemingly submissive behaviour actually started to irritate the NDP’s leadership because it was threatening the party’s ideological distinctiveness and public standing as the Liberals were starting to receive credit for what had been more or less New Democratic policies. In other words, New Democrats were getting punished for propping up a government that had nearly suffered defeat at the polls not long ago. And once the Trudeau minority had sufficiently recovered in the opinion polls, it quickly moved to dissolve its legislative relationship with the New Democrats, engineering its own defeat on the best possible terms by antagonizing the New Democrats and eventually winning a majority. Subsequent minorities, especially the Harper minorities, were even more brazen in their brinkmanship. Despite its numerical weakness, the first Harper minority constantly badgered the Dion Liberals once it had appreciated their weakness. The second Harper minority was even more provocative in its parliamentary approach,
frequently placing placed brinkmanship above everything else. Whereas the Trudeau minority and the Harper minorities sought the same end – a majority government – they used very different means to achieve it in line with the prevailing party system. The Trudeau minority made significant social policy concessions towards the NDP while the Harper minorities used the Commons as just another theatre for their “permanent campaign” against the Liberals, seemingly confident that their superior financial resources and populist agenda would prove to be sufficiently appealing to the public. History shows that this confidence was justified.

But if these respective approaches were effective in the sense that they eventually led to majorities, we can also question their legitimacy according to the standards set by proponents of deliberative democracy. In case of the Trudeau minority, I have argued that the Liberals essentially ‘bribed’ their way to stay in office in blindly accepting New Democratic proposals. As for the Harper minorities, they took the polar opposite approach, frequently preventing parliamentarians from holding the executive accountable. Granted, the Trudeau minority could genuinely claim that its policies conformed to popular expectations about the policy direction of the Canadian state. It can also be argued that the outcome of the federal election in 2011 seemingly the endorsed Conservative approach towards parliamentary affairs and by implication its limited policy agenda. But neither Trudeau’s nor Harper’s approach strikes me as deliberative in allowing a full airing of different and diverse views. The former uncomfortably confirms that Canadian parliamentarians merely dispose what the executive proposes, whereas the latter suggests a deliberate attempt at dysfunction. Several minority governments surveyed here did take steps to strengthen the procedural legitimacy of Canada’s parliamentary system; notable reforms took place during the first Diefenbaker minority, the Pearson minorities, the Clark minority and the Martin minority. But as I have argued, these reforms were either incomplete, self-serving or both. Genuine reform towards a more deliberative form of democracy remains a distant prospect.

10.3 Implications

What follows next describes the implications, both practical and theoretical, that follow from the observations described. For one, our findings emphasize the tension between the principles and the actual practice of parliamentary government. We have
seen throughout the preceding chapters that the unwritten constitutional foundation of Canada’s parliamentary system has made it relatively easy for the executive to manipulate the parliamentary process and evade parliamentary accountability. Granted, this is a matter of perception. But the interpretative nature of Canada’s constitutional order can and has caused considerable disagreements within the political class and the larger body politic. We witnessed this disagreement most recently during the Coalition Crisis of 2008, but also during previous minority governments, albeit less severely. This uncertainty strikes me as potentially fatal. If key members of the political class, above all the prime minister of the day, cannot agree on the rules of the political game and if they interpret the same for partisan gains, they may end up lowering public support for these rules and the larger institutions that sustain them. A theory of legitimacy ultimately helps us determine why members of a polity comply with its norms and tolerate, if not support its actions. But if the leading members of this polity continuously violate this theory, their contemptuous behaviour may end up destabilizing not only their own time in office, but also diminish larger institutions and accordingly, public respect for the parliamentary system, and the collective welfare of the polity itself.

Concerns about the uncertain nature Canada’s constitutional conventions have prompted calls for the reform of Canada’s system of responsible government and this dissertation has acknowledged and highlighted these demands where appropriate. Some of this reform-minded literature has focused on ‘stabilizing’ minority government through measures that would (i) clarify the role of the governor-general and (ii) limit the powers of the prime minister to manipulate the parliamentary process. This agenda, which has produced formal codes of conduct for the relevant political actors in the United Kingdom and New Zealand, may be desirable from several perspectives. It certainly promises to prevent the type of uncertainties that we witnessed during the Coalition Crisis of 2008. But I would judge the likelihood of reform to be small. Traditionally, efforts to reform key parliamentary institutions, such as the Speaker’s Office and committees, have often moved at a glacial pace and attempts to mitigate the presumed deficiencies of Canada’s unwritten constitution are likely to invite more opposition because such changes would have far-reaching consequences. I would argue that the reform efforts in the United Kingdom and New Zealand succeeded because the larger
political class was able to reach some level of agreement about (i) the presumptive need for reform; (ii) the goals of reform; and (iii) the necessary steps towards said reforms. I would be rather reluctant to assume such a level of agreement in Canada’s fractious political climate, especially when the rewards of the status quo outweigh the future rewards of reform.

It should be said that critics of the parliamentary system tend to exaggerate its deficiencies, while promoting romantic notions about parliamentary government that may only exist in their mind. The Westminster system of parliamentary government grants its participants a great deal of latitude, latitude often used in ways that appear to be self-interested, to put it charitably. This perception certainly prevailed during the recent run of minority governments, prompting suggestions that the current prime minister is nothing short of a dictator, who runs roughshod over legislators. I find this perspective equally problematic because it draws inappropriate comparisons. To call any prime minister dictatorial reveals a certain naivety about the nature of authoritarianism. It also bears reminding that the Westminster parliamentary system is geared towards strong figures and periods of minority government often appear to reveal a certain disconnect in public expectations. On one hand, Canadians have been increasingly concerned about the lack of input in political affairs. Russell of course has spoken to this point in suggesting minority government as a potential remedy. On the other hand, we have also seen evidence that shows Canadians reject minority government after they have experienced it for a time, because they seem to find the whole exercise unproductive and tension-filled.

Our findings have also confirmed the on-going methodological divisions that define the discipline of political science itself. We have long heard the argument that political scientists have divided themselves into methodological sects. Our study of minority government has seemingly confirmed this division. Neither qualitative nor quantitative studies have yielded conclusive judgments about the effectiveness of minority government. Even scholars within the quantitative sub-sector have struggled to develop consistent insights. This dissertation has responded by adopting a limited definition of effectiveness, one that has focused almost exclusively on electoral success. Its methodological approach towards legitimacy also highlights the point that legitimacy is a contested concept, which we may need to approach from multiple angles to gain a
fuller understanding of it. A multi-dimensional approach towards legitimacy would certainly be appropriate for the Canadian context in light of the fact that the Canadian polity is deeply divided and constantly forced to find a minimal level of consensus. If anything, it can be argued that the recent run of minority governments and the Coalition Crisis have created a sort of litmus test that has forced Canadians to familiarize themselves with their constitutional order and ask themselves serious, even uncomfortable questions about the legitimacy of their political order.

10.4 Future Paths of Research

This study has sought to assess the effectiveness and legitimacy of the nine minority governments that have governed Canada federally. It has not tried to render comparable judgments about minority governments that have governed provincially. Nor has it explicitly looked beyond Canada to compare and contrast the performance and perception of Canadian minority government with minority government in other Commonwealth and non-Commonwealth countries. Equally notable, it has foregone any attempts to rank minority government vis-à-vis majority government. Several other potential areas of have also gone untouched. They include among others (i) the role of the civil service during times of minority government; (ii) the role of the media and the role of educators in promoting certain perceptions about the performance of minority government; (iii) federal-provincial interactions during periods of minority government; and (iv) foreign affairs during period of minority government. This dissertation has also not dealt with a question that looms large in the light of the Coalition Crisis: is it appropriate for ‘federalist’ parties to cooperate with ‘separatist’ parties? In European countries, it has become common practice for mainstream parties, whether on the left or right side of the political middle, to shun and stigmatize parties representing interests on the far left and the far right side of political spectrum. Are such informal rules applicable, even appropriate, when it comes to dealing with ‘separatist’ MPs in case of another minority parliament where they may make the difference? This question might also be of some interest to scholars of Quebec politics, where we have seen a run of minority governments.

At least three of the above strike me as particularly intriguing. The first concerns the federal-provincial interactions during periods of minority government – be it the
federal or the provincial level. Within this context several questions emerge. In case of a federal minority government, how do provinces leverage this condition, if at all? The Pearson and the Martin minorities certainly offer interesting points. As noted in the respective chapter, both Pearson and Martin were involved in extensive negotiations with their provincial counterparts. Alternatively, how does Ottawa deal with a province if its government lacks a clear majority? What happens in situations when both sides find themselves in a minority situation, as it was case during the Clark minority? The second concerns the relationship the role of media in promoting certain perceptions about minority government and its institutional relatives. The Coalition Crisis of 2008 clearly demonstrated that control of the message regardless of its content turned out to be a crucial factor. The amateurish quality of Stephane Dion’s videotaped response to Stephen Harper’s televised address played no small part in raising questions about the proposed coalition and the Conservatives did far better than their opposites in mobilizing public opinion through emerging means of political communication.

The third topic is arguably broader: the Canadian polity ranks among the most diverse, yet parliamentary practice has historically insisted on clear outcomes in eschewing consensus-oriented government and formal institutions (such as proportional representation) to this effect. What accounts for this historical practice and is it still appropriate for a society, which is becoming even more multifaceted? In fact, this apparent insistence on clear outcomes has actually deepened these regional tensions. The recent run of minority governments would likely have been less divisive if the Commons had more accurately reflected the country’s ideological, regional and linguistic diversity. This point became particularly clearly during the Coalition Crisis when the distorting effects of the Canadian electoral system allowed competing parties to claim that they were speaking for entire regions, when in fact they owed their regional dominance to a distorting system. Indeed, some form of proportional representation would have likely diminished the influence of the Bloc and accordingly lowered the political tension. A smaller Bloc would have given the Conservatives a smaller target and likely done less damage to relations between the current government in Ottawa and the province of Quebec. On the other side of this ledger, a smaller Bloc could have perhaps allowed the Liberals and the New Democrats to form a coalition without the support, silent or
otherwise, of a separatist party, thereby marginalizing the same. Ultimately then, minority governments do reflect a divided electorate. Of course, these divisions also exist during periods of majority government with the qualification that they are not as visible as they might be during periods of minority government. In this sense, we can think of minority governments as collective cries for help, but not for the perceived stability and effectiveness of majority government, but for an atmosphere of fairness, a spirit of cooperation and representativeness.

I raise this issue as a future research subject because many of the scholars who study minority government fail to link their findings with the literature that analyzes the larger quality of democratic governance. Minority government, along with its institutional relative, coalition government, appears as a common phenomenon across Europe and parts of the British Commonwealth outside of Canada. This aspect has accordingly furnished an immense comparative literature, yet this literature appears to be largely missing from the Canadian literature that concerns itself with the effectiveness and legitimacy of minority government. Yes, some of the scholars discussed in this chapter cite the experiences of minority (and coalition) governments elsewhere in formulating their argument. But these findings often lack a larger theoretical framework. The general literature on the subject of democratic government distinguishes between two broad conceptions: majoritarian (or Westminster) and consensus-oriented. Starting with Lowell and his famous axiom that democracy works with “two parties and two parties only,” much of this literature has historically expressed hostility towards governing arrangements that allow more than one political party to influence the affairs of the state, as it is commonly the case in consensus democracies whose institutions deliberately share power across a broad spectrum of interests.

This scholarship, much like Lowell, has simply assumed that effective democratic decision-making requires nothing more than a bare but clear parliamentary majority, unburdened by any obligations to share the spoils of political power with outsiders. But this arrangement also alienates a sizable minority of elected representatives from power and condemns the same to the largely symbolic role of opposition, largely unable to

perform their various obligations towards the citizens, whom they represent. More importantly, it turns the theory of parliamentary accountability on its head. Bare-majority cabinets will not be able to stay in power for very long, if they cannot exercise sufficient control over ‘their’ respective parliamentarians and if necessary, impose harsh sanctions. Phrased differently, cabinet members control parliamentarians, when the relationship should be reversed.¹⁷⁸¹

This larger literature on democratic governance remind us that the phenomenon of minority government forces us to confront different conceptions of political effectiveness and legitimacy. Minority government requires the political class to share power simultaneously rather than sequentially contrary to the historical expectation of alternating majority governments. It can be thus said that minority government moves Canada’s majoritarian system towards a model that might require more consensus and less control by the Prime Minister’s Office. This is certainly the hope that supporters of minority government harbour when they assess the accomplishments of consensus-oriented systems in European countries and other corners of the Commonwealth. But their respective institutional realities did not develop overnight, nor are they immediately replicable for a number of reasons, the least of which is the inherent reluctance of reforming a system with a record as long as the Westminster system. Despite the fact that minority governments have become more common in Canada since 1945, we have seen little evidence that their increased frequency has actually inspired any significant institutional reforms that recognizes their recent prominence in Canadian politics.

And why would they? As said earlier, Canadians and their political class consider majority government to be the norm, notwithstanding evidence to the contrary. It is precisely this expectation that encourages the political class to treat minority governments as fleeting phenomena. So when they do occur, they create nothing less than a clash of democratic cultures. Majority governments create the expectation of sharing sequentially; minority governments however require the political class to share power simultaneously contrary to expectations.¹⁷⁸² And as we have seen in the preceding chapters, Canadian minority governments have used very different means to resolve this

conflict in their favor. Some co-opted the parliamentary opposition to pursue policies, which would eventually help the governing party win a majority. Others have used their time in office to diminish the parliamentary opposition as part of a “permanent campaign.” Does it ultimately matter which conception with its respective institutional characteristics prevails? Flanagan, for example, suggests it does not. Specifically, he argues that institutions are “inconsequential”\textsuperscript{1783} as long as certain fundamentals such as a spirit of constitutionalism, respect for the rule of law, an impartial judiciary, representative government, periodic elections, private property rights and a market economy appear to be present. However most of the general literature on this subject clearly disagrees with this analysis in arguing that certain institutional arrangements tend to produce different results in terms of governance and representation and the Canadian scholarship on minority government would do well to consider this broader literature, \textsuperscript{1784} if only to be aware of possible reforms, while remaining realistic of their possibilities. If anything, periods of minority government threaten some of the very requirements that Flanagan deems necessary for effective governance, namely a spirit of constitutionalism and representative government, only that the threat comes from within it and from the very top.

\textsuperscript{1783} Ibid., 34.
\textsuperscript{1784} Ironically, Flanagan argues that the rest of the democratic world is moving towards a more consensus-oriented approach, if it is not there already, in arguing for a Canadian version of “simultaneous power-sharing.” Ibid., 36. However this appeal strikes me as intellectual suspicious for at least three reasons. First, it came not long after Flanagan had openly endorsed an executive-centered approach towards democratic government as part of an attempt to delegitimize the proposed Liberal-NDP coalition. See Tom Flanagan, “Only Voters Have the Right to Decide on the Coalition,” \textit{Globe and Mail}, January 9, 2009, 13. Second, Flanagan’s call explicitly rejects any institutional modifications. This suggests a less-than-enthusiastic commitment towards his cause, an impression strengthened by his rather soft pleas for more civility in the House of Commons and other feel-good proposals. Finally, Flanagan presented his ideas before his former protégée Harper won his current majority government. Since then, he has gone noticeably silent on this particular issue.
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## Appendices

### Appendix A: Canadian Minority Governments Since 1945

#### Table A.1

Federal Parliaments and Governments Since 1945 (Minorities in Bold)

<table>
<thead>
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<th>Parliament</th>
<th>Year of Election</th>
<th>Head of Government</th>
<th>Party</th>
<th>Duration (Days)</th>
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### Table A.2
Canadian Minority Governments Since 1945 by Duration in Descending Order

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### Table A.3
Canadian Minority Governments Since 1945 by Seats Short of Majority in Descending Order

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## Table A.4

Canadian Minority Governments Since 1945, Cause of Dissolution and Outcome in Next Election

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<tr>
<td>Diefenbaker (2)</td>
<td>Lost Confidence Vote</td>
<td>Liberal Minority</td>
</tr>
<tr>
<td>Pearson (1)</td>
<td>Dissolved Parliament</td>
<td>Liberal Minority</td>
</tr>
<tr>
<td>Pearson (2)</td>
<td>Dissolved Parliament</td>
<td>Liberal Majority under Trudeau</td>
</tr>
<tr>
<td>Trudeau</td>
<td>Lost Confidence Vote</td>
<td>Liberal Majority</td>
</tr>
<tr>
<td>Clark</td>
<td>Lost Confidence Vote</td>
<td>Martin</td>
</tr>
<tr>
<td>Martin</td>
<td>Lost Confidence Vote</td>
<td>Conservative minority</td>
</tr>
<tr>
<td>Harper (1)</td>
<td>Dissolved Parliament</td>
<td>Conservative minority</td>
</tr>
<tr>
<td>Harper (2)</td>
<td>Dissolved Parliament after Contempt Motion</td>
<td>Conservative majority</td>
</tr>
</tbody>
</table>
Appendix B: Canadian Minority Government General Elections Since 1945

Table B.1 23rd Canadian General Election, June 10, 1957

<table>
<thead>
<tr>
<th>Party</th>
<th>Seats</th>
<th>Share of Vote (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Progressive Conservative Party of Canada</td>
<td>112</td>
<td>39</td>
</tr>
<tr>
<td>Liberal Party of Canada</td>
<td>105</td>
<td>41</td>
</tr>
<tr>
<td>Co-operative Commonwealth Federation</td>
<td>25</td>
<td>11</td>
</tr>
<tr>
<td>Social Credit</td>
<td>19</td>
<td>7</td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Table B.2 25th Canadian General Election, June 18, 1962

<table>
<thead>
<tr>
<th>Party</th>
<th>Seats</th>
<th>Share of Vote (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Progressive Conservative Party of Canada</td>
<td>116</td>
<td>37</td>
</tr>
<tr>
<td>Liberal Party of Canada</td>
<td>99</td>
<td>37</td>
</tr>
<tr>
<td>Social Credit</td>
<td>30</td>
<td>12</td>
</tr>
<tr>
<td>New Democratic Party</td>
<td>19</td>
<td>14</td>
</tr>
<tr>
<td>Independent</td>
<td>1</td>
<td>N/A</td>
</tr>
</tbody>
</table>
**Table B.3**  
26th Canadian General Election, April 8, 1963

<table>
<thead>
<tr>
<th>Party</th>
<th>Seats</th>
<th>Share of Vote (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberal Party of Canada</td>
<td>129</td>
<td>42</td>
</tr>
<tr>
<td>Progressive Conservative Party of Canada</td>
<td>95</td>
<td>33</td>
</tr>
<tr>
<td>Social Credit</td>
<td>24</td>
<td>12</td>
</tr>
<tr>
<td>New Democratic Party</td>
<td>17</td>
<td>13</td>
</tr>
</tbody>
</table>

**Table B.4**  
27th Canadian General Election, November 8, 1965

<table>
<thead>
<tr>
<th>Party</th>
<th>Seats</th>
<th>Share of Vote (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberal Party of Canada</td>
<td>132</td>
<td>40</td>
</tr>
<tr>
<td>Progressive Conservative Party of Canada</td>
<td>97</td>
<td>32</td>
</tr>
<tr>
<td>New Democratic Party</td>
<td>21</td>
<td>18</td>
</tr>
<tr>
<td>Creditiste</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>Social Credit</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Independent</td>
<td>1</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Table B.5  29th Canadian General Election, October 30, 1972

<table>
<thead>
<tr>
<th>Party</th>
<th>Seats</th>
<th>Share of Vote (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberal Party of Canada</td>
<td>109</td>
<td>39</td>
</tr>
<tr>
<td>Progressive Party of Canada</td>
<td>107</td>
<td>35</td>
</tr>
<tr>
<td>New Democratic Party</td>
<td>31</td>
<td>18</td>
</tr>
<tr>
<td>Social Credit</td>
<td>15</td>
<td>8</td>
</tr>
<tr>
<td>Independent/No Affiliation</td>
<td>2</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Table B.6  31st Canadian General Election, May 22, 1979

<table>
<thead>
<tr>
<th>Party</th>
<th>Seats</th>
<th>Share of Vote (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Progressive Conservative Party of Canada</td>
<td>136</td>
<td>36</td>
</tr>
<tr>
<td>Liberal Party of Canada</td>
<td>114</td>
<td>40</td>
</tr>
<tr>
<td>New Democratic Party</td>
<td>26</td>
<td>18</td>
</tr>
<tr>
<td>Creditiste</td>
<td>6</td>
<td>5</td>
</tr>
</tbody>
</table>
### Table B.7  
38th Canadian General Election, June 28, 2004

<table>
<thead>
<tr>
<th>Party</th>
<th>Seats</th>
<th>Share of Vote (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberal Party of Canada</td>
<td>135</td>
<td>37</td>
</tr>
<tr>
<td>Progressive Party of Canada</td>
<td>99</td>
<td>30</td>
</tr>
<tr>
<td>Bloc Quebecois</td>
<td>54</td>
<td>12</td>
</tr>
<tr>
<td>New Democratic Party</td>
<td>19</td>
<td>16</td>
</tr>
<tr>
<td>Independent</td>
<td>1</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Table B.8  
39th Canadian General Election, January 23, 2006

<table>
<thead>
<tr>
<th>Party</th>
<th>Seats</th>
<th>Share of Vote (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservative Party of Canada</td>
<td>124</td>
<td>36</td>
</tr>
<tr>
<td>Liberal Party of Canada</td>
<td>103</td>
<td>30</td>
</tr>
<tr>
<td>Bloc Quebecois</td>
<td>51</td>
<td>10</td>
</tr>
<tr>
<td>New Democratic Party</td>
<td>29</td>
<td>17</td>
</tr>
<tr>
<td>Independent</td>
<td>1</td>
<td>N/A</td>
</tr>
<tr>
<td>Party</td>
<td>Seats</td>
<td>Share of Vote (%)</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Conservative Party of Canada</td>
<td>143</td>
<td>38</td>
</tr>
<tr>
<td>Liberal Party of Canada</td>
<td>77</td>
<td>26</td>
</tr>
<tr>
<td>Bloc Quebecois</td>
<td>51</td>
<td>10</td>
</tr>
<tr>
<td>New Democratic Party</td>
<td>37</td>
<td>18</td>
</tr>
<tr>
<td>Green Party</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>
Appendix C: Canadian Minority Governments Productivity

Table C.1  Canadian Minority Governments Since 1945 by Legislative Productivity, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent in Descending Order

<table>
<thead>
<tr>
<th>Minority</th>
<th>Party</th>
<th>Government Bills Tabled</th>
<th>Government Bills Received Royal Assent</th>
<th>Success Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson (2)</td>
<td>Liberal</td>
<td>103</td>
<td>95</td>
<td>92.2</td>
</tr>
<tr>
<td>Diefenbaker (1)</td>
<td>PC</td>
<td>30</td>
<td>27</td>
<td>90</td>
</tr>
<tr>
<td>Pearson (1)</td>
<td>Liberal</td>
<td>106</td>
<td>93</td>
<td>87.7</td>
</tr>
<tr>
<td>Trudeau</td>
<td>Liberal</td>
<td>89</td>
<td>57</td>
<td>64.04</td>
</tr>
<tr>
<td>Martin</td>
<td>Liberal</td>
<td>82</td>
<td>46</td>
<td>56</td>
</tr>
<tr>
<td>Harper (1)</td>
<td>Conservative</td>
<td>125</td>
<td>65</td>
<td>52</td>
</tr>
<tr>
<td>Harper (2)</td>
<td>Conservative</td>
<td>182</td>
<td>59</td>
<td>47</td>
</tr>
<tr>
<td>Diefenbaker (2)</td>
<td>PC</td>
<td>33</td>
<td>17</td>
<td>51.5</td>
</tr>
<tr>
<td>Clark</td>
<td>PC</td>
<td>6</td>
<td>28</td>
<td>21.4</td>
</tr>
</tbody>
</table>
**Table C.2**  Canadian Minority Governments Since 1945 by Legislative Productivity, Second-Third Party System, As Measured By the Percentage of Government Bills Tabled In House Of Commons That Received Royal Assent in Descending Order

<table>
<thead>
<tr>
<th>Minority Party</th>
<th>Government Bills Tabled</th>
<th>Government Bills Received Royal Assent</th>
<th>Success Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pearson (2) Liberal</td>
<td>103</td>
<td>95</td>
<td>92.2</td>
</tr>
<tr>
<td>Diefenbaker (1) PC</td>
<td>30</td>
<td>27</td>
<td>90</td>
</tr>
<tr>
<td>Pearson (1) Liberal</td>
<td>106</td>
<td>93</td>
<td>87.7</td>
</tr>
<tr>
<td>Trudeau Liberal</td>
<td>89</td>
<td>57</td>
<td>64.04</td>
</tr>
<tr>
<td>Diefenbaker (2) PC</td>
<td>33</td>
<td>17</td>
<td>51.5</td>
</tr>
<tr>
<td>Clark PC</td>
<td>6</td>
<td>28</td>
<td>21.4</td>
</tr>
</tbody>
</table>

**Table C.3**  Canadian Minority Governments Since 1945 by Legislative Productivity, Fifth Party System, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent in Descending Order

<table>
<thead>
<tr>
<th>Parliament Year of Election</th>
<th>Head of Government</th>
<th>Party</th>
<th>Success Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Martin Liberal</td>
<td>82</td>
<td>46</td>
<td>56</td>
</tr>
<tr>
<td>Harper (1) Conservative</td>
<td>125</td>
<td>65</td>
<td>52</td>
</tr>
<tr>
<td>Harper (2) Conservative</td>
<td>182</td>
<td>59</td>
<td>47</td>
</tr>
</tbody>
</table>
Table C.4  Legislative Productivity, First Diefenbaker Minority, 23rd Parliament, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent

<table>
<thead>
<tr>
<th>Parliamentary Session</th>
<th>Length (Days)</th>
<th>Government Bills Tabled</th>
<th>Received Royal Assent</th>
<th>Success Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>78</td>
<td>30</td>
<td>27</td>
<td>90</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>78</strong></td>
<td><strong>30</strong></td>
<td><strong>27</strong></td>
<td><strong>90</strong></td>
</tr>
</tbody>
</table>

Table C.5  Legislative Productivity, Second Diefenbaker Minority, 25th Parliament, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent

<table>
<thead>
<tr>
<th>Session</th>
<th>Length (Days)</th>
<th>Government Bills Tabled</th>
<th>Received Royal Assent</th>
<th>Success Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>72</td>
<td>33</td>
<td>17</td>
<td>51.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>72</strong></td>
<td><strong>33</strong></td>
<td><strong>17</strong></td>
<td><strong>51.2</strong></td>
</tr>
</tbody>
</table>

Table C.6  Legislative Productivity, First Pearson Minority, 26th Parliament, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent

<table>
<thead>
<tr>
<th>Session</th>
<th>Length (Days)</th>
<th>Government Bills Tabled</th>
<th>Received Royal Assent</th>
<th>Success Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>117</td>
<td>41</td>
<td>34</td>
<td>82.9</td>
</tr>
<tr>
<td>2</td>
<td>248</td>
<td>42</td>
<td>40</td>
<td>95.2</td>
</tr>
<tr>
<td>3</td>
<td>53</td>
<td>23</td>
<td>10</td>
<td>82.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>418</strong></td>
<td><strong>106</strong></td>
<td><strong>93</strong></td>
<td><strong>87.7</strong></td>
</tr>
</tbody>
</table>
**Table C.7** Legislative Productivity, Second Pearson Minority, 27th Parliament, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent

<table>
<thead>
<tr>
<th>Session</th>
<th>Length (Days)</th>
<th>Government Bills Tabled</th>
<th>Received Royal Assent</th>
<th>Success Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>250</td>
<td>84</td>
<td>82</td>
<td>97.6</td>
</tr>
<tr>
<td>2</td>
<td>155</td>
<td>19</td>
<td>13</td>
<td>68.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>405</strong></td>
<td><strong>103</strong></td>
<td><strong>95</strong></td>
<td><strong>92.2</strong></td>
</tr>
</tbody>
</table>

**Table C.8** Legislative Productivity, Trudeau Minority, 29th Parliament, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent

<table>
<thead>
<tr>
<th>Session</th>
<th>Length (Days)</th>
<th>Government Bills Tabled</th>
<th>Received Royal Assent</th>
<th>Success Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>206</td>
<td>54</td>
<td>47</td>
<td>87.03</td>
</tr>
<tr>
<td>2</td>
<td>50</td>
<td>35</td>
<td>10</td>
<td>28.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>256</strong></td>
<td><strong>89</strong></td>
<td><strong>57</strong></td>
<td><strong>64.04</strong></td>
</tr>
</tbody>
</table>

**Table C.9** Legislative Productivity, Clark Minority, 31st Parliament, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent

<table>
<thead>
<tr>
<th>Session</th>
<th>Length (Days)</th>
<th>Government Bills Tabled</th>
<th>Received Royal Assent</th>
<th>Success Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>49</td>
<td>28</td>
<td>6</td>
<td>21.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>49</strong></td>
<td><strong>28</strong></td>
<td><strong>6</strong></td>
<td><strong>21.4</strong></td>
</tr>
</tbody>
</table>
Table C.10  Legislative Productivity, Martin Minority, 38th Parliament, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent

<table>
<thead>
<tr>
<th>Session</th>
<th>Length (Days)</th>
<th>Government Bills Tabled</th>
<th>Received Royal Assent</th>
<th>Success Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>159</td>
<td>82</td>
<td>46</td>
<td>56</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>159</strong></td>
<td><strong>82</strong></td>
<td><strong>46</strong></td>
<td><strong>56</strong></td>
</tr>
</tbody>
</table>

Table C.11  Legislative Productivity, Martin Minority, 39th Parliament, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent

<table>
<thead>
<tr>
<th>Session</th>
<th>Length (Days)</th>
<th>Government Bills Tabled</th>
<th>Received Royal Assent</th>
<th>Success Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>117</td>
<td>63</td>
<td>36</td>
<td>57.1</td>
</tr>
<tr>
<td>2</td>
<td>175</td>
<td>62</td>
<td>29</td>
<td>46.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>292</strong></td>
<td><strong>125</strong></td>
<td><strong>65</strong></td>
<td><strong>52</strong></td>
</tr>
</tbody>
</table>

Table C.12  Legislative Productivity, Second Harper Minority, 40th Parliament, As Measured By the Percentage of Government Bills Tabled In House of Commons That Received Royal Assent

<table>
<thead>
<tr>
<th>Session</th>
<th>Length (Days)</th>
<th>Government Bills Tabled</th>
<th>Received Royal Assent</th>
<th>Success Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>13</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>128</td>
<td>63</td>
<td>31</td>
<td>49</td>
</tr>
<tr>
<td>149</td>
<td>61</td>
<td>28</td>
<td>46</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>290</strong></td>
<td><strong>128</strong></td>
<td><strong>59</strong></td>
<td><strong>47</strong></td>
</tr>
</tbody>
</table>