Canada is no stranger to minority government either federally or provincially. The post-war era has seen spells of federal minority government ranging from periods of a little less than six months to over six years –15 plus years all told – with the most recent (and longest) period concluding in 2011. Over the past four years, Canada’s two largest provinces, Ontario and Quebec, saw minority government for 32 and 19 months respectively. Now, on the eve of a federal election, there is a distinct possibility that we will once again see a minority government in Ottawa.

The focus of this paper is to assess what may unfold by way of government formation in the weeks and months following the federal election next week should the nation end up once again with a hung parliament. I will do so in light of the contradictory and contested conventions, norms and practices that have evolved in this century and the last, the role of public opinion, and the manner in which party leaders have sought to exploit both these factors. Among the questions addressed is the form that a minority might take, for how long it can be sustained, and whether we might see a coalition government for the first time since 1920. The most recent bout of federal minority government 2004-11 saw the introduction of a number of innovations in the way of minority government is managed. As well, more recently, changes in public opinion suggest Canadians are now giving more thought to the possibility of coalition government.

To set the stage for this analysis I would like to do three things: 1) delineate the norms and practices underpinning single-party minority government, norms that are to some extent unique in Canada and, to a degree, at odds with accepted constitutional convention; 2) note some of the changes in public opinion on both minority government and coalition government over the past decade; and 3) document the shift in technique and strategies that occurred in the 2004-11 period, notably with the arrival of the Conservative minority government in 2006. It will be argued that the recent success of the Conservative party in sustaining itself as a minority government for close to five years was based in the deployment of techniques that, by historical standards, were far more aggressive in managing parliament and in controlling the agenda and the bureaucracy than what is typically seen either in a minority or majority
government context. This success came despite the inherently more challenging configuration of ideological positions of the governing and opposition parties and consequent limitations on cooperation, given the Conservative party’s position on the right of the political spectrum. These techniques, and the general strategy on which they are based, were facilitated by, and in part a product of, what Donald Savoie (1999) has labelled as the ‘concentration of power’ and Peter Aucoin (2012) the ‘New Political Governance’. The Harper approach to minority government will have a bearing on how the Conservatives tackle the challenge of dealing with a hung parliament should they attain a plurality of seats.

**Minority Government: Competing Norms and Conventions**

Although there have been earlier instances dating back to the nineteenth century, minority government at the federal level first arrived in Canada in 1921 when the Conservatives were demoted to third place behind the new Progressive Party and the Liberal party, which fell two seats short of a majority. Astute recruitment of a number susceptible Progressive MPs to the front benches by the leader of the Liberals, Mackenzie King, resolved that dilemma. Subsequently his government wavered between minority and majority status but it was able to survive for close to four years.1 In the 1925 election the Liberals were outpaced by the Conservatives 116 to 99. King attempted to continue in a minority position with support from the Progressives. However, a looming scandal in his cabinet threatened to lead to a vote of censure, which led King pre-emptively to ask Governor General Lord Byng for dissolution of the House, a request that Byng denied. Byng turned instead to the Conservative leader, Arthur Meighen, asking him to form a new government. Meighen’s cabinet lasted less than three months, suffering defeat on a non-confidence motion at the hands of the combined Liberal-Progressive opposition after only three days in Parliament. In the subsequent election campaign, with King trumpeting the charge of unwarranted meddling in Canadian politics by a foreign appointed official, the Liberals won a clear majority. Whatever lessons or precedents on minority government that might have resulted over the 1925-26 period was to a large degree overshadowed by the King-Byng crisis and the involvement of a ‘foreign’ Governor General that King exploited so successfully. The most significant legacy was likely the undermining, or at least curtailing, of the Crown’s reserve power.

The next instance of minority government came more than 30 years later in 1957 when the Progressive Conservatives outpolled the Liberals 116 seats to 105 but falling 21 seats short of a majority. The behaviour of the Liberal leader, Louis St. Laurent, was notably different from King’s. Pondering his course of action, the story has it that St. Laurent chanced to hear a radio broadcast on the CBC by Professor J.R. Mallory of McGill University, who opined that the prime minister was constitutionally obliged to resign and turn his mandate over to John Diefenbaker, leader of the Progressive Conservatives. According to an account by M.J. Stone (2003), St. Laurent asked for a transcript of the broadcast. After studying it he met with the Governor General, submitted his resignation and advised him to ask the leader of the opposition to form the government. Whether this story is wholly accurate (see below) or whether this was the critical precedent influencing the post-election behaviour of later

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1 As described by Eugene Forsey (1964:3), King’s government led “an “off-again, on-again, out-again, in-again, gone again, Finnegan” life.
prime ministers in similar circumstances is not clear. Still, in subsequent years the expectation and the practice appears to have taken hold that in a minority electoral outcome the party with the largest seat share in the election should be given the opportunity to form a government, irrespective of the constitutional convention that an incumbent government coming second or even third place in the election has the right to test whether it can command the confidence of the House.

One is tempted to say that over 50 plus years this practice has come to represent a constitutional convention, albeit a uniquely Canadian one. This interpretation, however, has been challenged. Andrew Heard (2005), for example, states: “It is true that in all but one instance of 20th century minority governments at the federal level, the prime minister resigned if another party won a plurality. However, these precedents not are in themselves determinative of a convention that requires a prime minister to resign” (Heard 2005:21). As well, Adam Dodek (2011:136) has argued, somewhat at odds with Stone’s account, that both St. Laurent in 1957 and Diefenbaker in 1963 actively considered “hanging on” to see if they “could continue to govern with a minority government with the support of other parties” after being reduced to second place after the election (Pierre Trudeau is also said to have explored this option in 1979). In both instances, according to Dodek, they concluded that such support was unlikely and thus resigned; but at the same time did so without necessarily conceding the right to meet parliament had they chosen to do so. In brief, it is likely premature to label the practice of resigning after dropping to second place a convention. Nonetheless, as will be argued here, there does appear to be an acceptance on the part of prime ministers who find themselves in second or third place in a hung parliament and an expectation among the general public, if not among constitutional scholars, that the party and leader with the largest plurality be declared the winner. Just prior to the 2006 election, for example, Prime Minister Paul Martin publicly indicated that the party with the largest plurality should be given the opportunity to form a government.

Crucially, in the current context, both Stephen Harper and Justin Trudeau stated, in response to a specific question from CBC news host Peter Mansbridge in a series of pre-election interviews (CBC 2015a, 2015b, 2015c) that the party and leader with the largest seat share after the election should have the opportunity to form the government. So too did the leader of the NDP, Thomas Mulcair, though rather grudgingly and only after considerable pushing by Mansbridge.

**Minority Government: Two Competing Models**

Conventions, norms, practices and legacies are important not only in the formation of minority governments but also in the management and sustainability of such governments. It might be noted here that in a comparative context the Canadian minority government model of ‘single-party minority government’ is relatively unique. In other countries with experience in minority government—Norway, Denmark especially, and The Netherlands—the form is typically that of minority coalition government (Strøm 1990). Furthermore, support from an external partner in the legislature, that is, from a party that is not part of the coalition, tends to be contingent on the government adopting a program or certain key policies, not simply on an issue by issue basis as has generally been the case in Canada.
One thing that has generally been true in Canada is that the role of parliament becomes a lot more prominent, both in the House and in parliamentary committees, with the House leaders of all parties playing a key role in behind the scenes diplomacy and negotiations. Minority government in Canada has also been associated with relatively progressive legislation – think of medicare and public pensions – which was largely the product of collaboration between the Liberals and the NDP. But these are not the only norms and practices that can be used in the management of minority government. In fact one can find quite a different set of norms and practices in play in the most recent period of minority government, the one managed by Stephen Harper. Indeed it is possible to sketch two competing models of minority government that have prevailed at various times in Canada. One I have labelled the Pearson model, covering the periods 1963-68, 1972-74, and 2004-06, the other the Harper model covering the 2006-11 period. An understanding of both, I will argue, is important for understanding what may happen after October 19, 2015.

The Pearson Model

In January of 1958, after a little more than six months of PC minority government, Diefenbaker requested dissolution, finding his excuse in the ill-advised demand made by Lester Pearson, the newly minted leader of the Liberal party, that the government resign forthwith (Beck 1968:312). In the subsequent election Diefenbaker won a majority government with the largest landslide and vote share ever. Four years later, however, his majority government slid back into a minority position with most of his Quebec support having evaporated in the 1962 election. A year later in a subsequent election the Liberals surpassed the Progressive Conservatives (129 to 95) and formed a minority government. Social Credit and the New Democratic Party together succeeded in taking a bloc of 41 seats at the expense of the progressive Conservatives in the 265 seat house. Thus began what many historians have seen as one of the most productive albeit turbulent periods in Canadian political history. An election in 1965 left the make-up of the House virtually unchanged, except that Social Credit split into two wings with the Quebec based Creditistes becoming a separate party. In the event, the 1963-68 period of Liberal minority government under Prime Minister Lester Pearson saw the rolling out of most of the important planks of the Canadian welfare state, including Medicare, the Canada/Quebec Pension Plan, the Canada Assistance Plan (social welfare) and expansion of the equalization system to support the fiscal position of have-not provinces. Throughout this period it was the NDP that provided most of the crucial support to the Liberals, enabling passage of the necessary legislation for these programs. On certain other issues the Liberals relied on the Creditistes whose support was often obtained through the judicious deployment of patronage and pork-barrelng.

Eugene Forsey (1964) used the re-emergence of minority government in 1962 as an opportunity to dispel what he felt were myths about minority situations and to highlight what he felt were some of its positive features: that minority government did not necessarily spell weak government; that experiences in the UK, NZ and Australia showed that minority governments could be quite long-lived and that defeat in the House did not automatically mean resignation or a fresh election; and that minority government can lead to a strengthening of Parliament vis-à-vis the executive. All in all, he noted, “Having to get support from outside its own party may not only help a government to do good and sensible things but also prevent it from doing bad and foolish things” (Forsey 1964:6). While
published in the early stages of the Pearson minority government, the article nonetheless captures the overall tenor of the era. In effect, this was the first sustained period of minority government in history, and while the Liberal government was controversial and tainted by more than a hint of scandal it shaped people’s perception of minority government, both positively and negatively.

A further minority period from 1972-74 under Liberal Prime Minister Pierre Elliott Trudeau, who enjoyed majority government from 1968 to 1972, saw a continuation of the quasi-partnership between the Liberals and the NDP. Major initiatives of that era included the creation of the state owned Petro Canada and the Foreign Investment Review Agency, both major policy objectives of the NDP. It also saw changes in Canadian election law and party finance to provide for government subsidies at election time for candidates and parties meeting certain thresholds, a cap on both candidate and party spending during election campaigns, and generous tax credits for political donations. The NDP proved to be by far the greatest beneficiary of these changes. These new measures also contributed to a degree of cartelization (Katz and Mair 1995) insofar as they protected the parties already in parliament, making it more difficult for those seeking entry. A further point worth noting was the role played by the House Leaders of the two parties, Allan MacEachen and Herb Gray of the Liberals and Stanley Knowles of the NDP, all three of whom Robin Sears (2009:33) labelled as “our great legislative masters” comparable to “Everett Dirksen, Lyndon Johnson and Ted Kennedy” in the U.S. senate. MacEachen in particular knew parliamentary procedure inside out and it was largely through his crafty efforts that several votes in the House were treated as non-confidence motions. He also carefully orchestrated the collapse of the government at an opportune time to ensure the most favourable circumstances in the next election, which the Liberal won with a majority in 1974.

The 1979 election saw a minority Progressive Conservative government under Joe Clark take power. It was relatively short lived, being defeated on its budget six months later after miscalculating expected support from the Creditistes and having a number of PC MPs missing the vote. Any hope that their minority government might be used as a spring board for a majority a la Diefenbaker in 1958 evaporated as the Liberals regained power with a slim majority in the winter of 1980, drawing in part on people’s antipathy towards a steep increase in fuel taxes contained in the failed budget. One notable feature of the Clark government is that it delayed recalling parliament a full 140 days after the leader was sworn in as prime minister (Jarvis 2015). The ‘79-80 minority government also stands as a book end of sorts: beginning with the Diefenbaker minority in 1957 and ending with the Clark minority in 1980, with a pattern of one-term majority governments being interspersed with minority ones. It was a pattern reflecting perhaps the electorate’s reluctance to entrust anyone party with a clear mandate, but once having done so quickly withdrawing it by reducing the party to a minority or by assigning a restricted minority mandate to another party.

It would be 24 years before the arrival of another period of minority government. Before turning to this most recent period, which encompasses what I have labelled the Harper model, let me summarize the key features of the Pearson model, as shaped primarily by the Liberal governments of 1963-68 and 1972-74.
• Minority government in Canada has consistently takes the form of single-party minority
government; coalition government of either the majority or minority variety is not seen as
acceptable (Cody 2008; Smith 2007);
• There is an understanding that in a hung parliament situation, the party with the largest seat
share is declared the winner with the opportunity to form the next government, as opposed to
having a consultative process to ascertain whether some combination of parties or a the second
place party could conceivably garner sufficient support;
• The notion of the party with the largest seat share as the winner also appears to be strongly
supported in both elite and mass public opinion;
• Single party minority government by a party in the centre supported primarily but not
exclusively by a single party on the left of the of the political spectrum;
• The two parties in question, Liberals and NDP, shared a basic policy space the parameters of
which included state intervention and support for social policies, with the latter party more
strongly in favour but the former not being averse to and indeed generally favouring more
moderate versions of such programs;
• Formal understandings or contracts (contract minority government\(^2\)) are largely absent; so too
are formal or written understandings on overall policy objectives; overall support by the
opposition is provided on a case by case basis; but there can be informal, unstated
understandings carefully orchestrated by House leaders in private conversations;
• There is generally a hope, if not a firm expectation, by the incumbents that a minority
government situation will be followed by a majority
government;
• The maximum duration of a single minority government (as opposed to a period of successive
minority governments) is roughly two years.

Again, the Pearson model applies primarily to the period up to and including 1974, specifically
encompassing the 1963-68 and 1972-74 minority governments, though as will be discussed below
elements of the model were still in play in 2004-06 in the transition to the Harper model.

*The Paul Martin Transition*

While Canadians experienced 24 years of majority government, it was far from a quiescent period.
Essentially, those years saw an unprecedented transformation of the party system, beginning in 1993
when the incumbent PC government was reduced from a solid majority of 169 seats to two seats. The
Liberals won with 177 seats with well over half its seats coming from a single province, Ontario (99 out
of 101). Equally stunning, The Bloc Québécois, contesting its first election, won 54 of the 75 Quebec
seats (it ran in no other province). From out West, the Reform Party, contesting its first full election
obtained 52 seats, all of them from western Canada. The mantle of Her Majesty’s official opposition fell
upon the Bloc, a party committed to seeing the dismemberment of the federation. In subsequent
elections Reform increased its support and began winning selected seats in Ontario, taking the official
opposition mantle away from the Bloc, which by 2000 had dropped to 38 seats while still constituting

\(^2\) On the idea and practice of contract minority government or contract parliamentarism see Cody (2008) and Bale
and Bergman (2006).
the largest party from Quebec. The PCs managed to work its way back up to 21 seats. By 2000, after much manoeuvring, a number of PCs joined with Reform to constitute the Canadian Alliance Party. By 2004 what remained of the PCs joined with the Alliance under the new leadership of Stephen Harper to create the Conservative Party, a moniker that was last used in 1942.

In the 2004 election the Conservatives succeeded in forcing the Liberals, now under the leadership of Paul Martin, into a minority government situation: The Liberals had 135 seats minus one for the speaker vs. 99 for the Conservatives. An ongoing judicial inquiry into untendered contracts and kickbacks involving Liberal party connected advertising firms in Quebec played a major role in the Liberal decline, especially in Quebec. This well-publicized inquiry into what is referred to as the sponsorship scandal (the Gomery inquiry), complete with televised hearings, transfixed the Quebec population, and was a major factor accounting not only for Liberal decline but also the resurgence of the Bloc, which had now worked its way back up to 54 seats. The NDP throughout this period remained firmly in fourth place, never rising above 21 and obtaining 19 seats in 2004. It was also clear that the ‘unite the right’ campaign had been effective and that the Conservative party represented a major force, needing only a breakthrough in Ontario and a number of seats in Quebec to move it from the 99 seats won in 2004 to a minority or even majority position in a future election. It was also clear that the Liberals were in an awkward position. Its base, concentrated almost exclusively in Ontario, was now much reduced with virtually no prospects that it would ever go back up to anywhere close to the near 100 percent of seats it enjoyed in Ontario from 1993 to 2004. It also lost large numbers of seats elsewhere. A slightly greater shift in the electoral swing in Ontario could easily result in even larger numbers of seats being wiped out in Toronto and environs. The Bloc, despite its quixotic position of wanting out of Canada yet prepared to support progressive social policies by the NDP and the Liberals, had attained a degree of permanency as a sort of foreign delegation from Quebec in Ottawa. Critically, for many observers, who saw the Bloc as not going away any time soon, this party had effectively taken 50 plus seats of the 75 in Quebec out of play, thus making it much more difficult for either the Liberals or the Conservatives to attain an overall majority in future.

It was this set of circumstances that led a number of political scientists to argue that the era of minority government had not only returned but would likely remain the norm for some time to come. And in assessing how this new era would unfold would likely remain the norm for some time to come. And in assessing how this new era would unfold, most of them observed the new scene through the lens of the Pearson model. The prevailing attitude was best captured in the title of a short monograph by Peter Russell (2008), Two Cheers for Minority Government. It presented a careful, sober, but nonetheless optimistic view of the benefits that minority government would bring for Canadian parliamentary democracy (thus two rather than three cheers). Russell brought forward many of the same arguments and views that Forsey (1964) used to characterize the 1962-68 minority period: an enhanced role for parliament and its committees, greater opportunity for citizens to participate through parliamentary hearings, more broadly based majority support for legislation that was passed and so on. Furthermore, the new Liberal leader and Prime Minister, Paul Martin, was keen on parliamentary reform and had earlier spelled out his position in a six point plan that would see relaxation in party discipline and an enhanced role for parliamentary committees (Aucoin and Turnbull 2003).
As in the 1960s, the NDP was the party providing critical support for Prime Minister Martin’s ambitious social agenda: the Medicare ‘Fix’ in 2004, which committed the federal government to generous increases in transfer payments to the provinces for a full decade, a series of bilateral agreements with the provinces on child care, and in 2005 a major accord between First Ministers and National Aboriginal leaders, backed with financial support from Ottawa. After much wrangling Mr. Martin also gave way on contentious claw-back provisions in the federal-provincial equalization transfer system, resulting in much more generous treatment of two of the have-not provinces. More often than not it was the NDP that either supported or initiated these endeavours. On one notable occasion, when the Conservatives had managed to put forward a non-confidence motion related to the sponsorship scandal, the NDP supported the government but managed to extract the quid pro quo of changes in the budget, including cancellation of planned corporate tax cuts and more money for post-secondary education. Since the Liberals and NDP combined did not quite constitute a majority, even after the defection of a prominent Conservative to the Liberals, the government’s survival depended upon strategic abstentions from the Bloc and Conservatives. In May 2005 the Liberals survived a vote but only after the speaker cast the deciding ballot. The NDP, however, was becoming increasingly discomfited by the public perception of its seeming to prop up a government mired in scandal, particularly in Quebec where the NDP was finally begin to make some inroads. In late November 2005 the NDP joined forces with the Conservatives and the Bloc to topple the government on a straight non-confidence motion.

The relatively short-lived Martin government was, in some respects, comparable to the ones piloted by Lester Pearson in the 1960s: both Liberals and the NDP were left of centre with a willingness to support new social spending. Both periods also saw a degree of chaos in the House and less than stellar management of various political files by the government. And there was the taint of scandal that affected both governments. However, the sponsorship scandal, which originated in Jean Chretien’s tenure as Prime Minister from 1993 to 2003, was much more significant and on a larger scale. As well, in the House in 2004-05 there was less give and take and more emphasis on non-confidence motions than in the ’60s. The Martin government itself took arbitrary actions when, for example, it removed opposition days from parliament’s agenda to prevent the opposition from using them to launch non-confidence motions. Martin did introduce at least four components of his six point plan, including the holding of secret ballots for committee chairs, the ability of committees to initiate their own studies and the introduction of a UK Westminster style three line whip, giving greater independence to MPs (Thomas 2007). These innovations were overshadowed, however, by the frequent boycotting of committee meetings and other disruptive behaviour. After the Harper government took power in 2006, the greater scope for committee autonomy would prove to be a source of frustration for that government.

The Harper Model

The 2006 federal election saw the Conservatives take 124 seats, the Liberals 103, the Bloc 51, followed by the NDP with 29, and one independent. Well before the election, but when it was also obvious that

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3 Martin’s willingness to compromise earned him the sobriquet “Mr Dithers” from the Economist magazine (17 February 2005).
another minority government was in the offing, Martin indicated that whichever party had the greatest plurality of seats should form the government. The day after the election he tendered his resignation to the Governor General, who later that same day invited Stephen Harper to try his hand, two acts that appear to be consistent with the norm or convention putatively articulated by J.R. Mallory nearly 50 years earlier.

The Harper era began promisingly enough. In the fall of 2006 the Conservatives advanced a parliamentary resolution that ‘the Québécois form a nation within a united Canada’, a motion that was supported by all the opposition parties, including the Bloc (Bakvis and Tanguay 2012). The government, which had campaigned on a limited platform, had little difficulty in passing legislation to implement the five planks in the platform, including rolling back the Liberal crafted child care program, reducing the GST from seven to five percent, and passing the Accountability Act as a direct response to the recommendations flowing from the Gomery Commission. The Liberals were in no position to oppose these measures given their defeat and Paul Martin’s resignation as Liberal leader. The Conservatives were able to rely on the Bloc to pass the budget that year. According to Russell (2008:47), “From time to time Harper would be induced to adjust his program and accommodate ideas and interests of the opposition parties. Canadians would now experience a period of classic minority government rule”. Yet not too long thereafter, Russell notes, Harper began showing signs of having “difficulty adapting to the exigencies of minority government” and a “desire to operate without significant engagement with Parliament” (Russell 2008:49). Among other things, Harper began undermining the procedure of committees choosing their own chairs by secret ballot by pre-selecting a Conservative MP and making it clear that any other Conservative candidate inclined to run against the preferred candidate would suffer the consequences. A document apparently produced by the Prime Minister’s Office came to light that was in effect a detailed manual on how to obstruct and undermine the workings of committees (Malloy 2010:14). Howard Cody (2008) notes how in foreign policy the Harper government forged a distinctively new path, moving away from the multilateralism crafted during the Pearson era and taking a more distinctively unilateral right wing stance.

Significantly, in the fall of 2007 Harper requested the Governor General to end the current Parliamentary session and begin a new one in order to for the government to present a new legislative agenda. According to Russell, “It soon became apparent that in the new session Harper would play hardball ... On every issue, it would be Harper’s way or no way; defeat on any issue would be treated as a non-confidence vote” (Russell 2008:57). The Liberals, despite having a new leader, were further weakened by two by-election losses in traditional Liberal ridings as well as considerable internal party feuding. Despite Prime Minister Harper being able to secure the passage of a good deal of his legislative program, including key elements of his law and order agenda, and despite his own fixed election date legislation being passed earlier, in 2008 the Prime Minister decided it was time for an election, sensing that the party was now in a position to make a breakthrough. He requested, and was granted, dissolution simply on the grounds that he felt that parliament had become dysfunctional. In the election the Conservatives made gains but still fell short of a majority (154): 143 seats, up from 125, with the Liberals down to 77 while the Bloc was up to 49 and the NDP moving to 37 from 29.
Once again, facing a minority situation Harper nonetheless continued with his hard-nosed approach in parliament. The session lasted only 13 days. The Minister of Finance presented a financial statement to the house ostensibly outlining economic stimulus measures that the government would be implementing, though there was little in the statement on economic stimulus. There was, however, a proposed measure that would see the elimination of a major component of the regime providing public subsidies to political parties. The Conservatives, who had perfected the means for collecting considerable amounts in political donations in small amounts from a large number of people would be hurt least by the elimination of what was called the per vote subsidy. The opposition parties would be hurt far more, particularly the Bloc. All three opposition parties were in an uproar and it was clear they were prepared to topple the government; the Conservatives themselves had designated the statement as a confidence item. Instead of withdrawing or altering the statement Harper asked the Governor General to prorogue parliament. She delayed her decision while she consulted constitutional authorities. In the meantime, the opposition put forward its own proposal for consideration: a coalition between the Liberals and the NDP supported by (but not part of the coalition) the Bloc. A letter outlining this scheme was produced, signed by the three party leaders. It was in effect an effort to implant the Danish model (see Green-Pedersen and Thomsen 2005) on Canadian soil. The Governor General, after completing her round of consultations, granted the Prime Minister his request for prorogation, though with the understanding that parliament would reconvene early in the New Year on January 26. The Conservatives withdrew the contentious proposal (though it was subsequently reintroduced and passed after the Conservatives won their majority in 2011) and on January 27 tabled its budget. Under its new leader, Michael Ignatieff, the Liberals supported the budget motion ensuring its passage after the Conservatives agreed to accept a minor amendment proposed by the Liberals.

Many academics are of the opinion that the Governor General was wrong to grant Harper his dissolution; that it would have been well within her prerogative to decline the request and see if another party was able to obtain the confidence of the house; and that this would have been the appropriate decision.4 Andrew Heard (2009:21), for example, states that “On balance, it appears that the Governor General failed to defend Canadian parliamentary democracy and opened the door to repeated abuses of power by future prime ministers.” On the other hand, it could well be that the ghosts of Governors-General past roaming Rideau Hall, including that of Lord Byng, were urging her to play it safe.

The hardball tactics by the Conservative government continued throughout the 2008-11 period and there was in fact a second prorogation crisis in 2009 over what is called the Afghani detainee controversy. Unfavourable public opinion polls and lack of money to fight yet another election put the opposition parties in a passive frame of mind. With the opposition parties strategically absenting themselves on crucial votes, the Harper government was able to see much of its legislation pass through the House (Malloy 2010). With the departure of retiring Liberal senators Harper was able to use his control over the appointment process for senators to ensure that over time the senate's composition would become reliably Conservative.

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4 See the contributions in the volume edited by Russell and Sossin (2009), published shortly after the crisis.
In dominating parliament, despite a minority situation, Harper showed himself capable of what Brooke Jeffrey (2011:9) has called “harnessing the power of the executive”. Taking the techniques first analyzed by Donald Savoie (1999) in his book *Governing from the Centre* the Harper government took them to a higher level. Among noteworthy features is the hyper control over all aspects of communication with both media and citizens. Each request for information by a reporter or citizen is scrutinized, a response crafted by a communications officer, which is then vetted by a special office in the Privy Council Office (Bakvis and Jarvis 2012). The Harper government has also systematized the provision of partisan policy advice, transforming what was a largely oral system used by political staff into one where such staff now write up extensive briefing notes as a counterpoint to the written briefings from the bureaucracy, as well as a tracking system to check on where any specific policy imitative favoured by the government sits in the policy-implementation channel (Craft 2012). Thus, according to Jeffrey (2011), the Harper government has been able to achieve a good part of its legislative agenda simply by relying on the Prime Minister and cabinet’s executive powers, such as the extensive use of the order-in-council instrument. The politicization of the upper levels of the bureaucracy, the expectation of what Peter Aucoin (2012) has called promiscuous partisanship on the part of civil servants generally, increased use of political staff and integration of governance with the continuous campaign are some of the other characteristics associated with the Harper style of governance, which helped distinguish the Harper version of minority government from earlier ones.

The key features of the Harper version of minority government can be summarized as follows:

- Continuation of the rule that the party having the largest plurality of seats will be given the first opportunity to form a government;
- There continues to be a strong aversion to coalition government, whether of the majority or minority variety;
- Both of the above appears to have strong support in public opinion;
- It is possible to have a single-party minority government governing from the right;
- Such a government on the right can succeed by deploying a variety of parliamentary and administrative techniques;
- Within parliament these techniques can include extensive use of confidence motions to intimidate the opposition parties and more generally to try and disengage the governance process from the legislative process;
- Tight control over the bureaucracy and extensive use of executive powers can be used to overcome legislative obstacles and to implement a good part of the legislative agenda without necessarily having legislative approval;
- There is generally a hope, if not the firm expectation, by the incumbents that a minority government situation will be followed by a majority government;
• The maximum duration of a single minority government (as opposed to a period of successive minority governments) is roughly two years.

Note that there is overlap with the Pearson model, particularly with the first three and the last two bullets. However, taking the bullets in between it becomes reasonably clear that overall the two versions are quite different. The most fundamental shift appears to be that parliament is less important, that a minority government can not only survive but also successfully implement a good part of its agenda.

The Role of Public Opinion

Certainly in the court of public opinion during the prorogation crisis Harper was the winner and the opposition parties the loser. Polling done immediately after the 2008 prorogation showed that if an election were to be held, the Conservatives would have received from 44 to 46 percent of the vote, sharply up from the 37.65 percent of votes they received in the actual election 10 weeks previously while the Liberals and NDP were down to 24 and 14.5 percent from 26.2 and 18.2 percent respectively (EKOS 2008; Reuters Canada 2008). The 44 to 46 percent range for the Conservatives would have easily given them a majority government. As well, an Ipsos-Reid poll indicated that 56 percent of respondents would prefer an election over having the coalition govern (Reuters Canada 2008). And a further poll had 57 percent of respondents expressing concern over the Bloc holding the balance of power (Angus-Reid 2008). The Conservatives were quick to demonize the mooted coalition, claiming that it would include the Bloc, a party committed to breaking the country apart (glossing over the fact that the Bloc would not be in cabinet). The coalition was depicted as a coup in the making, intent on subverting the democratic process by rejecting the results of the election held just months earlier where the Conservatives were the clear winner, albeit as a minority government.

It is also possible that public opinion had an impact on the decisions made by the Governor-General herself. According to C.E.S. Franks (2009), ‘the state of the economy’, ‘the mood of parliament’, and ‘the viability of the alternative coalition government’, were all topics discussed between Mr. Harper and the governor general on December 4, 2008, just before she granted Mr. Harper his request for a prorogation. Franks suggests that especially the with the last – assessing the viability of the proposed coalition – public opinion would have played a powerful role in the discussion, one in which the spectre of a coalition government that would have no public support outside of Quebec, a situation that could have led to a deeply split country, no doubt loomed large.

In the event, raising the possibility of a two party minority coalition government supported by a third party, seen as beyond the pale by a good proportion of Canadians outside of Quebec, was not the ideal way of introducing Canadians to the merits of coalition government, let alone minority coalition government. Matters weren’t helped by the fact that Liberal leader Stephane Dion had announced his departure some time earlier and was simply waiting for the convention for the selection of his successor. And, his likely successor, Michael Ignatieff, had carefully distanced himself from the scheme.

The prorogation crisis likely soured Canadians not just on the idea of coalition government but also on minority government. For the elections 2004 through 2011 the Canadian election surveys asked
respondents whether “Minority government would be ...” a good thing, a bad thing or don’t know/no opinion. The results are shown in Table 1. Note that from 2004-2008 inclusive those believing minority government would be a ‘good thing’ ranges from 39.3 percent to 48.5 percent while the band for a ‘bad thing’ was between 20.0 and 23.3 over the same period. In 2011, however, support for a ‘good thing’ dropped to 36.2 percent while that for a ‘bad thing’ rose to 29.6 percent.\(^5\) While a number of factors could explain the reduced enthusiasm for minority government in 2011, the prorogation crisis of 2008 and the somewhat milder version of the same crisis in 2009, combined with the Harper government’s more aggressive approach within and outside parliament, could well be among those factors.

**Table 1 Support for Minority Government**

<table>
<thead>
<tr>
<th>Minority Government would be ...?</th>
<th>2004</th>
<th>2006</th>
<th>2008</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>A good thing</td>
<td>48.5%</td>
<td>39.3%</td>
<td>45.2%</td>
<td>36.2%</td>
</tr>
<tr>
<td>A bad thing</td>
<td>22.4%</td>
<td>23.3%</td>
<td>20.0%</td>
<td>29.6%</td>
</tr>
<tr>
<td>Don’t know/no opinion</td>
<td>29.1%</td>
<td>37.4%</td>
<td>34.6%</td>
<td>34.2%</td>
</tr>
<tr>
<td></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Dufresne and Nevitte (2014:883); Wherry (2012)

**Scenarios for a Post-October 19 Minority Government**

Let me sketch out a few of the more plausible scenarios in a post-October 19 hung parliament, a task more complicated than might seem at first glance, for we need to take into account the factors we mentioned before, including norms and expectations of both party elites and voters, as well as the role of the Governor General. We also need to take into account the other factors that may shape norms and expectations. First, there is the distance between parties in the number of seats won. If the gap between the party with the largest seat share and he second and third place is substantial the course likely to be taken by all three major parties is relatively clear. There are further wrinkles. If the first place party in terms of seats is outpolled in terms of votes (a not unknown occurrence in Canada), that will raise questions about the legitimacy of the outcome, particularly if the seat differential is slim. And then we need to take into account the statements made by the party leaders on what they would do post-election, statements beyond the acknowledgement all three party leaders have made that the party

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\(^5\) In 1965 the question of support for majority vs. minority government was included in the Canadian National Election Survey that year. In response to the question, “How important [in deciding how to vote] did you find the issue of whether Canada should have a majority government?” 56.6 percent responded “very important” vs. 38.5 percent who indicated either “fairly important” or “not too important” (4.9 percent don’t know or no answer)(Converse et al 1972 [1966]:20). A Gallup poll at the same time found that 62 percent of Canadians thought that minority government was a ‘bad thing’ (cited in Dufresne and Nevitte 2012:2). Support for minority government fluctuated in subsequent years even over relatively brief periods (in February of 1993, 51 percent stated they would ‘prefer a majority’, but a month later 57% said they preferred a majority thing’ (cited in Dufresne and Nevitte 2012:2). Nonetheless, the data for the 2004-11 period shown in Table 1 suggest that currently Canadians are somewhat more accepting of minority government than earlier generations.
enjoying the plurality would have the first opportunity to form a government. Figure 1 below depicts a simple decision tree depicting some of the more plausible outcomes.

**Liberal Plurality:**

In many ways it would be the most straightforward outcome in that past history provides a suitable template. We could see a repeat of the 1963-68 and 1972-74 eras with the NDP supporting a Liberal minority government in return for Liberal acceptance of certain key initiatives related to daycare or pharmacare, for example. Support by the NDP would likely be on an issue by issue basis, though as per the Pearsonian model there could well be informal but extensive behind the scenes bargaining that might lead to broader understandings over the direction of the government’s legislative agenda. The Liberals position on the left-right spectrum also comes into play. Being positioned in between the Conservatives and the NDP would make it easier for the Liberals to turn to the Conservatives for support on certain issues, most likely economic ones, which the NDP could see itself supporting.

During the earlier Liberal-NDP minority periods the NDP was the junior partner in the sense it had only between 25 and 30 percent of the seats of the Liberals. Currently the NDP’s seats exceed those of the Liberals. Post October 19 this may be reversed; but still the NDP and the Liberals are likely to be a lot closer than in the ‘60s and ‘70s. If they are very close this raises the possibility of a coalition between the two. This possibility deserves a separate discussion (see below).

**NDP Plurality:**

Given that there is much less of an ideological gap between the NDP and the Liberals relative to the Conservatives, and commonalities between the two parties and their party leaders on issues such as refugees, immigration, and criminal justice, it is easy to imagine the parties supporting each other, in this case with the Liberals supporting an NDP led minority government. The relationship may be a little testier with Mr. Mulcair as prime minister given that he has less room to manoeuvre, with the fixed positions he has taken on the yet to be ratified Trans-Pacific Partnership (TPP), Bill C-51 and, now, the Niqab and light of his party’s still strong connections with organized labour. Mr. Mulcair would also have less flexibility in that there is no other party he can turn to for support on specific issues the Liberals decline to support. The Greens possibly, but the chances of that party holding a balance of power after October 19 would be extremely low. Again, if the gap between the Liberals and NDP parties is relatively narrow the possibility of a coalition opens up, something that Mr. Mulcair and members of his party have hinted they are open to (more on this below).
Figure 1: Minority government – outcomes and options

Election Outcome
October 2015:
Hung Parliament

Liberal Plurality

Minority with NDP support

Coalition with NDP

Conservative Plurality

Strong plurality

Face House immediately, confidence vote on TPP

Weak plurality

Resign, turn mandate over to 2nd place party

Minority with Liberal support

NDP Plurality

Delay facing House, confidence vote, election

Coalition with Liberals

Delay facing House, confidence vote, election
Conservative Plurality:

The most interesting questions are likely to occur should the Conservatives gain the plurality of seats, not only in relation to what Mr. Harper will do but also how the other two leaders will react. First, Mr. Harper is in the driver’s seat in the sense that he has the right to meet the House for a confidence vote (both because by Westminster convention he has the constitutional right to do so and, again the norm acknowledged by all three leaders that the leader of the party with the plurality should have the first opportunity to form the government). He is also, as leader of the incumbent government still in charge as prime minister, albeit in a caretaker capacity, responsible for dealing with routine matters. However, these routine matters are ill-defined and Mr. Harper, as argued earlier has a demonstrated capacity for pushing the limits of constitutional convention. And he has ample instruments, such as Orders-in-Council, that can be used for appointments and other executive actions.

Parliament must meet at least once a year. Its last session ended in July and thus it is not required to convene till July of 2016. It is likely that the government would need to face parliament before then if only for reasons of supply. However, Mr. Harper could easily delay meeting parliament till March or even April of next year. Whether he chooses to push these limits depends in good part on the margin of his plurality. If it is on the thin side and/or the margin was obtained on the basis of fewer votes than one of the other parties he may well decide to turn in his mandate and advise the Governor General to turn to the party with the next largest seat share. If the gap is more substantial, and especially if he is close to a majority, he may well decide to opt for a delaying strategy. One particular scenario may unfold as follows: early next year the details on the TPP will have been wrapped up, but ratification by parliament is still required. The TPP is made the centre piece in the Speech from the Throne. From here there are two possibilities:

1) Mr. Harper is defeated in the confidence vote following the throne speech. Both Mr. Mulcair and Mr. Trudeau indicated during the election campaign that they would not and could not support a Conservative minority. As Mr. Mulcair put it, “there wouldn’t be a snowball’s chance in hell” that he would do so (CBC 2015c). He meets with the Governor General and asks for a dissolution, arguing both that the TPP is an issue of national importance that should be decided by the Canadian people, and that sufficient time has passed since the last election. He would make the same appeal to the Canadian public, especially on the importance of letting the Canadian people decide.

2) Either Mr. Mulcair or Mr. Trudeau blinks. It is conceivable that Mr. Trudeau, who in the last parliament and in public statements showed himself to be more flexible on things like trade agreements and Bill C-51, might succumb to the lure of something like an amended C-51 offered as an olive branch by Mr. Harper. The changes proposed under the TPP are relatively mild compared to something like the original free trade agreement. On that basis Mr. Trudeau might have the Liberals either abstain or support the motion on the speech from the throne. Mr. Mulcair is highly unlikely to blink.

Some analysts (e.g. Taber 2015) have suggested that the first scenario, in a rather different form, might play out right after the election, i.e. Mr. Harper presenting the Throne Speech right after the election with the trade deal as a linchpin. However, given that it will be a few months yet before details on the
TPP are in place and the complete agreement available and thus ready for parliamentary approval. (Mr. Harper, one assumes, would want to give at least the appearance of letting Canadians have an opportunity to review the agreement.) Finally, should the Conservatives loose the confidence vote and, secondly, the Governor General declines his request for dissolution, then the earlier scenarios of either a Liberal or an NDP minority government suggests itself. Or we could have a coalition of the two parties.

Coalition?

In assessing the possibility or likelihood of a coalition – and realistically it would have to be between the Liberals and NDP – one has to take into account, as most certainly the leaders of the two parties are doing, that coalition government has not fared well in Canada either federally or provincially. The last coalition federally, the Unionist government from 1917-20, by splitting away the Liberal party from the Laurier Liberals based primarily in Quebec and introducing conscription was highly divisive and left a bitter legacy, especially in Quebec. The most recent coalition government was in Saskatchewan when members of the much smaller Liberal party joined an NDP led cabinet. Two of the members in question then ran as NDP candidates in the following election but were defeated. So too were all Liberal candidates, a result that effectively spelled the end of the Liberal party in that province. In addition the two leaders have before them the recent examples from abroad, including the collapse of the Liberal Democrats in the UK after a stint as a junior partner in a coalition cabinet with the Conservatives and the fate of the Free Democratic Party in Germany, which is no longer represented in the German parliament after having served as junior partner in a number of coalition governments.

As well, we need to take account of the statements made by the two leaders themselves. Mr. Trudeau during the campaign has consistently down played the possibility of entering into a coalition. On September 4 he stated, “the fact is Canadians aren’t interested in formal coalitions. Canadians want a clear government with a strong plan and come Oct. 19, that’s exactly what they’re going to get if they vote for the Liberal party.” Mr. Mulcair on the other hand has shown himself to be more flexible, without necessarily uttering the “C” word, as in the NDP platform released October 9 stating that the party was “work with other federalist parties through informal or appropriate stable arrangements to end Stephen Harper’s lost decade.”

Then there is public opinion. As noted earlier, at the time of the prorogation crisis public opinion was strongly opposed to the proposed minority coalition with Bloc support, a position that was at least in part the product of Mr. Harper’s successful attacks on the proposal aided by the involvement of the Bloc. This effective demonization of a coalition has likely preyed on the minds of Mulcair and Trudeau, even though the spectre of the Bloc as a possible supporter is no longer a factor. Here though there is room for optimism for those favouring the idea of coalition, namely a shift in public opinion. One pollster, EKOS (2015), has tracked this question since 2009. Not too long after the prorogation crisis 54 percent said yes when asked “If you were forced to choose between a Conservative minority government led by Stephen Harper and a coalition government made up of Liberals and led by Liberal leader Michael Ignatief, which would you prefer?” vs. 46 percent favouring a Conservative minority (don’t knows and no responses excluded). Shortly before the 2011 election the numbers were reversed with 51 percent favouring a Conservative minority and 49 percent a Liberal-NDP coalition. By late 2014
the tide had turned once again and this time 60 percent favoured the idea of a Liberal-NDP coalition. By mid-2015 the spread had widened further to 62 vs. 38 percent. (Mr. Trudeau’s name replaced Mr. Ignatieff’s in the question the last two rounds).

The dilemma for the two affected party leaders is the combination of mixed motives (how would it effect their future electoral success, how would their parties and core constituencies react) and the numerous landmines on the uncharted pathway to a formal coalition, not least an ostensibly favourable but fickle public opinion more likely than not resting on a limited understanding of what coalition entails. In systems where coalition governments are the norm there are usually signals from the parties as to which parties and under what conditions they would be likely to get into bed with. Canada has no such traditions. To begin sending signals and embarking on negotiations post-election would leave both parties open to the charge that they lacked the electoral legitimacy to begin the process of coalition formation. It would likely be an argument Mr. Harper would push very hard when advising the Governor General to dissolve parliament rather than giving the two parties an opportunity to govern.

Only if the two parties were more or less evenly matched in seats, or if they were not only close but also if one had more votes but fewer seats than the other so that it could claim some higher moral ground, might a coalition become a realistic prospect. Among the motives for both parties to enter a collation arrangement would be the opportunity to demonstrate their capacity to govern, that is, to stick handle challenging portfolios and to deliver on at least some of their promises made during the election campaign. However, if there is a substantial gap between the two potential coalition partners, then it would be safer, certainly for the weaker party, to play the simultaneous role of non-participating supporter and critic,⁶ thereby helping to perpetuate the classic Canadian model of single-party minority government.

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⁶ On the logic of this position see Laver (1993).
References


CBC. 2015b. “Full text of Peter Mansbridge's interview with Justin Trudeau.” October 8, 2015

CBC. 2015c. “Full text of Peter Mansbridge’s interview with Thomas Mulcair.” October 9, 2015


Reuters Canada (2008) “Harper has crushing poll lead on crisis.” (December 5).


Savoie, D. J. (1999). Governing From the Centre. Toronto, University of Toronto Press.


