

Preface

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Canadians witnessed a Parliamentary crisis in late 2008. It came shortly after a federal election that many Canadians viewed with boredom and indifference. The incumbent Conservative party increased its standing in the House—it ended up holding more seats in the House than did the Liberals and NDP combined and was not far from a majority. Yet the Opposition parties threatened to bring down the government on a vote of confidence. They notified the Governor General that they were prepared to organize an alternate government. The Liberals, ruling in coalition with the NDP, and propped up for at least eighteen months by the Bloc Québécois, would lead it.

Some argued that, if defeated, the Harper government had a right under constitutional convention to request dissolution of Parliament and to have that request granted by the Governor General. Others argued that the Governor General had the discretion—or even the duty—to reject a call for a second election by a defeated government that came so soon after an election that the government itself had triggered.

The shock and controversy of a prospective change in government absent an election, and the potentially crucial role of the Governor General, provoked widespread public interest. The prime minister sought and obtained a prorogation of Parliament while he assembled a new budget plan. Suddenly, arcane debates over Parliamentary procedures and conventions seemed relevant, interesting, even exciting to Canadians.

My view is that there would have been a profound illegitimacy to the attempted take-over by the coalition. Parliamentary tradition in Canada strongly favours the “plurality principle”—that the party with the most seats in the House of Commons has the right to form government. Having the most seats in the House—even if not a majority of them—has been recognized as crucial with respect to the right to form a government and to request dissolution of Parliament. When the Liberals led by Louis St. Laurent in 1958 and Pierre Trudeau in 1978 found themselves in second place after elections, both leaders resigned government and the Governor General invited the plurality party to rule. When the government plurality party has sought an election—even within a year of a previous election—the Governor General has granted it.

The plurality principle has much to recommend it:

- It gives legitimacy to the party closest to a majority;
- It results in rule by the government of a single party, which can be held accountable on the basis of what it stood for in an election;
- It provides a clear and objective basis to establish legitimacy between elections.

Canada could move to a system where governments are formed based on post-election bargaining; but that is not the basis on which parties ran in the 2008 election. Parties ran, and Canadians voted, based on the long-established plurality principle. During the election, Stéphane Dion, as Liberal Party leader, had expressly disavowed any interest in a coalition with the NDP. If, during the election, Mr. Dion had instead stated his intention to form a coalition with the NDP backed up by the separatist Bloc Québécois Party, voters might have viewed his Liberals even less favourably in an election in which they repudiated the Liberals as government and reduced their share of the popular vote and their representation in the House.

The post-election deal worked out by the opposition parties would have had perverse consequences. The dominant player in government would have been a party whose standing was seriously reduced in the election. The prime minister would have been Mr. Dion, who was so rejected by voters that he announced his intention to resign shortly after the election. The next prime minister would have been someone who had never participated in a campaign as leader of his party.

In fact, the post-election deal would have meant that the electorally diminished party and repudiated leader (and electorally untested successor) would have been handed far more power and security of tenure than Mr. Harper and his Conservative Party. They would have been guaranteed eighteen months in office—long enough time to not only legislate, but to wield the vast power of the executive, including appointing Senators, Supreme Court of Canada judges, conducting foreign affairs, and negotiating treaties.

If political parties wish to obtain a share in power through post-election coalitions, it is their responsibility to announce their intentions prior to elections and be judged by the electorate accordingly.

The Canadian legislative system is not one in which there is adequate scrutiny of “routine” government spending. Provincial legislatures, in particular, meet infrequently, and opposition parties lack the forums and resources to engage in monitoring and oversight. A culture and institutional framework that is lax in good times is not likely to insist on adequate deliberation in times of panic.

The larger context for the Parliamentary crisis was a worldwide financial and economic crisis. The parliamentary critics of Harper, in bringing about the

plan to topple his government, alleged that he was not acting in a swift and decisive manner to bring in a package to buffer the blow to workers and industries, and to stimulate the economy through public-spending. The colossal deficit financed “stimulus” package that Prime Minister Harper rushed to prepare and introduce to save his government from defeat in the House easily secured passage in early 2009.

History will likely regard it as ironic that Mr. Harper was almost evicted from office for not panicking. The Canadian financial system was not in crisis in the fall of 2008. Objectively, it made good sense to wait and see how other governments and economies would act before determining any shifts in Canadian policy, including re-entering the era of massive deficits. Yet, the parliamentary system proved capable of spurring the executive into rashness, rather than curbing its excesses.

There will be much to be written about the extraordinary parliamentary times we are living through right now. I hope some of that reflection will take place in the next *Underneath the Golden Boy*. In the meantime, our latest issue continues to explore, through the efforts of a variety of efforts with many perspectives, developments in the provincial legislature of Manitoba.

The provincial and local sector routine spends about a third of Manitoba’s GDP. The Manitoba Legislature is responsible for allocating spending and for overseeing the administration of a public health care system that increasingly not only pays for health care services. The province also funds nearly all education at all levels in Manitoba. Even at the post-secondary level, this has a major impact on the quality of institutions and the programs they chose to deliver. Year after year, independent authors writing in this publication have remarked on the tendency of legislation to be processed through the Manitoba Legislature without adequate explanation from government, examination by opposition parties, or analysis by the media.

It we are to have in place a government system that in the most exigent times can act with not only energy, but also prudence, self-discipline, and foresight, we will have to keep working to revive and develop the deliberative capacity of our legislatures in ordinary times. Elected legislatures should be places that ensure that decisions are made soberly in the first place, rather than being rectified at the cost of much public sacrifice by future governments.

