
The Coalition Crisis and Competing Visions of Canadian Democracy

by Melissa Bonga

In November 2008, barely six weeks after a federal general election returned another Conservative minority Parliament, Finance Minister Jim Flaherty gave a fall fiscal update. It contained contentious provisions to curtail government spending, such as the suspension of federal servants' right to strike until 2011 and the elimination of the \$1.95 per vote subsidy to support political parties. Despite the global economic recession the update did not include a stimulus package which the opposition parties thought was essential to minimize the effects of the global downturn. The result was a non confidence motion, the drafting of an opposition coalition agreement to replace the government and the prorogation of Parliament by the Governor General until January 2009. This paper examines these events and argues that while the attempted coalition was compatible with Canadian parliamentary democracy, it failed largely because of a competing vision of democracy held by many Canadians.

In order to pass legislation, a government that does not hold the majority of seats in the House of Commons needs to promote policies that have the widest possible range of acceptance so that it can garner the majority of MPs' support. From this perspective, the fall 2008 fiscal update should have attempted to reflect the will of the 61.4 percent of the electorate that did not vote for the Conservative minority government. Based on the traditional opposition's role in the Canadian parliamentary system, the opposition parties possessed a legitimate right to represent their supporters by contesting the provisions of the fall fiscal update.

The opposition parties' reaction of moving non-confidence and of creating a coalition agreement also conforms to principles of Canadian Parliamentary Democracy. The lynch-pin principle of parliamentary democracy is responsible government, which means

that the government is accountable to the MPs in the House of Commons and through the MPs to the electorate. Professor C.E.S. Franks explains the concept of responsible government as indicating that

the safeguard against [Cabinet's] abuse lies in the relationship between parliament and government...ministers are not only responsible for the use of [their] powers, but are also responsible and accountable to parliament. Parliament, and particularly the House of Commons, is consequently ...the source of the legitimacy and authority of a government...A cabinet must have the support of a majority in parliament.¹

According to this explanation of responsible government, the support of the opposition parties is a necessary source of legitimacy. The fall fiscal update would lead to a money bill, and in declaring non-confidence, the opposition parties in the House declared that they would not vote to support the government's financial legislation. A vote of non-confidence can have either of two consequences. Either the Prime Minister may request that the governor general dissolve Parliament, or the governor general

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can under certain conditions call upon the official opposition to govern if it demonstrates viable support of the House.

Thus, if the government was defeated, Governor General Michaëlle Jean had the power to call upon the official opposition, the Liberals, to form government. The Coalition believed Prime Minister Stephen Harper could not object to the constitutionality of the approach in light of his own letter to the Governor General when he was in opposition, indicating the governor general should consider all her options in the event of a loss of non confidence as the opposition parties were in close consultation.

The opposition parties' refusal to support the economic legislation was a legitimate exercise of their constitutional role under the principle of responsible government. However, the official opposition must demonstrate that they are a viable alternative to the government. Given that the Liberal party did not command the plurality of seats in the House, and the party's historically weak performance in the last federal election, the opposition's viability depended on the formation of a partnership with the other opposition parties. Also, considering that the public had very recently participated in an election, the possibility of another costly expenditure was unfavourable to the public during a time of economic uncertainty. The public's unwillingness to have another election was another factor in precipitating the proposal for a coalition government so that another election would not be called upon the Prime Minister's resignation. Therefore, the opposition's formation of a coalition in November 2008 was compatible with principles of Canadian parliamentary democracy.

While the attempt to form a Liberal-NDP coalition government with Bloc support was compatible with these principles, this type of formal coalition is almost unheard of in Canadian federal politics. According to a study of coalition formation in parliamentary governments, conducted by Professor Ian Budge of the University of Essex and political scientist M.J. Laver, formal coalitions can be categorized into two main types: legislative coalitions "which sustain the government in office" and executive coalitions which are "the collection of parties which between them make up the cabinet" according to the relative proportion of their seats in parliament.²

"In a parliament with no majority party, the quest by each party for secure participation in and control of the cabinet becomes a search...for 'a coalition of natural allies' immediately upon the conclusion of the electoral stage".³ Therefore the coalition formation

process begins after the parties have an indication of the electorate's will. The process follows the minimal winning theory which suggests that coalitions will comprise no more than the minimum number of actors necessary to achieve majority status⁴ and that coalition actors strive to align themselves in order to adopt policies as close to their own preferred policy as possible. Professor Lawrence Leduc describes coalition compositions as either the partnership of a large party and a smaller party, which usually occurs in a party system that has two dominant parties as does Canada, or a partnership between multiple parties, where the focus is more on the coalition agreement in order to direct policy and represent broader range of the electorate.⁵

The November 2008 attempt at a coalition government was outlined in a signed document by all three parties and presented to the governor general. The formal executive coalition consisted of the partnership between the larger Liberal party and the smaller NDP because there was a projected sharing of cabinet seats according to their relative seating in the House of Commons. The executive coalition, set to expire June 30, 2011, unless renewed, projected a situation where the leader of the Official opposition, Stéphane Dion, would be Prime Minister, eighteen cabinet seats would be assigned to Liberals, including that of the Minister of Finance, and six cabinet seats in addition to six Parliamentary secretaries would be assigned to the NDP. The Bloc's written commitment to not defeat the Liberal-NDP coalition for a period of eighteen months is defined as a legislative coalition because the agreement was based on supporting the proposed coalition government which the Bloc was not to be part of. With the notable exception of the Bloc's objective of Québec sovereignty, the parties were, in essence, ideologically leftist in their perception of the main parliamentary issue, which was the need for a stimulus package to counter effects of the global economic recession. Therefore, the attempt to form a coalition was in accordance with general theories about coalition formation in parliamentary governments.

The previous case of a federal coalition goes back to the Unionist Government of 1917. However, the definition of this alliance as a coalition must be nuanced as the Union was created by a large defection of Anglophone Liberals to join the Conservative party in order to pass conscription legislation. The controversial nature of the issue consigned coalitions to an unpopular place in Canadian politics. As Professor Sunil Kumar suggests in his comparative study of coalitions in parliamentary governments, "the inept handling of the conscription crisis by the alliance

government was attributed to its coalitional nature and Canadian electorates started viewing coalitions...with a great deal of apprehension".⁶

While formal coalition governments are almost unheard of at the federal level, informal coalition building processes, arguably less democratic, are a necessary part of parliamentary life. As Professor Peter Russell argues, the increasing frequency of minority governments due to a fractured electorate necessitates coalition practices be employed to pass proposed legislation and ensure government stability.⁷ For example, Pierre Trudeau's Liberal minority government from 1972 to 1974 and that of Paul Martin from 2004-2006 governed largely based on the support of the NDP. Moreover, coalitions are likely to become a more intrinsic aspect to Canadian politics.

It is important to note that in Canadian federal politics, such coalitions usually contain the governing party with a plurality of seats in the House of Commons. In November 2008, the party with the most votes and the most seats, the Conservatives, was not part of the coalition. They sought to delegitimize the coalition on the grounds that the party with the plurality of votes was being overthrown. Given the lack of experience in the Canadian political system with formal coalitions and the destabilizing effect that the November attempt at a coalition government appeared to have on government's function in times of economic uncertainty, it is unsurprising the public received the coalition apprehensively. The proximity and frustrating nature of the federal election on October 14, 2008 also influenced the public's sceptical reception of the coalition. According to *Globe and Mail* journalist, Michael Valpy, the election was disappointing in the sense that it appeared as though the result was unchanged; the Conservative party received another minority mandate, slightly elevated to 143 seats. During the election, as Valpy describes:

The public opinion polls consistently showed that Canadians were not enthusiastic about the leaders of either of the two major parties... if anything, the quality of leadership was the election's ballot-box issue: Dion was seen by a significant portion of voters as not leader-like and Harper, while clearly preferred over Dion, was unable to overcome substantial doubts as to his trustworthiness.⁸

The dissatisfaction of the voters with their choice of candidates is reflected by the lowest voter turnout, 59.1 percent, in the history of Canadian federal elections. The antagonistic nature of the campaign, in particular the heightened extent of the use of attack-ads centered on leadership, had changed much in the public's perspective of representation by prioritizing

leadership. Mr. Dion was particularly vilified during this campaign, and the Liberals suffered their worst popular-vote in history, shrinking from 103 to 77 seats, as a result.

The question of leadership and Mr. Dion's unpopularity was further complicated by the fact that he had announced his resignation effective May 2009. An EKOS poll conducted for the CBC found that sixty per-cent of Canadians were in favour of Mr. Dion stepping down at the height of the crisis. The prospect of an unpopular Prime Minister and the nomination of another Prime Minister in such a short amount of time without direct electoral input, although permitted by parliamentary norms, came to compromise the coalition's viability. Thus the democratic legitimacy of leadership became another crucial element in the debate over the coalition's legitimacy.

William Cross explains electoral democracy is the product of dissatisfied and anti-elitist voters who advocate a greater grassroots democracy because voters "generally do not believe that Canadian politics is sufficiently inclusive of and responsive to voters".⁹ While Electoral Democracy is a vision that seeks greater empowerment of the electorate, this vision lacks a strongly coherent method of achieving such empowerment. Electoral Democracy lacks weight in the face of a traditionally and historically supported Parliamentary Democracy because it is seemingly undefined in proposals for comprehensive reform. As David Smith indicates "Electoral Democracy" is a "utilitarian term intended to encompass instruments of direct democracy, such as initiative, referendum, and recall as well as a philosophy of popular rule."¹⁰ In this sense, the perspective of electoral democracy reflects a delegate theory of representation that purports MPs have limited ability to use their own judgement to respond to the wishes of the electorate. Rather, MPs are restricted to a direct conveyance of their constituents will.

Nonetheless, Mr. Harper's public address to the media after the announcement of the opposition's intentions to defeat the government's fiscal legislation in a non-confidence motion challenged the parliamentary principle of responsible government. By focusing on leadership and conveying a vision of electoral democracy based on a philosophy of popular rule with phrases such as "It should be your choice – not theirs", the Prime Minister directly challenged MPs latitude to allow an "unelected" Prime Minister to take office, appealing to the electorate and undermining the opposition's coalition attempt. The Prime Minister announced the following:

The opposition has every right to defeat the government, but Stéphane 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. They want to install a government led by a party that received its lowest vote share since Confederation. They want to install a Prime Minister – Prime Minister Dion – who was rejected by the votes just six weeks ago.¹¹

The government's position consisted of highlighting the weakness of the opposition's leadership and interpreting the intentions of voters to mean legitimate governing powers were bestowed onto the leader of a specific party. The most prominent academic to reaffirm this perspective was Professor Tom Flanagan. In his article entitled "Only voters have the right to decide on the coalition," Flanagan states that:

The most important decision in modern politics is choosing the executive of the national government, and democracy in the 21st century means the voters must have a meaningful voice in that decision...Gross violations of democratic principles would be involved in handing government over to the coalition without getting approval from voters.¹²

Therefore, Flanagan supported the government's position of denouncing the coalition, and by consequence the coalition came to be seen as undemocratic because it did not correspond with this vision of electoral democracy and leadership.

Peter Russell suggests three "Harper rules" that are formed as a consequence of the Prime Minister's address which created doubt over the legitimacy of the coalition government: 1) parliamentary elections result in the election of a Prime Minister, 2) the Prime Minister cannot be replaced without an election by the leader of another party, and 3) that the coalition government has to campaign as such before being allowed to form government and its leader must have the most seats.¹³

All these statements are contradictory to parliamentary tradition and academic defenders of parliamentary democracy, notably Jennifer Smith, fervently affirms that a Prime Minister is not directly elected, rather it is MPs names that are on the ballot, and that the golden rule of responsible government constitutionalizes the opposition so that it is a viable replacement and monitor of government power.¹⁴ The government's criticism that the coalition was not presented as an option at the time of the election is also a faulty statement as coalition formation practices globally depend on the outcome of elections to determine how to best align parties.

However, given the concentration of political power in the Prime Minister's hands and the executive-centered nature of Canada's parliamentary system, this perspective raises some considerations about the relationship between leadership and representation in Canadian democracy. As Jean Leclair and Jean-Francois Gaudreault-DesBiens claim,

Citizens no longer vote for a particular member of Parliament, they vote for the only members of Parliament whose existence they are aware of: the leaders of the different political parties. Television has made possible a tête-à-tête between the citizen and the head of each party, rendering the local representative's mediation unnecessary, or, at best, an incidental concern.¹⁵

Under the influence of a vigorous media campaign by parties in the previous election to discredit other parties' leadership, it is entirely probable that voters cast their ballot in support of the MPs in their constituency that were of the same party as their leader of choice. The Ipsos-Reid poll that determined 51% of surveyed Canadians incorrectly identified the Prime Minister as elected directly may suggest that voters do consider leadership to be the ballot box issue. Franks defines Canada's parliamentary system as executive-centered, a conception of Parliament that has "a concentration of power at the centre... where policies will be the responsibility of the Prime Minister and the cabinet. There is a strong emphasis on the leadership."¹⁶ Considering the Prime Minister's concentrated powers, such as the appointment of Cabinet Ministers, and the government's policy making power as a result of their dominance over introduction of financial legislation, one must question the indirect way that an MP becomes Prime Minister. In this way, electoral democracy, as the government's defenders espoused it, raises valid concerns about the way leadership is elected.

The consequences of the electoral democracy perspective in a minority government situation demonstrate the electoral vision's weakness. From this perspective it can be concluded that a certain representative function is established in the Prime Minister at the time of an election. While effectively creating doubt over the coalition attempts viability, this has negative consequences on political systems with a fractured electorate such as Canada. The notion that during the electoral process, the right to govern is granted to the plurality winner of an election, particularly the Prime Minister, is compatible with majority governments situations, but is undemocratic in minority government situation because a the majority of the population's vote is discredited from having contributed to a representative function. In

this way, the electoral democracy vision is less defined than Parliamentary democracy in terms of how MPs should exercise their representative function after an election.

The actual consequence of the confused cleavage created by the two perspectives on the Canadian public was that the status quo was reinforced as a way of coping with the crisis. Protests and rallies by thousands occurred across the country for and against the coalition. An EKOS poll conducted for the CBC found that the favoured option to resolve the crisis was to prorogue parliament. From this we can determine that even though Canadians are increasingly dissatisfied with representation in their political system, confusion as to how to resolve this issues leads to reiteration of what Professor Jonathan Malloy would call the dominant responsible government approach.¹⁷

The crisis was resolved by the Prime Minister's request to the governor general to prorogue. The unpopular Stephane Dion stepped down in favour of Michael Ignatieff, who declared the seemingly destabilizing coalition null and void by supporting the government's budget when Parliament resumed January 26, 2009. The electorate's will played an important role in the diffusion of the crisis.

In conclusion, the introduction of a new political formation to Canadian federal politics incited a reflection on democratic principles of representation in Canada, notably concerning leadership role. The public's lack of understanding of the parliamentary system of government, heightened by the experience of the last federal election and the fear of economic recession, caused them to be sceptical of a new political formation which was in accordance with the tradition of parliamentary democracy. In addition, the public was increasingly divided in its assessment of the coalition's legitimacy because it was influenced by the political discourse of "electoral democracy".

Notes

1. C.E.S. Franks, *The Parliament of Canada*, University of Toronto Press, Toronto, 1987, p. 10-11.
2. M.J. Laver and Ian Budge, *Party Policy and Government Coalition*, St. Martin's Press, New York 1992, p. 5.
3. Lawrence Dodd, *Coalitions in Parliamentary Government*, Princeton University Press, Princeton, 1976. pp 35-36.
4. *Ibid.*, p. 37.
5. Lawrence LeDuc, "Coalition Government: When It Happens, How It Works," in Lorne Sossin and Peter Russell, *Parliamentary Democracy in Crisis*, University of Toronto Press, Toronto, 2009, pp. 127-128.
6. Sunil Kumar, *Parties and Coalition Politics: A Comparative Study*, Uppal, New Delhi, 2004, p. 118.
7. Lawrence LeDuc, "Coalition Government: When It Happens, How It Works," in Lorne Sossin and Peter Russell, *op.cit.*, p 124
8. Michael Valpy, "The Crisis: A Narrative" in Lorne Sossin and Peter Russell, *op.cit.*, p. 5.
9. William Cross ed., *Political Parties, Representation, and Electoral Democracy in Canada*, Oxford University Press, Don Mills, 2002, p. 2.
10. David E. Smith, *The People's House of Commons: Theories of Democracy in Contention*, University of Toronto Press, Toronto, 2007, p. 55.
11. Michael Valpy, *op. cit.*, p. 11.
12. Tom Flanagan, "Only voters have the right to decide on the coalition", *Globe & Mail*, January 9, 2009, A13.
13. Peter Russell "Learning to live with Minority Governments in Lorne Sossin and Peter Russell dir., *op.cit.*, p. 141.
14. See Jennifer Smith, "Parliamentary Democracy Versus Faux Parliamentary Democracy" in Lorne Sossin and Peter Russell, *op.cit.*, pp. 175-176.
15. See Jean Leclair and Jean-François Gaudreault-DesBiens, "Of Representation, Democracy, and Legal Principles", in Lorne Sossin and Peter Russell, *op.cit.*, p. 111.
16. C.E.S. Franks, *op. cit.*, p. 17.
17. Jonathan Malloy, "The 'Responsible Government Approach and its Effect on Canadian Legislative Studies," *Parliamentary Perspectives*, vol. 5 (November 2002), p. 2.