PPG REVIEW

Vol 2., No 1. Winter 2010

Research

Public Policy & Governance Review

Canada's Coalition Conundrum

An Analysis of Debate on Democratic Legitimacy

Alexander Sculthorpe

Carleton University

Alexander Sculthorpe is an MA candidate at the Norman Paterson School of International Affairs (NPSIA) at Carleton University, supported with funding from the Social Science and Humanities Research Council (SSHRC) through the Joseph-Armand Bombardier Graduate Scholarship. He received his Bachelor of Arts (Honours, with Distinction) from Queen's University in 2008, majoring in Political Studies, with a minor in Psychology. Alexander spent 2008-2009 as an intern on Parliament Hill in Ottawa with the Parliamentary Internship Programme. Alexander's current research interests include peace operations, international negotiation and mediation, international law, and Canadian foreign policy.

Abstract

This paper examines the 2008 Canadian parliamentary 'coalition crisis', specifically exploring the Conservative Party's line of argumentation that the coalition was 'undemocratic', which played a major role in the party's anti-coalition strategy. This paper argues that the 'coalition crisis' exposed two fundamentally different, and competing, concepts of Canadian democracy – parliamentary democracy as opposed to electoral democracy. It contends that the attack on the democratic legitimacy of the coalition has created very real concerns for Canadian democracy going forward, as many of the major democratic actors in Canadian politics appear to hold fundamentally different, and contradictory, views as to what constitutes the basic rules governing Canadian democracy.

Introduction

Canadian democracy and governance is an incredibly rich topic of study. With its robust federalism, and history of peaceful democracy, Canada is often held up as a model democratic country. Internally, Canada has a number of ongoing, healthy, and public debates about the future of Canadian democracy. These discussions include the merits of moving towards a form of proportional representation, options to reform the senate, and how to address declining voter turnout. While these debates often have passionate proponents on all sides, they are rooted in the assumption that Canada is a stable, mature democratic country, with fundamental agreement on the basic principles that make up Canadian democracy.

This is perhaps why the 'coalition crisis' of Canadian politics in the final months of 2008, was, to many observers, both unexpected and disconcerting. Internationally, 'quiet Canada's' political crisis was noted, with newspapers around the world screaming with headlines such as, "Crisis-torn Canada suspends parliament" (Channel News Asia 2008), and "Canada's PM says bid to topple him is undemocratic" (ABC News 2008).

Domestically, the public's attention was focused on activity in the nation's capital to an extent rarely seen before. This was more than a removed curiosity. With events rapidly unfolding in Ottawa, polls indicate that at the height of the crisis, 72 percent of Canadians were truly scared for the future of the country (Ipsos News Centre 2008).

This paper will seek to provide a novel analysis of the events, the debates, and the philosophical theories that were truly at the heart of this coalition conundrum. It will argue that during this important episode in Canadian politics, the Conservative Party's line of argumentation that the coalition was 'undemocratic' played a major role in its anti-coalition strategy, which in turn has had significant long-term implications for Canadian democracy. This paper will lay out how the prospect of the coalition sharply exposed two fundamentally different, and competing, concepts of Canadian democracy: parliamentary democracy (based on the principle of responsible government, whereby the government must maintain the confidence of the House of Commons), and electoral democracy (which emphasizes the direct connection between the electorate and the executive). The case will be made that regardless of how one perceives the Conservative challenge to the democratic legitimacy of the coalition—be it as an irresponsible falsehood put forward for partisan reasons, or as a reflection of a new modern democratic reality in Canada—this reaction to the coalition has created very real concerns for Canadian democracy going forward. It will be argued that these legitimate concerns stem from the fact that this major political debate did not improve widespread public ignorance about the Canadian constitution and political system. Furthermore, it resulted in a tenuous outcome in which many of the major democratic actors in Canadian politics appear to hold fundamentally different, and contradictory, views on what constitutes the basic rules governing Canadian democracy, and sets the stage for future rounds of constitutional crises in hyper-partisan settings.

Chronicling the Coalition

In order to delve into any aspect of the coalition crisis in substantial depth, it is first necessary to provide a brief historical account of what, on the surface, the 'crisis' was all about. October 14th 2008 saw the election of Canada's 40th parliament. Incumbent Conservative Prime Minister Stephen Harper emerged with a strengthened minority

government, while election night proved disastrous for the Liberal Party, resulting in the party's worst popular vote result in its history. In his victory speech, Prime Minister Stephen Harper reached out to his opponents, saying the time was ripe for all parties to put aside partisanship, and work cooperatively for Canadians (Harper 2008a). As leader of the opposition, a humbled Dion echoed this tone. November 19th saw the delivery of the government's throne speech, which was by most accounts perceived as fairly vague, but inclusive, with attempts to woo all three opposition leaders.

Most observers (although not Conservative Party spokespeople) believe the catalyst for the coalition came on November 27th, with the government's fiscal update. The update included a number of items that would clearly be viewed as hostile by opposition parties. The two major points of contention were the fact that the government provided no new 'stimulus spending' during a severe economic downturn, and that the fiscal update proposed to eliminate the public funding of political parties, upon which the other parties, particularly the official Opposition Liberals, were heavily dependent upon. Constitutional expert Peter Russell has referred to the document, as a "parliamentary kamikaze statement" (2009, 143). From the announcement of the fiscal update, events unfolded rapidly. That same day party elders Ed Broadbent of the NDP and Jean Chretien of the Liberals met and determined there was a willingness to defeat the government. The government sensed the powerful opposition to its update and began to act accordingly, delaying any confidence motions by a week, and quickly dropping several of the more contentious policies from its agenda. It was too late.

On Monday December 1st, the Liberals, NDP, and Bloc parties unveiled a formal accord to defeat the Conservative Government and create a Liberal-led coalition with the NDP until June 30th 2011, with the support of the Bloc on confidence matters until the end of June 2010. Stéphane Dion was to be Prime Minister, and the three parties promised a multi-billion dollar stimulus package. Dion and Layton wrote to the Governor General informing her that the Conservative Government had lost the confidence of the House, and given the proximity of the last election and the willingness of the opposition parties to work together, urged her to allow them to form government. The following day, the

government indicated it would take the unprecedented route of requesting the Governor General prorogue Parliament until January, before a confidence motion could reach the house. By this point, both pro and anti-coalition rallies were appearing across the country.

On Wednesday December 3rd, both Prime Minister Stephen Harper and opposition leader Stéphane Dion were granted television airtime to address the nation. Harper's message to the country at this crucial moment will be closely analyzed in the coming pages. The following morning, the Prime Minister and the head of the Privy Council Office met with the Governor General and her secretary, where the Governor General granted Harper's request for prorogation. The following week, Michael Ignatieff replaced Stéphane Dion as Liberal leader. When Parliament resumed in January of 2009, Prime Minister Harper provided a new throne speech and budget that included billions of dollars in stimulus spending. The Bloc and the NDP voted against the budget, while the Liberals, under Ignatieff, announced they would conditionally support the budget measures, while putting the government "on probation." Thus ended the unique 'coalition' chapter in modern Canadian politics.

Interesting Implications

There are a wide variety of important academic questions that emerge from this saga. What are the implications of the Prime Minister's unprecedented request to prorogue parliament less than two months after an election? What will be the long-term effect of the Governor General's decision to allow this request? What does this coalition say about the changing perception of minority parliaments within Canadian politics? What do these series of events indicate about the shifting roles and policy of the Liberals, the NDP, and the Bloc?

It is my belief, however, that the most pressing aspect of the crisis centres on a particular argument used against the coalition by the Conservative Party. After the Liberals and NDP came forward with the support of the Bloc for their coalition, the Conservative Party responded with a series of attacks against the coalition, as any governing party would naturally be expected to produce in the situation. The Conservatives set to work putting forward arguments trying to convince Canadians that the coalition was a bad idea: that

political chaos was dangerous during a time of economic crisis, that the Conservatives had just received a strengthened mandate by voters, that Stéphane Dion was a weak leader who had been clearly rejected by the electorate, that opposition parties were only acting in their own self-interest to protect their subsidized political funding, and that the coalition had been hatched by opposition parties well in advance of the Conservative fiscal update and was therefore a nefarious partisan scheme, as opposed to a legitimate response.

Two of the most prominent lines of attack, however, were that the alliance with the Bloc Quebecois "separatists" represented an existential threat to Canada's unity, and that the coalition itself was undemocratic. While both lines of argumentation have serious long-term implications for Canada and deserve scholarly attention, this paper will focus exclusively on the Conservatives' use of the 'undemocratic' argument as a weapon in their battle to control the outcome of the coalition crisis.

The Democratic Legitimacy of the Coalition

The Conservative Party repeatedly invoked the claim that without an intervening election, the transition to a Liberal-NDP coalition government would be undemocratic. In one of his first statements to the media after the unveiling of the coalition agreement by the opposition parties, on November 28th, Prime Minister Harper made clear his belief in the illegitimacy of the prospect of Stéphane Dion as Prime Minister:

> "The opposition has every right to defeat the government, but Stéphane Dion does not have the right to take power without an election." (Harper 2008b)

Several days later, in remarks at a Conservative Christmas party event, and widely reported in the national news thereafter, the Prime Minister portrayed the coalition as a very real threat to Canada's democracy:

> "We will use all legal means to resist this undemocratic seizure of power. My friends, such an illegitimate government would be a catastrophe, for our democracy, our unity and our economy, especially at a time of global instability." (Harper 2008c)

Finally, in his carefully scripted nationally televised address on December 3rd, the night

before he was to go to the Governor General and seek prorogation, the Prime Minister stressed his belief that the coalition fundamentally lacked democratic legitimacy:

> "…the opposition does not have the democratic right to impose a coalition with the separatists they promised voters would never happen. The opposition is attempting to impose this deal without your say, without your consent, and without your vote." (Harper, 2008d)

Thus the message from the upper echelons of the Conservative Party was clear: the coalition represented a threat to Canadian democracy. Tactically, this was a key message that was consistently repeated by the Conservative party`s political apparatus. Individual Conservative Members of Parliament used their speaking time in the House of Commons to rail against the legitimacy of the coalition. Conservative MP Andrew Saxton rose in the House to claim that:

> "This week Canadians are witnessing an unprecedented attack on our democratic institutions. The most basic principle of our democracy has been assaulted, the principle that voters choose the government." (Canada: House of Commons Debates, Hansard Vol. 143, No. 11)

Other Conservative MPs described the coalition as "a coup d'état worthy of a banana republic" (Calkins, Hansard Vol. 143, No. 11), as a "subversion of democracy" (Glover, Hansard Vol. 143, No. 12), and as a "ludicrous undemocratic coalition, a coup" (Shipley, Hansard Vol. 143, No. 11). Conservative Party strategists consistently brought forward this argument in anti-coalition rallies, over the nation's airwaves and in its newspapers. Paid Conservative Party advertising attacked would-be leader of the coalition Stéphane Dion, claiming: "He even thinks he can take power without asking you, the voter. This is Canada, power must be earned, not taken" (Dingman 2008). On the official Conservative Party website, supporters were prompted to type in their postal codes to be provided with regionally specific anti-coalition talking points to be used for call-in radio shows. One suggested talking point included, "I don't want another election. But what I want even less is a surprise backroom Prime Minister whom I never even had the opportunity to vote for or against. What an insult to democracy" (Conservative Party of Canada 2008). In short, this was a deliberate, coordinated, and direct attack on the very democratic legitimacy of the political activity of the opposition parties. It was carefully crafted to be a central element

of the Conservative Party's broader anti-coalition campaign.

The opposition parties did make some limited efforts to counter this specific argument. The NDP launched a website, 'www.62percentmajority.ca' in an effort to emphasize that only a minority of Canadian voters had voted for Harper's Conservatives in the previous election. Stéphane Dion (during the fiasco that was his televised response to Harper's address to the nation) explicitly referred to the fact that the coalition's actions were constitutionally legitimate, and democratic. It is difficult to assess exactly how successful these tactics were in warding off the Conservative Party's attacks on the coalition's democratic legitimacy, but regardless, they were quite limited.

Effect of Attacks on Democratic Legitimacy

It is challenging to isolate and identify the effectiveness of the Conservative anti-coalition campaign, specifically the anti-democratic rhetoric, in its goal of shaping public opinion. It is possible, however, to draw some insight from the limited polling that was conducted during the height of the 'coalition crisis' to gauge the public's reaction. A Strategic Counsel poll conducted on December 3rd shows that 42percent of Canadians believed that the coalition was acting "in an undemocratic way" (Strategic Counsel 2008). While the time-span of the crisis was too short to poll repeatedly and track shifting opinions, it is still a reasonable assumption that repeated Conservative messaging challenging the democratic legitimacy of the coalition played a role in shaping public opinion to this effect. According to constitutional expert David Cameron, this line of argumentation was "incorrect, but politically effective" (2009, 190).

On the broader issue of shaping individuals' overall level of support towards the coalition, despite numbers that suggest nearly half of Canadians believed Prime Minister Harper to be responsible for causing the political crisis, the coalition proved to be unpopular amongst the majority of voters. Approximately 62 percent of Canadians indicated they were 'angry' with the coalition's attempt to take power, with a majority sharing this sentiment in every region of the country but Quebec (Ipsos News Centre 2008). In fact, at the height of the crisis, some polls had the Conservatives polling in clear majority government territory. This was a substantial increase from their support level less than two months

earlier when they had been re-elected in a minority position (Reuters, 2008). Again, while it is impossible to discern the exact degree to which this substantial shift in public opinion was shaped by the Conservative's anti-coalition campaign, it is not unreasonable to assume it played a significant role. As Professor Ned Franks argues:

> "There was no doubt that Harper…was stunningly effective in mobilizing public opinion against the proposed coalition. Harper and the Conservative Party had set the agenda and the terms of the discussion. The other parties seemed unable to respond. They were like a deer paralyzed by the headlights of a speeding automobile, doomed to a quick and unpleasant fate." (2009, 40)

As has been established, attacking the democratic legitimacy of the coalition was one of the key points planned by the Conservative Party, a conscious framing of the debate, in order to set the favourable "terms of the discussion" to which Russell refers. Thus the Conservative Party's depiction of the potential coalition government as illegitimate played a significant role in shaping public opinion against the coalition, which in turn affected the coalition's long-term likelihood of success. Furthermore, the fact that the Conservative Party chose to use this 'undemocratic' line of argumentation served to aggravate an ongoing debate about democracy in Canada, the results of which will have long-term consequences for the country.

Competing Conceptions of Democracy

The coalition was a uniquely polarizing event, which served to expose and exacerbate a deep-seated division between those who conceive of Canada's governance as steeped in parliamentary democracy and the core concept of 'responsible government,' versus those who argue that modern reality requires that democratic legitimacy be dependent on electoral democracy. Those who conceive of Canada as a traditional parliamentary democracy argue that the Conservative Government's conviction that the coalition was undemocratic and lacked legitimacy was used to manipulate the Canadian populace through misrepresentation, and constitutional falsehoods. Those who view the coalition through the lens of electoral democracy argue that Canada's constitutional conventions change over time, and that the transition of executive power without an election would have been an egregious violation of democracy in modern-day Canada. To begin to

unravel and understand the debates on either side, it is first necessary to understand the theoretical underpinnings of each position.

Parliamentary Democracy

Canadian parliamentary democracy is based on the principle of responsible government, which at its heart, is centred in the House of Commons. Responsible government is a one-rule system, the rule being that the government must have the confidence of the elected House of Commons—this is the 'confidence convention' (Aucoin, Smith and Dinsdale, 2004). Thus in this conception, democracy is embedded in the "elegant simplicity" of this rule, "democracy is the government's need of the confidence of the House" (J. Smith 2009, 176). Its proponents, such as constitutional scholar Eugene Forsey, argue that:

> "Parliamentary cabinet government…is both responsible and responsive. If the House of Commons votes want of confidence in a Cabinet, that Cabinet must step down and make way for a new government (normally the Official Opposition) or call an election right away so the people can decide which party will govern." (Forsey 2005)

Looking at the theory from a different perspective, scholar Heinz Eulau presents two different conceptions of how representation functions within Parliament, a 'trustee' model and a 'delegate' model (Docherty 2005, 13). This cleavage, I believe, is an important part of the larger difference between parliamentary and electoral perceptions of Canadian democracy. The concept behind the 'trustee' model is that voters elect someone they trust, and believe will use their experience and wisdom to act in the best interest of the broader community (Docherty 2005, 13). The modern embodiment of this theoretical role is not quite as pure as its original champion, Edmund Burke envisioned. Burke, as a British Member of Parliament, once famously explained in a speech to his constituents, "Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." Burke was not re-elected. The concept of a modern 'trustee,' however, is that when they are elected it is to some degree an expression of faith in the MP's judgment, and thus it is the MP's role to carefully consider all aspects of those decisions before him or her, and not simply act as a perfect reflection of local opinion, as the 'delegate' model, which will be further elaborated upon later, would suggest.

According to the basic theory on which Canadian parliamentary democracy operates, it is perfectly legitimate for a coalition of parties to form government, at the request of the governor general, if the former government has lost the confidence of the house, and there has recently been an election. As constitutional expert Eugene Forsey has noted:

> "We…have to get rid of the notion that every defeat in the House means a fresh election... Elections are not picnics... [They] are held to choose a Parliament to transact public business, and Parliament should transact that business until it becomes unable to do so, or until some great new issue arises on which it is imperative to consult the people, or until the Parliament's utility is exhausted by the efflux of time." (1964)

Professor Forsey continues in reference to the constitutional conditions under which a transition in government could occur without a new election:

> "In a Parliament which is recently elected, if one government cannot carry on with the existing House, and an alternative government is possible, and there is no great new issue of public policy, then the government which cannot carry on should resign and make way for one that can." (1964)

It is also known that recent Governor Generals have maintained this view. Former Governor General Adrianne Clarkson has publically acknowledged that she would have given the opposition the opportunity to try and form government had the government in power lost the confidence of the House within six months of an election (Clarkson 2006, 192).

Notably, both Stéphane Dion and Jack Layton explicitly cited these basic parliamentary principles in making their case to form a coalition government. In his address to the nation, Dion argued that:

> "The Harper Conservatives have lost the confidence of the majority of members of the House of Commons. In our democracy, in our parliamentary system, in our Constitution, this means that they have lost the right to govern…Our system of government was not born with Canada. It is ancient. There are rules that govern it and conventions that guide it." (2008)

Similarly, in a letter to Governor General Michaëlle Jean, NDP leader Jack Layton echoed these arguments requesting that the governor general, "exercise [her] constitutional authority and refuse the request [for dissolution]…Instead, ask that the opposition parties

form government" (2008). The opposition leaders appealed to the rules underlying Canadian parliamentary democracy in an effort to support their bid to form government.

Proponents of the traditional parliamentary democracy concept of Canadian governance, including many constitutional scholars, viewed the Conservative Party's characterization of the coalition as 'undemocratic' to be a misrepresentation that was constitutionally unsupportable. By arguing that the coalition itself was undemocratic, scholars such as Professor Lorraine Weinrib believe that Harper "played on the ignorance of the Canadian public as to the constitutional framework" (Weinrib 2009, 67). Because both changing governments without an election, and the creation of a coalition government, have each occurred so infrequently at the federal level within recent Canadian history, it is understandable that many citizens would be unaware of the specific rules governing these actions. Many constitutional scholars believe that the Conservative Government exploited this fact, filling the anti-coalition campaign with "misrepresentations and half truths" that were in some cases "absolutely and viciously incorrect," and "abysmally inaccurate… of fundamental constitutional realities…made for partisan purposes," thus advancing the constitutionally false, but emotionally powerful, case that the coalition was subverting democracy (Franks 2009, 37-38, White 2009, 158). Perhaps this belief was most eloquently stated by Professor Michael Prince when he claimed that this 'extraordinary event' made clear that given the public's poor understanding of Canadian constitutional principles, they could be "easily manipulated by politicians through wild claims and rhetorical statements that generate plenty of heat but little light for the citizenry" (2008). Those who consider parliamentary democracy to be the very core of Canadian governance widely viewed the Conservative Party's decision to characterize the coalition as illegitimate not only as false, but as dangerous.

Electoral Democracy

In contrast, the Conservative Party based their challenge to the coalition's democratic legitimacy in the language of electoral democracy. Electoral democracy, often used interchangeably with direct democracy or populist democracy, is about "a direct connection between the government and the people" (J. Smith 2009, 176). This direct connection between the executive and the electorate represents a marked difference

from parliamentary democracy where such a connection does not exist. Rather, it is the House, elected by the people, which chooses who forms government. This is an important distinction when it comes to dealing with the 'coalition crisis.' It is also crucial to note that in the electoral democracy school of thought, as a result of the perceived direct connection with the executive, "the principle of responsible government," the principle upon which parliamentary democracy is fundamentally based, "…appears not to exist" (D. Smith 2007, 62).

This concept of democracy is most closely associated with the Reform Party, under former federal leader Preston Manning. As opposed to the 'trustee' vision of a Member of Parliament, Manning's Reform Party was philosophically dedicated to a 'delegate'-style approach of representation, where MPs "view themselves as the voice of their people" (Docherty 2005, 13). The hierarchy, as Manning has clearly stated, is that "the people must always outrank those they elect or engage to serve them" (Manning and Harris 2007, 193). In Reform tradition this has normally meant defending the supremacy of the elected House of Commons over the unelected Senate and Supreme Court. Within the House of Commons, however, Reform also advocated measures such as voter recall of MPs, and increased use of referendums, in order to improve representation. The Reform party believed strongly in the need to work towards perfecting representation to make "the legislature and the people one [so that] legislative supremacy follows" (D. Smith 2007, 61). In large part, it was the perceived disconnect between the people and the legislature, a far from 'perfect' reflection, that drove the Conservative Party's philosophical argument that the coalition was not democratic.

Professor David E. Smith has noted that campaigns for electoral democracy are typically fuelled by perceived injustices (2007, 57). This was certainly the case in the 'coalition crisis' with Prime Minister Harper arguing the opposition did not have "the democratic right to impose a coalition with the separatists they promised voters would never happen" (Harper 2008d). The philosophical scaffolding supporting this line was most clearly laid out by Harper's former senior advisor, Professor Tom Flanagan, in an opinion piece in the Globe and Mail. It is worth quoting at some length. Flanagan argues that:

> "Canada has inherited the antiquated machinery of responsible government from the pre-democratic age of the early 19th century, when most people couldn't vote and political parties were only parliamentary cliques. But a lot has happened since Benjamin Disraeli last took tea with Queen Victoria….
>
> …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. 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. The Supreme Court has said it will expound these conventions but will not try to enforce them. The virtue of relying on conventions is that they can evolve over time, like common law, and can be adapted to the new realities of the democratic age." (Flanagan, 2009)

Flanagan is essentially characterizing the ancient history of parliamentary democracy, which Layton and Dion had specifically referenced to support their actions, as out of date with the reality of modern Canadian democracy. He is laying out new criteria for what is legitimate democratic action within Canada. Using Flanagan's *Globe and Mail* article and Harper's public statements regarding the coalition, constitutional scholar Peter Russell has formulated three basic 'Flanagan/Harper rules of Canadian Democracy' (2009, 141); rules that seemingly must be followed in order for the result to be democratically legitimate. The first rule is that parliamentary elections result in the election of a Prime Minister. The second is that the Prime Minister cannot change (between parties) without a new election being called. The final rule is that a coalition government cannot be formed unless it is acknowledged as a possibility during the election campaign, and the leader of the coalition party, who is to be Prime Minister, has won the most seats. One can clearly see the influence of the Reform-era principles of electoral democracy in these rules: the linking of citizens directly with the executive by not permitting a transition in governing party without an election, the desire to create a perfectly reflective lower chamber by refusing to accept the legitimacy of coalitions unless they are explicitly presented to the populace as such during an election, and the refusal to accept traditional notions of 'responsible government' as sufficiently democratic.

To justify this set of de facto rules, Flanagan relies on the argument that Canada's

constitution is based on 'flexible conventions.' In a throwback to Manning's mantra that "the people must always outrank those they elect," Flanagan claims that modern Canadian democratic reality dictates that the ultimate arbiter of the coalition could not be the House, but rather had to be the citizens themselves through a new election. The Harper Government itself could hardly have been more explicit in following this approach. On Dec. 3rd, while the Prime Minister was meeting with the Governor General, senior government Minister John Baird appeared on *CBC Newsworld* and stated, "I think what we want to do is basically take a timeout and go over the heads of the Members of Parliament, go over the heads frankly of the Governor General, go right to the Canadian people" (2008). Such a bold statement clearly distinguishes the 'electoral democracy' approach from that of 'parliamentary democracy,' where to "go over the heads of the Members of Parliament" would be fundamentally in opposition to the very core of how parliamentary democracy functions.

It is clear that the 'coalition crisis' brought to the fore the ongoing debate between parliamentary democracy and electoral democracy. It exposed the difference between a Parliamentary model of active representation—a House which interprets and refines interests—versus an electoral model of reflective representation where the House seeks to act as precise a mirror of citizen's views as possible. Professor David E. Smith, drawing on a concept from Susan Sontag, compares the difference to the distinction between photography, which discloses (electoral democracy), and painting, which through its layers of application constructs (parliamentary democracy)—Parliament not as image but "the thing indeed" (D. Smith 2007, 71).

When Theories of Democracy Collide

This philosophical debate, however, is not usually a black and white choice between one absolute and the other. Under normal circumstances this would be a false dichotomy. No pure 'trustee' MP exists without consideration for the views of those in their riding, and no pure 'delegate' MP exists who flawlessly mirrors the views of their constituents with no regard for their party's policy positions. The real life functioning of Parliament is instead coloured in shades of grey. Different theories of Canadian democracy have a long history of competing, and co-existing. In fact, a long-term trend of Canadian parliament has been

to watch the "hierarchical world of parliamentary democracy subjected to the horizontal pressure exerted by constitutional and electoral democracy" (D. Smith 2007, 118). The result can prove to be positive. Through continual debate and democratic renewal, work to increasingly integrate aspects of electoral democracy into our parliamentary system can enhance responsiveness, while retaining the functioning foundation of Canadian governance.

The reality of the coalition, however, was that the tectonic plates of Canadian politics aligned perfectly so as to produce a sudden, dramatic, and unpredictable event; a result of too much direct pressure between the two theories, a type of constitutional volcano. Whereas normally the two competing conceptions of democracy manage to peacefully co-exist, several factors aligned to dramatically ratchet up the pressure in this instance. First, the perception of the coalition's democratic legitimacy was not a matter of degrees; rather it was a choice of absolutes that went straight to the heart of the difference between the two theories. Either the coalition was a legitimate, democratic option, or it was not. Secondly, the ramifications of this decision were substantial, immediate, and clearly tied to the fate of the incumbent government. Finally, as a result of the importance of the decision, the constitutional debate was centrally thrust into the public arena. These factors combined to make the battle over the legitimacy of a potential coalition government arguably one of the greatest flashpoints between parliamentary and electoral democracy in Canadian history.

Long-Term Implications

The question remains, what is the legacy of the decision of the Conservative Party to challenge the democratic legitimacy of the proposed coalition? I would argue that as a result of having exacerbated the cleavage between parliamentary democracy and electoral democracy, it has created some significant concerns going forward. The Canadian public remains confused as to how Canadian democracy operates. Canada's primary political actors seem to now hold starkly different views as to what constitutes legitimate democratic action. Finally, this period of important constitutional debate was conducted in a hyper-partisan, high-pressure environment not conducive to the responsible resolution of disagreements. With different conceptions of the basic rules of the game amongst the

key political players remaining, the likelihood that the next round of constitutional debate could occur in the same antagonistic forum is high.

Despite the fact that the public's attention was focused on the constitutionally centred 'coalition crisis,' public knowledge about how Canadians govern themselves remains woefully low. While more Canadians now likely have a better understanding of the meaning of 'prorogue' after around-the-clock media coverage of the crisis, central elements of Canadian democracy remain confused in the minds of many Canadians. In a study conducted immediately after the 'coalition crisis,' Ipsos Reid found that 51 percent of Canadians falsely believe that the Prime Minister of Canada is directly elected. Furthermore, 42 percent believe that the Prime Minister, not the Queen, is Canada's head of state (Ipsos Reid, 2008).

Some argue it is partially because of the fact that the public was paying attention to the coalition crisis that it is confused about basic elements of Canada's constitution. In fact, according to Russell, the "vigorous propagation" of 'Harper's rules' "may have already had a major impact on the public's understanding of Canada's constitution" (2009, 142). Other scholars also allude to the effectiveness of Harper's "intentional obfuscation" on the matter in changing public opinion (Cameron 2009, 190). Regardless, the phenomenon of citizens' low constitutional knowledge is no doubt reflective to some degree of the fact that today even Canada's political leaders and experts now appear to openly differ on some key aspects of what is constitutional.

Canada's constitution is largely unwritten, and therefore heavily based on constitutional conventions. For instance, it is a fundamental constitutional requirement that if an election occurs and the opposition party garners a majority of seats in the House of Commons, the existing Government must resign. Though this is a fundamental part of the constitution, it exists in convention, not in written constitutional law (Slattery 2009, 83). There are advantages to this unwritten system. It allows Canada to remain open to deal with problems that may arise that are not explicitly covered by the written constitution. Furthermore, this system allows for the 'living tree' approach, which means that our constitution can adopt and evolve with Canadian society over time.

But while our system is meant to be flexible to some degree, there are limits. While Harper and Flanagan advance a new constitutional reality given the principle of democracy underpinning the constitution, this is not necessarily the case simply because they claim it. Furthermore, while in the long-term a healthy Canadian constitution requires broad public support, even if the Canadian public was largely supportive of Harper's rules, Canada's constitution does not simply change day-to-day based on the whims of fluid public opinion polls. There is no denying that there are problems, however, when various key parties to the Canadian constitution have fundamentally different beliefs about what, in fact, qualifies as constitutional behaviour.

In the aftermath of the 'coalition crisis,' and the Conservative Party's depiction of the prospect of a Liberal-NDP coalition government as undemocratic, it is evident that key players in Canadian politics are sharply divided as to what actions are democratically permitted under the Canadian constitution. While it is clear that Stephen Harper believes in the rules he and Tom Flanagan have put forward, it is also evident that former Liberal leader Stéphane Dion, NDP leader Jack Layton, and Bloc leader Gilles Duceppe continue to believe in the legitimacy of a traditional version of parliamentary democracy. This system permits, under certain circumstances, the transition of governments without an election, and views coalition government as a legitimate form of executive. Many constitutional experts support this view, dismissing 'Harper's Rules' and acknowledging that the coalition was, in fact, constitutionally legitimate and democratic. A great many members of the Canadian public (approximately 42 percent), however, viewed the coalition's effort to take power as undemocratic. Furthermore, current Liberal leader Michael Ignatieff, despite his initial (albeit tepid) support for the coalition, has since stated that while the coalition itself was not undemocratic, "there was a question concerning the legitimacy of the coalition that troubled me…it would nonetheless have given Canadians the feeling that the parties had in some sense or another stolen power" (2009). The wide divide in opinion between political leaders, constitutional experts, and a substantial portion of the public on what constitutes legitimate, democratic, and constitutional political action, is a dangerous position for Canadian democracy going forward.

As a result of the 'coalition crisis' and the challenge to the democratic legitimacy of the coalition, real uncertainty now exists with respect to the basic rules of Canadian democracy. As Peter Russell notes, the legacy of the coalition crisis "could be the basis of a serious constitutional crisis in the near future: a country dangerously divided over the fundamental principles and the rules of its parliamentary democracy" (2009, 147). As previously stated, the constitution's complex balance of written constitutional law, unwritten constitutional conventions, and the fundamental principles that underpin both, depends on it being in accord with the views of the people and their democratic leaders (Russell 2009, 148). This healthy balance has now been thrown off. As a result, in the future the governor general could be put in the incredibly difficult position of having to "referee a game without an agreed-upon set of principles" (Russell 2009, 147). In short, the 'coalition crisis' did not resolve these basic issues, but rather raised them to the fore and left them festering while awaiting the next crisis.

There is a high likelihood that unless proactive measures are taken, the next time these contested fundamental constitutional principles are seriously debated, it will be in the context of a Canadian constitutional crisis. This is troubling given the experience of the 'coalition crisis,' in which the various parties involved had very real, and very immediate, vested interests in certain interpretations of the constitution being accepted over others. Skogstad for instance, expresses concern in "the readiness of Conservative partisans to blur the line between what was constitutionally possible and what was not politically acceptable" (2009, 170). Furthermore, the coalition crisis was a pressure-cooker of political power-plays, short time frames, and intense media and public scrutiny. Realistically, the goal on all sides was to retain or gain power, in the short-term. This is not the type of environment where the basic rules of Canadian democracy, which play a long-term role in Canada's development in the most profound sense, should be determined. A similar 'crisis-like' environment in the future likely won't be conducive to developing responsible, comprehensive, and long-term solutions to the current constitutional impasse. Considering that an overwhelming majority of Canadians feared for the future of the country at the height of the most recent 'coalition crisis,' this is not a frivolous concern.

Moving Forward

This work has explained one specific area where the Conservatives decided to strike their coalition target. It has detailed when and how they tactically pushed forward the argument that a Liberal-NDP coalition government would be undemocratic. It has addressed why the reaction to the coalition was so polarizing, and some of the implications for Canada moving forward. But in addressing these core questions of what, where, when, why and how, in the end we are left to consider one more: Who? In the end, who is really affected by the constitutional impasse? The answer is that all Canadians are affected, and not just current Canadians, but future generations of Canadians. Canada must work to increase current and future generations of Canadians' understanding of our democratic system. This will help build the base of civic knowledge that reinforces both political stability and democratic engagement. Furthermore, it is in Canada's long-term interests to work now to create some type of forum, outside of a crisis-melee situation, where the major actors upon which the health of the constitution is so dependent can come together and work to find common ground. In debates about national debt, or the environment, parties often speak about the need to leave a positive legacy for future generations of Canadians. Perhaps Canada's constitutional health needs to be viewed in these terms as well, as an extremely precious resource that must be protected through careful sustainable development for future generations of Canadians.

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