

# POLI 202: The Government of Canada

The Legislature

# Course Outline

## **Parliament**

- The Crown
- The Senate
  - How it works
  - Senate Reform
- The House of Commons
  - MP roles
  - HoC highlights
  - How a bill becomes a law

# Parliament

Parliament in Canada is composed of three bodies:

- The Crown
  - The Senate
  - The House of Commons
- 
- This means that technically, only 1 third of Canada's Parliament is democratically elected.
  - Nevertheless, it can be argued that the House of Commons is its most important component.

# The Crown

- The Crown has many roles in the legislative process, though most of them are ceremonial.
- The Queen does not act directly in Canadian politics. Instead, the monarch mandates a representative to act in their name in Canada.
- This representative is the Governor General.

# The Crown

- One of the most important roles of the Crown in the legislative process consists in the power of Royal Assent.
- This is a public declaration that the law is legitimate.
- At the end of the legislative process, the governor general must sign a bill so that the law becomes effective.

# The Crown

- In theory, the governor general could refuse to sign a law supported by the House of Commons and the Senate.
- Today, the governor general will sign any law sent by the HoC and Senate. They will not use this power to influence the content of the law.

# The Crown

- At the beginning of every parliamentary session, the governor general reads the Speech from the Throne.
- This sets out the government's plans for the coming legislative session.
- In practice, the Speech is written by the Prime Minister and his staff. It is only read by the governor general.

# The Crown

- The governor general plays a very important role in terms of government formation.
- After every election, the governor general asks a party leader to form the government.
- The governor general can also prorogue or dissolve the House when requested by the Prime Minister.
  - Prorogation: Ending the parliamentary session, suspending Parliament until the next one.
  - Dissolution: Ending the parliamentary session and triggering an election.
- Theoretically, the governor general can seek to replace the government if it is defeated in the House.



# The Crown

- Questions?

# The Senate



# The Senate

- Canada's Parliament contains two chambers.
- They are the House of Commons and the Senate.
- This is referred to as « bicameralism ».

# The Senate

- The members of the Senate are appointed, rather than elected.
- They are appointed by the governor general, on recommendation of the Prime minister.
- This is why the Senate is referred to as a Chamber of « sober, second thought ».

# The Senate

- According to the literature, the Senate plays this role fairly well.
- It can conduct commissions and receive witnesses to revise important questions pertaining to bills they are studying.
- Senators can also be part of Senate committees that study questions in depth with the goal of advising the government.

# The Senate

- However, the Senate rarely opposes or modifies bills from the House of Commons. (Bernard, 1995)
- From 1867 to 1992, the Senate approved 99% of bills sent from the House of Commons.
- 95% of these were approved without any changes.

# The Senate

- This raises questions about the relevance of the Senate.
- When the Senate rejects a bill from the House of Commons, it can raise questions of legitimacy. How can these appointed people thwart the will of the democratically elected representatives of the public?
- If the Senate simply approves bills from the House of Commons, however, the Senate may seem irrelevant. What is the point of a Senate if it only rubberstamps what the House of Commons does?
- There is no formal dispute resolution mechanism between the two bodies, so as a convention the Senate defers to the House during disagreements.

# The Senate

- The second objective of the Senate is to represent the regions of the country, instead of specific ridings.
- The idea is to have 2 chambers with representatives divided according to different principles.
- The House of Commons represents the people of Canada, and so follows the principle of **representation by population**, according to which each province and territory receive a number of seats roughly equal to their share of the country's population.



# The Senate

- The Senate follows a principle of **regional representation**.
- The Senate was divided in four regions with 24 seats each (West, Ontario, Quebec, Maritimes).
- Upon its entry in Confederation in 1949, Newfoundland and Labrador was awarded 6 seats. (Giving 30 seats total to the Atlantic)
- Each territory (Yukon, NWT, Nunavut) has one seat as well.
- There are 105 seats in the Canada Senate.

# The Senate

- In practice, the Senate does not really play the role of representing regions.
- Since the senators are named by the federal Prime Minister, it is unclear why they would be good representatives of their region.

# The Senate

## Requirements to become a senator

- Be a Canadian citizen
  - Own land in the region you represent
  - Be 30 years of age or older
  - Be appointed by the governor general on recommendation of the PM.
- 
- You are then a Senator until the age of 75.

# The Senate

- Reforming the Senate is extremely difficult.
- This is because the Senate is part of the Canadian Constitution, and modifying the Constitution is extremely difficult.
- As a result, only minor reforms have been enacted recently.

# The Senate

- Since senators are supposed to represent regions of the country, one could expect that regions would choose their own senators.
- Some suggest that each region could hold elections to select their senators. (Alberta)
- Others suggest that premiers should be able to appoint the senators representing their region, instead of the federal PM. (Quebec)

# The Senate

- Recent reforms to the way the Senate works have been enacted by PM Justin Trudeau.
- He has expelled Liberal senators from the Liberal caucus, meaning that they do not attend the same meeting as the Liberal MPs.
- This was done to encourage independence of the senators named by Liberal governments.

# The Senate

- However, these senators decided to still call themselves Liberals, and meet in the new Senate Liberal caucus.
- Since then, Senators have created a new organization called the Independent Senators Group.
- This organization is more distant from the Liberal party and now includes former Conservatives.

# The Senate

- The Trudeau Liberals also changed the process of senator appointment.
- Instead of being appointed by the Prime minister, a committee studies applications by Canadians interested to become senators.
- This committee then makes recommendations to the Prime minister, who then appoints the Senator.
- These recommendations, however, are neither public nor binding.



# The Senate

- A commonly requested reform of the Senate calls for a triple-E Senate.
- This senate would be equal, elected, and effective.
- An elected senate would be elected by a vote in the region or province that senators are supposed to represent. Proponents argue that this would give greater legitimacy to the Senate.

# The Senate

- An equal Senate would have the same number of senators for each province.
- The reasoning behind this is that while the House of Commons represents the people, the Senate should represent the provinces, and they should all have the same weight.

# The Senate

- This is especially favoured in small provinces, because it would reduce the weight of Ontario and Quebec (24 senators each currently).
- The West is especially favourable to this change.
- Right now, British Columbia and Alberta have 6 seats each, while New-Brunswick and Nova Scotia have 10 seats each.

# The Senate

- Finally, the Senate should be more effective. Arguably, simply by being elected, senators would get more legitimacy.
- However, this could cause deadlock in Parliament. Today, when there is a conflict between the House and the Senate, it is expected that the Senate will yield since they are unelected.

# The Senate

- Others recommend the outright abolition of the Senate.
- They claim that it is not needed.
- Doing so would also save 100M\$/year (KPMG estimate, 2014)

# The Senate

- Questions?

# The House of Commons



# The House of Commons

- A key question in designing institutions consists of identifying the interdependence between the executive and legislative aspects of government.
- This separation is clear in the United States.
- The U.S. clearly differentiates between Congress (legislative), the White House (executive) and the Supreme Court (judicial).



# The House of Commons

- In a parliamentary system (like Canada's), this is not the case.
- On the contrary, most members of the government (the executive) sit in the House of Commons (the legislative).
- While this may raise questions about checks and balances, it gives an opportunity to opposition MPs to hold members of the government to account.
- One example of this is Question Period, where MPs can ask ministers to inform the House of the situation of the government.



# Convergence of Executive and Legislative

- Cabinet members enjoy some privileges over the members of Parliament who are not members of Cabinet.
  1. Greater influence in the policy process
  2. Introduce legislation that raises or spends public money
  3. Longer and more successful careers
  4. Better compensation (salary, drivers, limo, etc.)

# Convergence of Executive and Legislative

- While all MPs can introduce legislation, Cabinet MPs will introduce legislation on behalf of the government.
- This means they will introduce most legislation the House will consider, and their legislation is the most likely to be adopted.
- Having a seat in Cabinet means they can participate in conversations regarding the orientation of the government, which grants them greater influence.

# Convergence of Executive and Legislative

- Bills that raise or spend public money are in a specific category. This is because the government is responsible for managing money given to it by citizens to fund public services.
- Only the government can introduce such bills.
- Opposition cannot introduce new budget, new taxes, etc.
- Such measures cannot be introduced in the Senate either.

# Convergence of Executive and Legislative

- Cabinet members typically have longer and more successful careers than other MPs. (Atkinson and Docherty, 1992)
- This is because their role gives them greater stature in the media, which boosts their personal notoriety among voters.
- They can also use their influence to benefit their riding, and their constituents may in turn reward them for these benefits.

# Important Roles in the House of Commons

- The Speaker is the person in charge of presiding over the House of Commons.
- The Speaker makes sure that everybody can speak when it is their turn.
- The Speaker also enforces the rules of Parliament.
- Elected by the MPs, the Speaker is typically from the rank of the governing party (because they have the most votes).

# Important Roles in the House of Commons

- The Speaker should appear as neutral as possible, despite being elected under a party's banner.
- For this reason, the Speaker is excused from party business and caucus meetings.
- The Speaker does not participate in partisan action (like fundraising or campaigning).
- Does not vote, unless there is a tie, in which case they vote with the government.

# Important Roles in the House of Commons

- Opposition leaders are the leader of the parties that do not form the government.
- They have many privileges.
- They speak first during question period.
- They nominate members of their party to act as critics for specific portfolios, who will be tasked to hold corresponding ministers accountable.



# Important Roles in the House of Commons

- House leaders sit next to the party leaders (not the same person).
- Their role is to make sure that parliamentary rules are respected.
- If they believe a rule has been broken, they may address the President to ask him to consider whether this has been the case.
- They are responsible for making sure that parliamentary activities run smoothly and efficiently.

# Important Roles in the House of Commons

- The whip is also an important role in a parliamentary group.
- Whips are responsible for internal discipline within the party.
- They make sure that MPs show up to the House of Commons and that they vote the « right » way.

# Important Roles in the House of Commons

- Questions?

# HoC: The Highlights

1. Question Period
2. MP Affairs
3. Government Affairs
4. Caucus meetings

# Question Period

- During Question Period, opposition MPs do their best to hold government to account.
- This involves asking them difficult questions about how they manage the country, when they will introduce important legislation, how they will deal with an important issue, etc.
- Questions can also focus on scandals and personal conduct of the minister.
- Ministers are not given the question ahead of time. This means that they may not be prepared to answer this question.

# Question Period

- The Speaker of the House gives the first question to the leader of the official opposition.
- This person can ask one question, with two follow-ups.
- Then the leader of the second opposition party does the same, until all recognized parties have done so.
- After this, MPs can ask questions, including government MPs.

# Question Period

- The government can choose which minister will answer the question.
- So even if the MP wants the Prime Minister to answer the question, another minister might answer instead.
- This rule can be used by government ministers to dodge questions.
- Can also be used to be absent from the House.

# Question Period

- A characteristic unique to Question Period in Canada is the « scrum ».
- After Question Period, journalists can ask questions of Cabinet ministers and MPs in a very informal way.
- This gives them an opportunity to advance their agenda and communicate with the public.
- This creates strong incentives for parliamentarians to shine in Question Period.
- They know they are filmed during Question Period, and then may be interviewed right after.



# MP Affairs

- Individual MPs introduce motions and bills.
- The order in which this is done is determined randomly at the beginning of each parliamentary session.
- Sometimes, parties will use their member's turn to advance the interest of the party instead.
- The MP loses the opportunity to speak about their own priorities, but they can gain a national profile and the gratitude of their party.

# Governmental Affairs

- This takes the lion's share of the time in the House of Commons.
- This is where bills introduced by the government are discussed, debated, and amended.
- This can include the budget or the speech from the throne.
- Which bills are submitted and in which order is determined by the House leader of the governing party.

# Caucus meetings

- A caucus is where party members meet with fellow members of their own party.
- They play a very different role for the government party and the opposition.
- For the opposition, such meetings are mostly about strategy.
- They decide what they will focus on during Question period, decide policy stance on legislation, and generally how to oppose the government.

# Caucus meetings

- This is different for governmental parties.
- Governmental parties have two types of members: ministers and MPs.
- MPs use caucus meetings to tell the Cabinet members about the views of their constituents.
- The government may announce new legislation to the caucus, and the MPs may try to change this legislation before it becomes public.
- The government may also try its messaging with MPs, and decide to refine it if it does not appear to work.

# Caucus meetings

- Questions?

# How a bill becomes a law

- Most bills come from the Cabinet.
- They are developed in a committee accountable to the Cabinet
- The committee is chaired by a minister, and can include whoever they (and the PM) want.
- This committee comes up with a fleshed out proposal, which is submitted to the Cabinet.

# How a bill becomes a law

- If the Cabinet approves it, then the Ministry of Justice will write the official bill in both official languages.
- It makes sure that one minister will sponsor it in the House of Commons.
- It also makes sure that it is compliant with the Charter of Rights and Freedoms.
- The Ministry of Justice returns the bill to Cabinet for approval.
- When these steps are completed, then the government House leader will schedule the bill during Parliamentary affairs.

# How a bill becomes a law

- 48 hours later, the bill can be announced in the House. This gives time to other parties to prepare.
- There are three votes (referred to as « readings ») before a bill becomes a law.
- First reading: The House states that the bill is receivable according to the rules.
- The bill then becomes public.



# How a bill becomes a law

## Second reading

- At this stage, MPs vote on the general principle behind the bill.
- This gives an opportunity for opposition MPs to state their opinion on the bill during debate.
- At this stage, the vote only concerns the general principle and objective of the bill, but not the details.

# How a bill becomes a law

- If the second reading passes, committees are constituted by representatives of the parties in the House of Commons in proportion of their seats.
- If the governmental party has most of the seats in the HoC, it will have most of the seats in committee as well.
- The committee is supposed to study bills in great detail.
- Committees can summon witnesses and request documents necessary for its work.

# How a bill becomes a law

- MPs can suggest amendments, which can be either adopted or rejected in committee.
- The committee will also write a report informing other MPs of what happened in committee.
- After this step, there is a third reading of the bill.
- If it passes, the debate ends in the House of Commons, and the bill is sent to the Senate and the governor general for Royal Assent.
- The Senate follows the same procedure as the House of Commons (3 readings, committee, etc.).

# How a bill becomes a law

- Questions?



# POLI 202: The Government of Canada

## The Cabinet and the Executive

# Outline

- Responsible Government
- Composition of Cabinet
- The Workings of the Cabinet
- Concentration of Power at the centre

# Responsible government

## Steps in government formation

1. Members of Parliament are elected by citizens.
2. Cabinet members are selected by the PM from the MPs.
3. The Cabinet must hold the ***confidence of the House*** to govern.

Important to note that Canadians only elect a Member of Parliament. They do not directly vote for the government or the Prime Minister.



# Responsible government

- « The Cabinet must hold the confidence of the House. »
- What this means is that a majority of MPs in the House of Commons must support the government.
- Different from the situation in Presidential countries like the United States.

# Responsible government

- Responsible government is not explicitly written in the Canadian Constitution.
- It is considered a constitutional convention.
- Constitutional conventions are unwritten rules that have to be followed nonetheless.

# Responsible government

- Responsible government only matters for the relationship between the Cabinet and the House of Commons.
- It does not matter for the relationship between the Cabinet and the Senate.
- The Senate cannot vote on a motion of non-confidence and cannot force the government to resign.

# Responsible government

- By default, it is presumed that MPs do give their confidence to Cabinet.
- It is withdrawing confidence that requires a vote.
- This means that the initial formation of the Cabinet does not require a vote.

# Responsible government

What are motions of confidence?

- Any bill that carries budgetary implications is a motion of confidence.
- The speech from the Throne.
- Any bill that the government states is a motion of confidence then becomes a motion of confidence.
- An explicit motion of confidence submitted by an opposition party.

# Responsible government

- The easiest way for a government to maintain the support of the House is when their party holds a majority of the seats in the House of Commons.
- In this case, retaining the confidence of a majority of MPs is easier.

# Responsible government

- To do so, they need to make sure that their own MPs will vote in favour of the government.
- This is why we talk of party lines or party discipline in Canadian politics.
- Achieving this can be done by rewarding MPs for loyalty and punishing dissent.

# Responsible government

- MPs who follow the rules can expect positions in the party (cabinet, shadow cabinet), party function (whip, House leader), fundraising support, photo-op with leader, senator position, etc.
- MPs who do not will rarely be promoted, may not be supported by the party for reelection, and may even be excluded from the party.



# Responsible government

- This has led to debates about the role of party discipline.
- Some argue that it is essential for responsible government.
- If MPs voted however they want, the government could lose confidence by mistake.

# Responsible government

- Party discipline provides MPs with allies when making tough decisions.
- It helps the government defend unpopular but necessary positions (raising taxes, restrictions for public health)
- Party discipline is helpful to voters because they only need to keep track of what parties do, instead of having to track their representative.
- Easier to track 4-5 parties than 338 MPs.

# Responsible government

- Others counter that it limits the ability of MPs to represent their own riding.
- National parties will not always want what each riding wants. Forcing MPs to vote makes it harder for them to represent their ridings.
- Takes away responsibility and judgment from role of MP. Diminishes the role.



# Responsible government

- When the governing party does not hold a majority of seats, then things become more complicated.
- 2 options: case-by-case governance or coalition governments

# Responsible government

- Case by case governance:
- In 2005, the Liberal government led by Paul Martin had less than a majority of seats in the House of Commons.
- Besieged by negative public opinion due to the sponsorship scandal, the Liberals needed to find another party willing to support their budget.
- The NDP negotiated its support in exchange for 4.6 billion in spending towards the NDP's priorities (such as the environment and social housing).

# Responsible government

- Coalition governments are expected to be more stable than case by case arrangements.
- They require two or more parties to enter a formal agreement to govern together for a set period of time.
- In this case, the Cabinet will include members from both parties.
- This is extremely rare in Canadian politics, but is theoretically possible.

# Responsible government

- British Columbia is currently run by a coalition government.
- There are 87 seats in the legislature.
- To have majority, a party needs 44 seats.
- The Liberals received 43, NDP 41, and Greens 3 in the 2017 election.
- The NDP and Greens formed a coalition, despite each party winning fewer seats than the Liberals on their own.

# Responsible government

- If the government loses the confidence of the House, then it must resign.
- The Governor General can then do either of two things:
  1. Call for an election (dissolution of Parliament)
  2. Ask another party leader to form a government
- Governor General will usually call for an election.
- The other option would only be used shortly after an election if there is a credible alternative (they believe another party can maintain the confidence of the House)



# Responsible government

- Questions?

# The Composition of Cabinet

- The Prime minister is the central player of government.
- Since the role is not mentioned in the Constitution, it relies on conventions, practices, and personal preferences rather than formal rules.
- Furthermore, Cabinet is a private entity, unlike the House of Commons. This makes it more difficult to know how things actually work in Cabinet.
- We need to rely on testimony from political actors to learn about the inner workings of Cabinet, which may or may not be reliable.

# The Composition of Cabinet

- There are two ways to become Prime Minister.
- The most common way is through an election.
- A party leader runs during an election, wins the most seats in the House of Commons, and becomes Prime Minister.

# The Composition of Cabinet

- The second path to Prime ministership is succession
- If a Prime minister resigns or dies while in exercise, somebody will be called upon to take their place.
- Since 1945, five Prime ministers were selected this way: Louis St-Laurent, Pierre Trudeau, John Turner, Kim Campbell, and Paul Martin.

# The Composition of Cabinet

- Legally speaking, this is perfectly acceptable.
- Even though the new PM was not voted in during an election, they are legitimate.
- Remember that Canadians elect parliamentarians, who then choose a government.
- Canadians do not choose a PM or government. They choose MPs.

# The Composition of Cabinet

- The Prime minister has the power to appoint the other members of the Cabinet.
- The PM also has the power to fire them at will, which gives the PM a lot of power over the ministers in office.
- The PM can also decide on the structure of Cabinet and how it will be run.
- The Cabinet does not have a fixed structure. The PM can thus create new departments if so desired.

# The Composition of Cabinet

- The Prime minister has full latitude to select the ministers in theory.
- In practice, the options are limited.
- Because of responsible government, the PM is expected to select ministers from the MPs.

# The Composition of Cabinet

- Otherwise, the MPs would be unable to question ministers during Question Period.
- Having ministers who sit in the House of Commons is a good way for the PM to have allies in the House of Commons.
- It helps defend a common agenda and act as a team during Question Period.



# The Composition of Cabinet

- This rule is informal, and there are some exceptions.
- If a governing party leader is not elected as an MP, they can still be PM.
- Every government will name someone to represent them in the Senate, who is usually a Senator rather than an MP.

# The Composition of Cabinet

- In other cases, individuals have been named because of their expertise or a pressing need for their services.
- Lucien Bouchard (1988)
- Stéphane Dion (1996)
- Pierre Pettigrew (1996)
- Michael Fortier (2006)
- In each of these cases, they were expected to seek proper election at the earliest opportunity.

# The Composition of Cabinet

- This can seriously restrict the options of a Prime minister.
- How many people have the experience to lead the ministry of Finance out of 157 people? (size of the governmental caucus at the time of writing)
- Then do this again with Foreign Affairs, Justice, Environment, Intergovernmental Affairs, etc.
- This already limits your options quite a bit.

# The Composition of Cabinet

- Other factors that matter in the selection of Cabinet members relate to what the PM thinks of them.
- Personal relationships and loyalty matter.
- People who supported the PM when they campaigned to lead the party can be rewarded for their support.
- Those who did not may have trouble getting in Cabinet.

# The Composition of Cabinet

- Finally, there are political considerations to take into account as well.
- Traditionally, the regional division of Cabinet has been an issue.
- Canadians from every region want ministers who can represent them in Cabinet.
- This can especially be an issue when the party did well in some regions of the country but not others.
- In the most recent election, there were concerns that Albertans would not be represented in Cabinet.

# The Composition of Cabinet

- Language has been an issue as well, for similar reasons.
- On top of respecting the general proportion in the population, it is expected to find an anglo-Quebecer and a non-Quebec francophone in Cabinet.
- The percentage of female ministers has become important in recent times.
- Likewise, representation of Indigenous Peoples and visible minorities in Cabinet has become more important as well.

# The Composition of Cabinet

In summary, the Prime minister has to select from a small pool of candidates on the basis of:

- Competence
- Loyalty
- Region
- Language
- Gender
- Indigenous representation
- Visible Minority representation

# The Composition of Cabinet

- Questions?



# The workings of the Cabinet

- Ministers are in charge of their own ministry.
- However, they have limited powers to make important decisions on their own.
- Cabinet is supposed to rule in a collegial manner, which means that Cabinet members should get together and reach a consensus as a group.

# The workings of the Cabinet

- This ensures greater coordination between ministries.
- It ensures that ministers are informed of changes made by their colleagues.
- It also gives them the opportunity to discuss new initiatives before they are implemented.

# The workings of the Cabinet

- It also leads to a concept called ***Cabinet solidarity***.
- Since decisions are made by Cabinet, and not an individual minister, then they require the public support of all ministers.
- This is also why Cabinet meetings are private.
- While ministers may have disagreed with a decision in a Cabinet meeting, they cannot express this in public.
- They are expected to stand by the government.

# The workings of the Cabinet

- Legally speaking, ministers are equal to each other.
- One exception are the ministers of international trade and Foreign aid, who are charged with assisting the minister of Foreign Affairs.
- However, there is also an informal hierarchy across ministries.
- Finance, Foreign Affairs and Justice are all very prestigious and give the minister a lot of influence.

# The workings of the Cabinet

- The Cabinet is supported in its tasks by two institutions within the federal government.
- The Privy Council Office (PCO) is a body that is supposed to be neutral. It represents the State and the public administration.
- The person at the top of the PCO is the clerk of the Privy Council.
- The PCO supports the Cabinet with administrative and policy issues.  
(not politics)

# The workings of the Cabinet

- The Prime Minister's Office (PMO) works directly for the Prime Minister.
- If the PCO's job is policy, the PMO's job is politics.
- Their role is to advise on the political implications of a decision and maintain a positive media image of the PM and Cabinet.
- Plays an important role in controlling the public image of the PM/government.

# The workings of the Cabinet

- Questions?

# Concentration of Power

- As we have seen, the Prime Minister has a lot of power.
- The PM can easily pass laws
- The PM controls the Cabinet
- The PM is supported by the PCO and PMO.



# Concentration of Power

- This has led many to suggest that the Prime Minister in Canada has too much power.
- They would prefer a collegial Cabinet.
- The most vocal of these critics is probably Donald Savoie.

# Concentration of Power

- Savoie does not mince words.
- He calls the Cabinet the « court government ».
- This suggests that the Prime Minister is king, and the ministers are vassals.

# Concentration of Power

- Savoie argues that several recent developments can explain the concentration of power at the centre.
- The first factor is the election of the Parti Québécois (PQ) in Quebec in 1976.
- This election created an existential threat to Canada, and put the Prime Minister and his staff on high alert.

# Concentration of Power

- If a premier wants something from the Prime Minister, the PM can overrule opposition from within the federal government.
- The PM will make sure opposed Cabinet ministers have no choice except to agree.
- In this case, the centre benefits, and other ministers lose.

# Concentration of Power

- Another factor is the media.
- When an issue is discussed in the media, the PMO takes control of the issue.
- This is because the main role of the PMO is to protect the PM from a political standpoint.

# Concentration of Power

- The importance of the centre is also seen in media coverage of election campaigns.
- The media focus on party leaders, one of whom will become Prime minister.
- One example of this is the leader's debate.

# Concentration of Power

- Another sign of the concentration of power to the centre is to take away from Cabinet the task of deciding whether to spend public funds.
- Public spending is now only decided by the Prime Minister, the minister of Finance, and the President of the Treasury Board.

# Concentration of Power

- Savoie discusses changes to the role of the PMO.
- In the late 60s, it was said that the PMO existed to serve the Prime Minister, but did not deal in policy, and would not serve in an advisory capacity.
- Today, PMO staff recognize that they provide advice to the Prime Minister.



# Concentration of Power

- PMO staff can raise any issue they want, whether on politics, policy, administration or appointments.
- They may help a minister initiate a proposal and offer support.

# Concentration of Power

- Likewise, the role of the PCO has become more focused on the Prime Minister as well.
- A 1997 PCO document states that the Clerk of the Privy Council acts as the Prime Minister's Deputy Minister, and provides advice and support to the PM as head of government, including management of the federation.
- Note that this description does not restrict the role of the PCO to policy advice or to nonpartisan work.

# Concentration of Power

- Savoie highlights that Prime Ministers will identify a handful of priorities, and manage them aside of the normal governing channels.

There are few limits to the Prime minister's power:

- Public opinion
- Time



# POLI 202

# The Government of Canada

Electoral Systems

# Outline

- Introduction
  - Canada's Electoral System
  - Advantages and Disadvantages
  - Other Options
- 
- Essay Question

# Introduction

- The first thing we should do is define electoral systems.
- **Electoral system:** « the system used to count the votes and determine the results of elections »
- The Canadian electoral system has been the same since 1867.
- There have been multiple attempts to change the electoral system in Canada at the federal and provincial levels.

# Introduction

- Several provinces have considered changing their electoral system:
- British Columbia
- New Brunswick
- Ontario
- PEI
- Quebec



# Introduction

- Most importantly for this class, electoral reform was a key topic in recent Canadian history.
- In the 2015 election, both the Liberals and NDP promised during the campaign that they would reform the Canadian electoral system.
- After the election, the Liberal government decided not to pursue this issue further.

# Introduction

- For these reason, we will discuss some of the reasons why the Canadian electoral system might be changed.
- We will also discuss alternatives to the electoral system, as well as the consequences of adopting one of these alternatives in the Canadian context.

# Introduction

- Questions?

# Plurality Voting System

- First Past the Post is probably the simplest electoral system there is.
- It is usually used in single-member districts (districts where a single individual is elected)
- This is the electoral system that Canada uses.

# Plurality Voting System

- The simple rule of FPTP is that the candidate with the most votes wins.
- This means that a majority (50%+1) is not required.
- A candidate simply needs to have more votes than the other challengers to win.

# Plurality Voting System

- Imagine 3 candidates
- Candidate A: 40%
- Candidate B: 30%
- Candidate C: 30%
- Candidate A would be elected despite not receiving a majority (50%+1) of the votes.

# Plurality Voting System

- The literature recognizes that FPTP has advantages and drawbacks.
- What are some of the advantages of FPTP?
- It is simple.
- It leads to stable majority governments.
- It gives great accountability to citizens.
- It creates a strong link between MP and citizens.

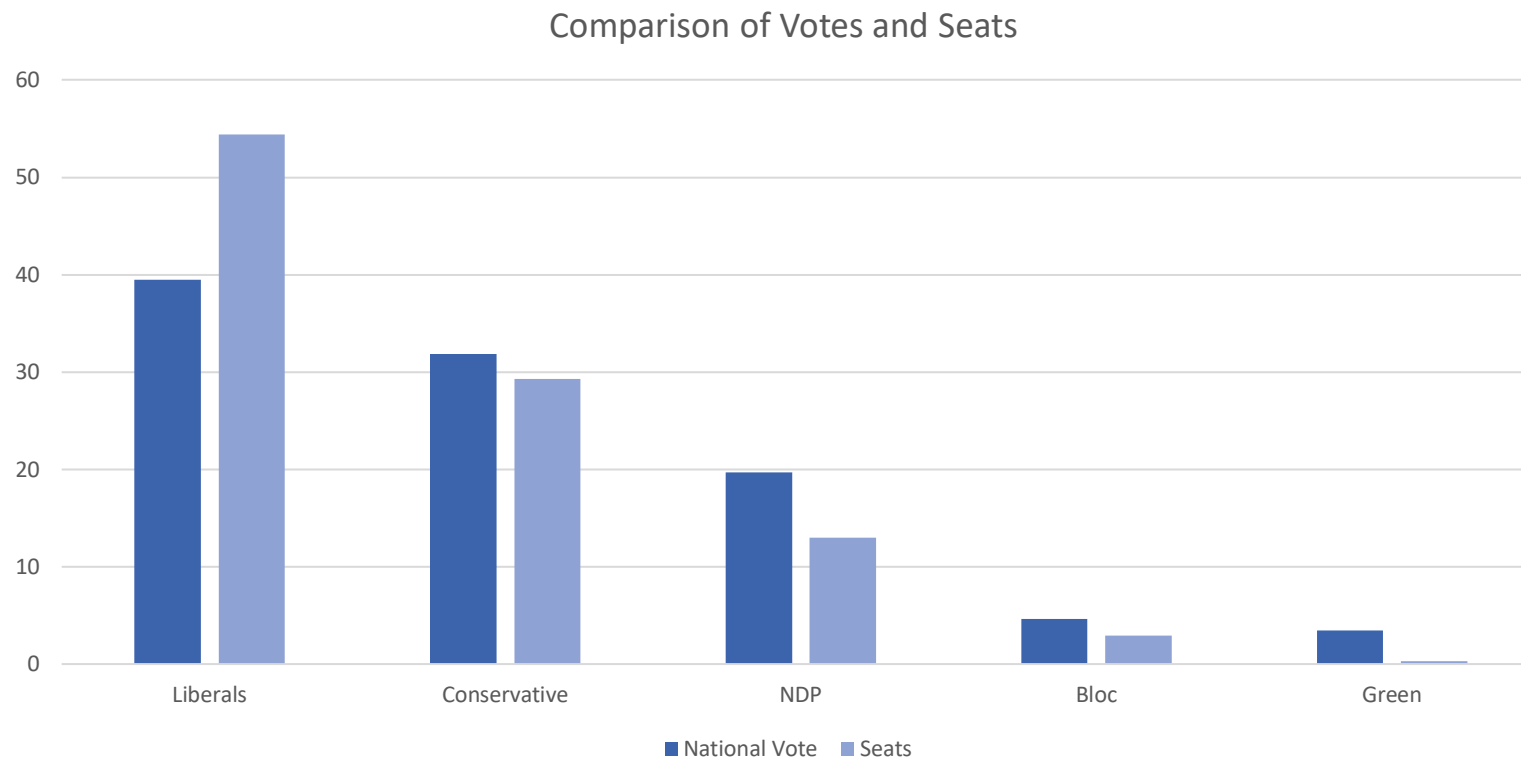
# Plurality Voting System

- FPTP tends to produce majority governments because candidates do not need to convince most voters to win the seat.
- The party that does the best at the national level will benefit from this in many riding.



# Plurality Voting System

## Example : Canada, 2015

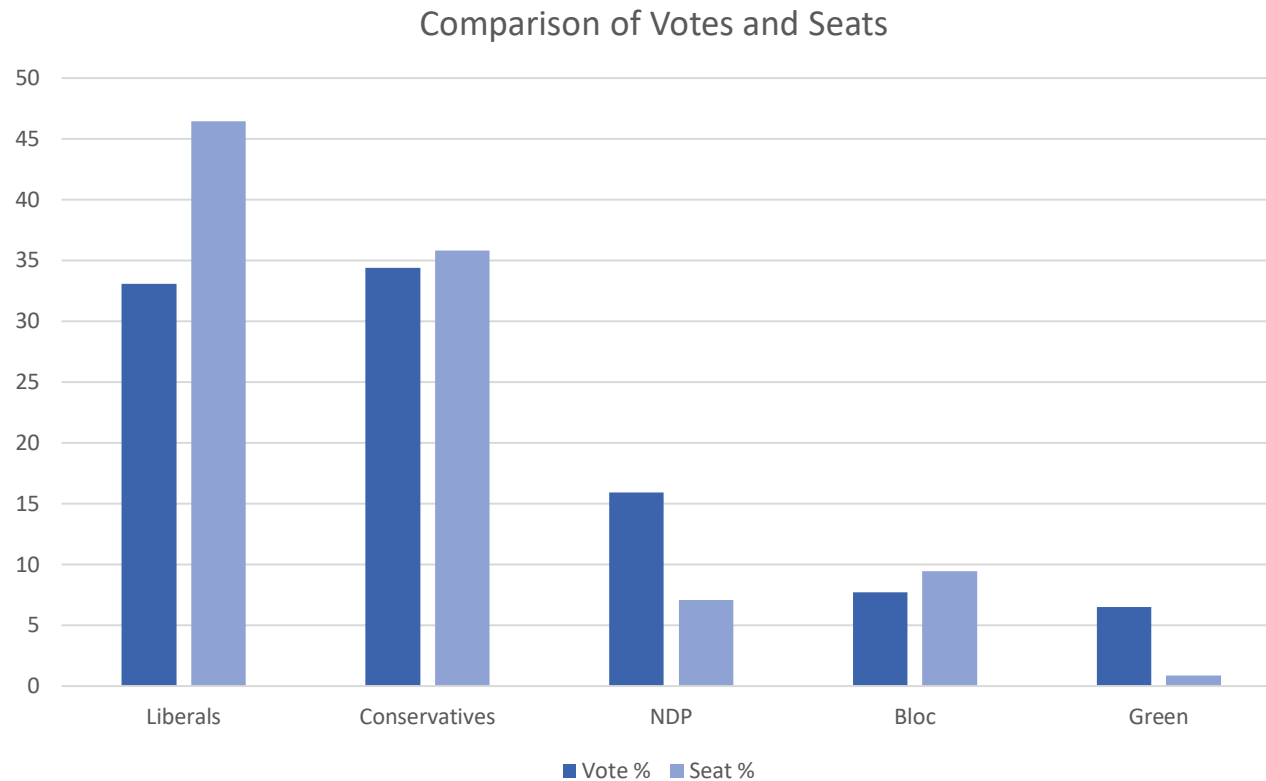


Despite winning less than 40% of the votes in 2015, the Liberals have managed to win more than 50% of the seats and govern with a majority.

This also means that other parties have received a smaller share of seats than the share of votes they received.

# Plurality Voting System

- Example : Canada, 2019



A similar thing happened in 2019. The Liberals obtained barely more than 30% of the vote but obtained more than 45% of the seats.

The NDP and the Greens were the parties most adversely affected by the electoral system during that election.

# Plurality Voting System

- Why would a majority government be more stable?
- Because of responsible government.
- If your party holds most seats in the House of Commons, you are almost guaranteed not to lose a confidence vote.

# Plurality Voting System

- Furthermore, the propensity to elect majority governments also increases the accountability of the government.
- Lines of responsibility are blurrier under minority governments.
- This is also true under coalition governments.
- Governments can accuse opposition parties and coalition partners of blocking their initiatives, which makes it more difficult to identify who is responsible for governmental action.

# Plurality Voting System

- Finally, FPTP creates a stronger link between voters and representative.
- Since the representative represents a particular district, then voters who have an issue know who is supposed to represent them.

# Plurality Voting System

There are, however, many criticisms that have been directed at FPTP. Can you think of some of them?

- Gives more power to the government
- Penalizes small parties
- Bad for representation
- Lowers turnout
- Accentuates regional differences
- Can fail to elect the leading party nationally

# Plurality Voting System

- While giving the leading party a majority helps form stable governments, it also means that it gives them control over the House of Commons.
- Critics argue that changing the electoral system would give more power to the opposition and keep in check the power of the government.

# Plurality Voting System

- The bonus for the leading party also implies that small parties are penalized.
- This is a zero-sum game: if somebody wins more seats, someone has to win fewer seats.
- Changing the electoral system would give greater weight to parties like the NDP and the Greens.



# Plurality Voting System

- Furthermore, FPTP does not encourage the representation of minorities.
- Research has shown that countries with proportional representation tend to elect more women and minorities to public office.
- Likewise, FPTP countries also exhibit lower rates of political participation during elections.

# Plurality Voting System

- FPTP also accentuates regional differences.
- In the 1993 election, the Bloc won 54 seats with 13.52% of the vote.
- The Conservatives won 2 seats with 16.04% of the vote.
- This is because the Bloc vote was concentrated in Quebec, while the conservative vote was spread all over Canada.
- FPTP thus favours parties that target regional interests, which may weaken national unity.

# Plurality Voting System

- One of the most important issues of FPTP is that it can fail to elect the nationally/provincially leading party.
- Because it focuses only on ridings, it does not take into account the distribution of the total vote.
- This can lead the loser of the vote to nevertheless win the most seats.

# Plurality Voting System

## Quebec, 1998 election

	Votes	Seats	Seats %
Parti Quebecois	42.87%	77	62%
Liberals	43.55%	47	38%
ADQ	11.81%	1	1%

The Liberals received the most votes, but the Parti Québécois received a lot more seats.

# Plurality Voting System

## New Brunswick, 2018 election

	Votes	Seats	Seats %
Liberals	38%	21	43%
Conservatives	32%	22	45%
People's Alliance	13%	3	6%
Green	12%	3	6%

The Liberals received more votes, but the Conservatives narrowly won 1 extra seat and formed government in New Brunswick.

# Plurality Voting System

- Canada, 2019 election

	Votes	Seats	Seats %
Liberals	33.07%	157	46.45
Conservatives	34.41%	121	35.80
NDP	15.93%	24	7.10
Bloc	7.69%	32	9.47
Green	6.5%	3	0.89

In the 2019 federal election, the Conservatives won the most votes but the Liberals won the most seats.

# Plurality Voting System

- Questions?

# Majority Voting Systems

- As discussed, plurality voting systems can lead to the election of governments that do not have the support of a majority of the population.
- Some have developed majority voting systems as a solution.



# Majority Voting Systems

## Majority Voting Systems

- Majority-runoff: France (presidential)
- Alternative Voting: Australia

# Majority Voting Systems

- Majority voting systems are very similar to plurality voting systems.
- The biggest difference is that they require 50%+1 of the population to support a candidate to elect the candidate.

# Majority Voting Systems

- Under majority run-off, there are two rounds of voting.
- Round 1: If a candidate wins 50%+1 of the vote, this candidate wins and the election is over.
- If no candidate wins 50%+1 of the vote, then the top 2 candidates advance to the second round and all other candidates are eliminated.
- Round 2: Opposing only the top 2 candidates as determined by round 1. Since the vote is split in the middle, one of the two candidates should be able to earn a majority.

# Majority Voting Systems

## Majority Run-Off

- The most common type of majority vote (19 presidential elections+Mali)
- In this system, there are two rounds of voting.

# Majority Voting Systems

- This gives voters the opportunity to vote for small parties in the first round.
- Prevents vote splitting from influencing the results.
- Sends signal to presidential candidates

# Majority Run-Off Example

	Round 1	Round 2
Liberals	40%	60%
Conservatives	30%	40%
NDP	20%	-
Green	10%	-

- In the example to the left, nobody receives 50%+1 of the vote in the first round.
- In the second round, the NDP and Green voters have to vote for one of the two leaders. The Liberals win with 60% of the vote.
- (I make the assumption that NDP and Green voters would prefer the Liberals to the Conservatives in a 2-to-1 ratio)

# Majority Voting Systems

Name	Ideology	1st round	2nd round
Chirac	Right	19.88	82.21
Le Pen	Far Right	16.86	17.79
Jospin	Left	16.18	-
Bayrou	Center	6.84	-
Laguiller	Left	5.72	-
Chevènement	Left	5.33	-
Mamère	Left	5.25	-
Besancenot	Left	4.25	-
Josse	Right	4.23	-

- Sometimes the goals of the system are not achieved.
- In France (2002), the vote on the left was so divided in the first round that both the right and far right made it to the second round.
- This is despite the fact that the vote for the parties on the left is clearly higher when you add it up.
- Vote splitting does not affect outcome of final stage, but can affect who will make it to final stage.

# Majority Voting Systems

## The Alternative Vote

- One big drawback of the previous method is that it forces voters to vote twice.
- A solution to this problem is presented by the alternative vote.



# Majority Voting Systems

## The Alternative Vote

- Voters are asked to rank the candidates in their order of preference.
- First choices are counted first.

# Alternative Vote Example

	Count 1	Count 2	Count 3
Liberals	40%	45%	65%
Conservatives	30%	30%	35%
NDP	20%	25%	-
Green	10%	-	-

- In the example to the left, nobody receives 50%+1 of the vote in the first round.
- In the second round, votes for the Greens are reallocated to their second choice. 5% go to the Liberals, 5% go to the NDP. Still no 50%+1
- In the third round, votes for the NDP are reallocated to the next preference. 20 go to the Liberals, and 5 go to the Conservatives.
- Liberals win.
- Green voters who became NDP are now down to their third choice.

# Majority Voting Systems

- Questions?

# Proportional Voting Systems

- PR can only be used in multimember districts.
- 29 countries use the list system.
- The parties elect a number of candidates equivalent to the number of votes they receive.

# Proportional Voting Systems

- Not all PR systems are the same.
- They are differentiated based on many dimensions.
  1. District size
  2. Thresholds
  3. Selection of Candidates

# Proportional Voting Systems

## District size

- The whole country is 1 district. (Israel, Netherlands, Slovakia)
- In the 26 other countries, district sizes vary but are smaller than the whole country.

# Proportional Voting Systems

The number of members per district is a trade-off.

- When the number is big, the result is more representative, but the representative may be disconnected from the voters.

# Why more representatives means accurate representation

	Votes	1 rep.	10 reps.	100 reps.
Liberals	40%	1	4	40
Conser vatives	35%	0	3	35
NDP	20%	0	2	20
Green	5%	0	1	5

- The example to the left illustrates why more representatives can represent the vote better.
- With 1 representative, 60% of voters do not have a representative in Parliament.
- With 10, all voters are represented, but the proportions of Conservatives and Green are a little off.
- With 100, the proportions are represented perfectly.



# Proportional Voting Systems

## Thresholds

- Thresholds represent a minimum value of support that parties must gain to receive seats in PR.

# Proportional Voting Systems

## Thresholds

- 19 countries with list PR have a threshold (out of 29).
- Turkey requires 10%, and Poland 7%.
- All other countries are lower, typically at 3 or 5%.

# Proportional Voting Systems

## Selection of Candidates

- A final question relates to the selection of candidates.
- In most PR countries (17/29), voters can only vote for the party.
- They do not get to choose the candidate.

# Proportional Voting Systems

## Selection of Candidates

- In the other 12 countries, voters can indicate which candidates they prefer.
- This can alter the order of election of some candidates on the party list.

# Proportional Voting Systems

- Questions?

# Strategic Voting

- A final criticism often addressed to plurality voting is that voters are encouraged to vote strategically by the system.
- The argument holds that other voting systems do not induce this incentive, and thus are better.
- This is **WRONG!**

# Strategic Voting

- Let us first define what is strategic voting.
- Strategic voting occurs when:
  - A voter has preferences  $A > B > C$  and;
  - Party A has no chance to win an election and;
  - The voter chooses to vote for party B to prevent party C from winning instead of voting for their number 1 preference (party A).

# Strategic Voting

- But this can exist in other systems as well.
- Remember the example of majority run-off from France 2002.



# Strategic Voting

- This also works for PR systems.
- Imagine that you have a system with a 5% threshold, like Germany.
- You like the Socialists more than the Greens, but you see that the Greens are around 5% in the polls.
- You decide to vote for the Greens to make sure they have seats and that they can support the Socialists in Parliament.

# Strategic Voting

- This also occurs under the alternative vote.
- [Imagine this scenario of British elections under the alternative vote.](#) (ctrl+click to see full post)
- Here everyone votes sincerely (first preference).

	First round votes	<i>Transfers of votes</i>	Final votes
Conservative	20,000	<i>+8,000</i>	28,000
Liberal Democrat	15,000	eliminated	
Labour	25,000	<i>+7,000</i>	32,000

# Strategic Voting

- The Conservatives are not happy with this outcome.
- They would prefer a LibDem win.
- So 3000 Conservatives change their first vote to LibDem.
- This changes the outcome.

	First round votes	<i>Transfers of votes</i>	Final votes
Conservative	17,000	<i>eliminated</i>	
Liberal Democrat	18,000	<i>+15,000</i>	33,000
Labour	25,000	<i>+2,000</i>	27,000

# Strategic Voting

- The lesson here is that strategic voting can occur under every electoral system.



# POLI202: The Government of Canada

Public Administration

# Outline

- The Weberian bureaucracy
- The Evolution of the Canadian Bureaucracy
- Public Administration Today
- Politicians and Public Servants

# The Weberian bureaucracy

- Max Weber (1864-1920) was a German sociologist who had a tremendous influence on early social science.
- He worked on concepts such as the ethics of Protestantism, methodological individualism, ideal-types, and culture.
- Most importantly for today's class, he also worked on the concept of the bureaucracy.



# The Weberian bureaucracy

- The bureaucracy is hierarchical.
- Elected leaders are at the top, and public servants are below them.
- The bureaucracy is organized as a function of specialization and competence. Each office has a particular function to which it is dedicated.
- To ensure the effectiveness of the organization, employees are hired on the basis of merit rather than patronage.
- Public service is viewed as a vocation and a lifelong commitment, which is rewarded with security of employment.

# The Weberian bureaucracy

- This suggests some sources of friction.
- Leaders are selected for political reasons (via elections or appointment by the Prime Minister) for a short period of time (until the next election)
- Public servants are selected based on expertise, and generally remain in post for life.
- Public servants must be willing to advance the government's agenda, regardless of their personal preferences.

# The Weberian bureaucracy

- Questions?

# The Evolution of the Canadian Bureaucracy

- The early Canadian bureaucracy did not exactly match Weber's expectations.
- Early on, most appointments to the public service were based on patronage.
- “the practice of making decisions about the distribution of public resources based on friendship, family, loyalty, or in exchange for benefits of various sorts”
- At the time, this practice was open and considered acceptable.

# The Evolution of the Canadian Bureaucracy

- The merit principle for the civil service was enshrined in the Civil Service Amendment Act of 1908.
- It states that hiring and promotion should depend on experience, degrees, credentials and certification.
- This change was originally only for public servants working in Ottawa, but was extended 10 years later to other positions.

# The Evolution of the Canadian Bureaucracy

- The merit principle also introduced a dichotomy between political leaders and neutral administrators.
- When public servants were selected by patronage, they used to have the political preferences of the people appointing them.
- Merit-based hiring ensured a division between the two roles.
- This division suggests that politicians get to make the decision, while public servants implement these decisions, regardless of their personal preferences.

# The Evolution of the Canadian Bureaucracy

- To stress the importance of a neutral public service, these reforms also restricted the political rights of public servants.
- Under these laws, they could not donate money to parties or candidates for public office.
- They also could not advertise their political opinions, for instance with a lawn sign, in speeches or in newspaper articles.

# The Evolution of the Canadian Bureaucracy

- These requirements were relaxed in 1967 with the adoption of the Public Service Employment Act was adopted.
- The Act did not prohibit attending meetings or donating money on the part of public servants.
- It offered public servants the ability to take an unpaid leave to run for office.
- Remaining restrictions would be addressed through the courts.



# The Evolution of the Canadian Bureaucracy

- **Fraser v. Public Service Staff Relations Board (1985)**
- Neil Fraser was a public servant who publicly criticized the government over political issues.
- Fraser was warned, suspended, and eventually dismissed.
- In court, Fraser argued that public servants should have the same rights to criticize the government on matters unrelated to their work, just like other citizens.
- The government argued that such criticisms undermined the actual and perceived neutrality and impartiality of the public service.

# The Evolution of the Canadian Bureaucracy

- The court sided with the Government.
- It agreed with Fraser's argument that criticism of government policy should be allowed if not related to a public servant's work.
- However, it also stated that Fraser's criticisms crossed a line and could be considered related to his work.

# The Evolution of the Canadian Bureaucracy

- « federal public servants should be loyal to their employer, the Government of Canada. The loyalty owed is to the Government of Canada, not the political party in power at any one time. »
- A public servant may oppose the governments policies in the following cases:
  - The Government is engaged in illegal acts
  - The policies jeopardize life, health, or safety
  - The criticism has no impact on the public servant's ability to perform his or her duties
- « a public servant (...) must not engage (...) in sustained and highly visible attacks on major Government policies »

# The Evolution of the Canadian Bureaucracy

- **Osborne v. Canada (1991)**
- Public servants were concerned that restrictions in the law violated their political rights.
- They could not attend a political convention or work for or against a political candidate.
- They argued that their right of free speech and freedom of association were infringed.

# The Evolution of the Canadian Bureaucracy

- The Government argued that these restrictions were justified to maintain an impartial public service.
- The Supreme sided with the plaintiff. It stated that these prohibitions were « over-inclusive and went beyond what is necessary » to ensure an impartial civil service.
- However, it maintained that public servants must take an unpaid leave to run as candidates and restrictions on the political activities of deputy ministers.

# The Evolution of the Canadian Bureaucracy

- **Haydon v. Canada (2004)**
- A veterinarian working for Health Canada was suspended 10 days for telling a reporter that governmental decisions were motivated by politics rather than real health concerns.
- This employee had been critical of the government before, and had been warned by her employer.
- The Court sided with the government, stating that “The duty of loyalty constitutes a reasonable limit on freedom of expression”

# The Evolution of the Canadian Bureaucracy

- Questions?

# Public Administration Today

- In 1867, the federal government spent 14 millions, and earned about the same in revenue.
- In 1873, it had 10 major departments and four main agencies.
- It had about 12 thousands employees in the early 1900s.



# Public Administration Today

- In 1960, the federal government was spending 5.7 billion per year.(More than 400 times more than in 1867)
- The government included 92 major departments with about 200 thousand employees . (16x more than early 1900)
- Today, the federal government spends 300 billion per year, comprises hundreds of departments and agencies, and employs hundreds of thousands of people.

# Public Administration Today

- The number of employees depends on how one defines the public service:
- Federal departments include 216 thousand employees
- Federal departments, Crown corporations, and regulatory commissions include 282 thousand employees.
- Using a broad definition of public service, Statistics Canada reports 427 thousand employees working for the Canadian federal public service.
- Paul Thomas (textbook) notes that although these numbers may seem large, the public service has been growing more slowly than the Canadian population.

# Public Administration Today

- The federal public service is divided in multiple organizations, such as central agencies, government departments, and government agencies.
- Central Agencies directly assist the Prime Minister and Cabinet.
- They include the Prime Minister's Office (PMO), the Privy Council office (PCO), the Treasury Board, and the Department of Finance.

# Public Administration Today

- The **Prime Minister's Office** is overtly political.
- Unlike the rest of the civil service, appointments are directly political and made by the Prime Minister and the Chief of Staff (head of PMO)
- The PMO is in charged of preparing the Speech from the Throne at the beginning of a session of Parliament.
- It monitors political development and provides political advice to the Prime Minister.
- It performs public relations work, including survey analysis and preparing press conferences.

# Public Administration Today

- The **Privy Council Office** supports the Prime Minister and the Cabinet.
- The person in charge of the PCO is the clerk of the Privy Council.
- The PCO is in charge of coordinating Cabinet activities, take minutes of Cabinet meetings, and communicate Cabinet's decisions to the bureaucracy.
- Unlike the PMO, the PCO is staffed with career public servants and they are responsible for the development and coordination of government policy.

# Public Administration Today

- The **Treasury Board** is under the supervision of the President of the Treasury Board.
- The Board is charged with reviewing government expenditures and personnel management.
- The annual budget must be approved by the board. This involves communication and negotiation with all Cabinet portfolios.
- It also sets rules over salaries, job classification, and promotion according to merit in the public service.

# Public Administration Today

- The **Department of Finance** analyzes taxation policy and the impact of government decisions on the economy.
- It provides forecasts of the economy and advice on how to improve the economy.
- The Minister of Finance is responsible for presenting the budget to Parliament and will receive praise or blame, depending on its contents.

# Public Administration Today

- **Government Departments**
- Each department is headed by a Cabinet and is responsible for a range of programs defined by the title of the department.
- For example:
  - Agriculture
  - Environment
  - Immigration
  - Defense



# Public Administration Today

- While ministers are in charge of their departments, the person managing the department on a continuous basis is the deputy minister (DM).
- Departments are not set in stone. They can vary from one administration to the next, responding to different political objectives or new realities.
- They can change names, roles, and the number of departments can increase or diminish depending on the wishes of the Prime Minister.

# Public Administration Today

- Government agencies are governmental structures that are not departments.
- They report to a minister, but are not directly under control of the minister.
- They perform their own hiring, instead of going through the Treasury board and the Public Service Commission.
- Agencies are not led by Deputy Ministers.
- There are about 400 governmental agencies.
- Government agencies include
  - Crown Corporations
  - Regulatory Agencies
  - Advisory bodies

# Public Administration Today

- Crown corporations operate at arm's length from the government and accomplish tasks considered to be in the national interest.
- Crown corporations are active in a variety of fields:
  - Finance: Bank of Canada and Royal Canadian Mint
  - Housing: Canada Mortgage and Housing Corporation
  - Transportation: Via Rail (Air Canada before it was sold)
  - Communications: Canada Post, CBC.

# Public Administration Today

- Regulatory agencies make rules to change the behaviour of actors in the private sector. This is meant to regulate prices, tariffs, supply, environmental effects, and other components of economic activity.
- Appointments to these bodies are often patronage appointments.
- They present their budgets to the Treasure Board and report to Parliament.
- One example is the CRTC, which defines rules for communications in Canada.

# Public Administration Today

- Advisory bodies contribute to the formulation of policies.
- Royal Commissions are created by governments to study a difficult issue and formulate recommendations on the basis of their findings. These can focus on virtually any topic of interest to the government.
- Governments can use such Commission tactically to delegate a problem. If an issue is politically unpopular, they can decide to delegate it to a Royal Commission, knowing that it will take years before the issue comes back.

# Public Administration Today

- Questions?

# Politicians and Public Servants

- Up to this point, we have stated that the work of civil servants and politicians should observe a clear dichotomy.
- Politicians are political actors who make decisions, while civil servants are neutral actors who implement these decisions.
- But is this really the case?

# Politicians and Public Servants

- We have already seen some exceptions to this rule.
- The people who work in the PMO are political appointees, and directly serve the Prime Minister in a political fashion.
- The PCO also directly serves the PM and the Cabinet. Previous work suggests the division is blurry (Savoie)



# Politicians and Public Servants

- Rules surrounding Deputy Ministers also create room for doubt.
- Deputy Ministers should be neutral public servants, but they serve at the pleasure of their minister.
- This can create a difficult situation for a Deputy minister.

# Politicians and Public Servants

- More broadly, there are concerns that civil servants have too much influence in the policy-making process.
- Civil servants have several advantages over ministers.

# Politicians and Public Servants

- Another source of concern lies in the fact that while ministers are supposed to make policy decisions, they have little time to do so.
- Very often, they will only formulate policy in its broadest detail, and leave to the public service the task of fleshing it out.

# Politicians and Public Servants

- In such cases, there is little control of elected representatives over policy.
- Politically motivated civil servants could seize this opportunity to modify the project to their preference.
- Even in the absence of such motivation, we need to realize that many decisions must be made by public servants while crafting policy, which may have political or ideological ramifications.

# Politicians and Public Servants

- This can raise problems of accountability and democratic legitimacy.
- Politicians are elected and accountable, but can the same be said about public servants?

# Politicians and Public Servants

- This can also complicate the doctrine of **ministerial responsibility**.
- This doctrine states that ministers are ultimately responsible for anything that happens in the departments they oversee.
- If a scandal erupts, it is the minister who is accountable to the public, and not civil servants.
- Ultimately, the minister may be called to resign if they cannot explain what happened to the satisfaction of Parliament.

# Politicians and Public Servants

- This doctrine of individual ministerial responsibility made sense early on, when the civil service was much smaller than today.
- Contemporary public administration is so large that it is difficult to hold ministers responsible for everything that takes place in their departments.

# Politicians and Public Servants

- There is thus an unresolved tension between the theory and practice of governing.
- In theory, the Weberian ideal would recommend political decision-makers and neutral implementation by the public service.
- In practice, public servants do contribute to decision-making for a variety of reasons, including expertise and length of tenure.





# POLI 202

# The Government of Canada

Canadian Federalism

# Outline

- What is a federation?
- The Canadian Federation (1867)
- The Evolution of Canadian federalism
- Fiscal Federalism

# What is a federation?

- What is a federation?
- A system in which political authority is divided between two or more constitutionally distinct orders of government
- Federations are also characterized by specific institutions.
- Each is autonomous in its jurisdictions. (Equal, no hierarchy)

# What is a federation?

They will have:

- A Senate: Represents federated entities (region, province, state). Protects less populous regions from domination by other bodies.
- A Constitution: Spells out which order of government has jurisdiction, power over portfolio.
- A Supreme Court: : Acts as arbiter if conflict between federal and other governments.

# What is a federation?

- Federations are often used to manage regional identities.
- If a country is made up of several groups that have different goals, a federal structure can be useful.
- Issues that are consensual can be managed at the federal level, while other issues can be managed in the provinces.

# What is a federation?

- While doing so can help manage identities, they can also increase regional tensions and conflicts.
- This is because they create institutions and powers that reinforce this feeling of regional identity.
- They give a regional group a voice, a Parliament, a leader (the premier), etc. (budget)
- These assets can be used to strengthen their claim and accentuate regional demands.

# What is a federation?

- Questions?



# The Canadian Federation

Three reasons for the Canadian federation:

- Political
- Economic
- Military

# The Canadian Federation

- In 1840, the Upper and Lower Canadas were united in the Province of Canada.
- This venture led to political deadlock.
- Each language group blocked the priorities of the other group, leading to frustration.

# The Canadian Federation

- At the same time, the colonies experienced economic pressure.
- Britain was going to rescind preferential treatment for colonies, which would hurt their economy.
- The colonies were also in debt and unable to borrow money for further economic development.
- Uniting would lead to a common market, which would help them sell goods to more customers.

# The Canadian Federation

- Finally, the colonists were scared of their neighbour to the South.
- They noticed that the United States were expansionist, and knew that there had been conflicts between the UK and the United States.
- They thought they could better defend themselves as a group rather than separately.
- Federation was partly a military alliance.

# The Canadian Federation

- For some English-speaking politicians, including Sir John A. Macdonald, this meant a united country just like the UK.
- A single Parliament would oversee all of Canada, and govern all provinces centrally.
- Macdonald believed the provinces would be to the federal government as colonies to the Empire.

# The Canadian Federation

- Quebec politicians, however, were concerned that they would be put at a disadvantage among all the other English parliamentarians.
- As a result, they insisted on a federation.
- They argued that they could handle key responsibilities at the federal level, but maintain autonomy in other jurisdictions.
- NB and NS also agreed with this position, given their small weight in the federal House of Commons.

# The Canadian Federation

- We should not conclude that the Canadian federation followed exactly the expectations of Quebec.
- Despite dividing responsibilities between federal and provincial governments, there are many measures that limit the powers of the provinces.
- In this sense, the early federal arrangement is often described as a *quasi-federation*.

# The Canadian Federation

- This can be seen in the role of institutions:
- The Senate did not really represent provinces, as senators are named by the Prime Minister.
- The Supreme Court did not exist in 1867.
- The constitution did not include an amendment procedure.



# The Canadian Federation

- Section 91 of the Constitution spells out the responsibilities of the federal government.
- The federal government received the essential powers to manage a country.
- It states that the federal government is responsible for « peace, order, and good government » in Canada.

# The Canadian Federation

Some of the jurisdictions of the federal government:

- Defence
  - International relations
  - Banking
  - Currency
  - Trade
- 
- Reflects the priorities at the time: political, military, economic.

# The Canadian Federation

- The federal government was also given special powers which explain the label of *quasi-federation*.
- The Prime minister is responsible for naming the provincial lieutenant-governors. (representative of the Crown at the provincial level)
- Power of reserve
- Power of disallowance
- Declaratory power

# The Canadian Federation

## **Power of reserve**

- This power states that the lieutenant-governor can refuse to give the Royal Assent to provincial bills.
- Instead, they could forward the bill to the Governor General to make the decision (which in practice would be made by the federal government).
- In practice, this power was used rarely, and was last used in 1961.

# The Canadian Federation

## **Power of disallowance**

- This power gives the federal government the right to cancel any law adopted by a province within 1 year of its adoption.
- Unlike the previous, this power was used often at the beginning of federation.
- However, the last time was in 1943, and it is unclear if it would be considered relevant today.

# The Canadian Federation

## **Declaratory power**

- The declaratory power gives the federal government the power to declare one of the provincial jurisdictions to be of national interest, and then make it a federal jurisdiction
- This can include the national interest or the interests of many provinces.
- This has been used to gain jurisdictions over nuclear energy and railways, for instance.
- The power has been used over 400 times, and was used last in 1961.

# The Canadian Federation

## **Residual Powers**

- A last clause claims that the federal government will obtain any power not included in the Constitution.
- Any new areas created over time (say, Communications, air travel) would fall automatically under federal jurisdictions.
- This means that the power of the federal government over the provinces will grow over time.

# The Canadian Federation

Despite these limitations, provinces still received wide powers.

- Education
- Healthcare
- Social Policy
- Culture
- Civil Law
- Cities



# The Canadian Federation

- There are also many jurisdictions where there is overlap between the federal and provincial governments.
  - Environment
  - Agriculture
  - Taxation
  - Immigration
  - Pension
- 
- Pensions were originally provincial, but became a federal jurisdiction in the 1960s. Quebec, however, chose to create its own provincial pension system, and Alberta is currently studying the possibility of doing the same.

# The Canadian Federation

- Questions?

# The Evolution of Canadian Federalism

- We just established that the initial federal arrangement in Canada was not really federal.
- However, Canadian federalism today feels more balanced.
- What happened?

# The Evolution of Canadian Federalism

- The premiers argued against the power of the federal government.
- They said that the federation was a compact among the Provinces, rather than the provinces being dependent on the federation.
- The provinces organized politically to counter federal power.

# The Evolution of Canadian Federalism

- Provinces gained greater power versus the federal government by going to the Judicial Committee of the Privy Council, a body responsible for legal appeals in the British Commonwealth.
- Two landmark judgments clarified the roles and responsibilities of each order of government.
- In 1892, the committee ruled that provinces have full sovereignty in their jurisdictions and are thus not the subordinates of the federal government.

# The Evolution of Canadian Federalism

- In 1896, the JCPC reviewed how the « peace, order, and good government » clause should be interpreted.
- It cannot be interpreted broadly for the federal government to take over provincial jurisdictions.
- They rule that it only applies to cases of national emergency, such as war.
- Likewise, the powers of the federal government over trade only apply to interprovincial or international trade,



# The Evolution of Canadian Federalism

- Questions?

# Fiscal Federalism

- Definition: The evolving system of financial arrangements between the federal and provincial orders of governments
- In Canada, the two orders of government are fairly independent from each other
- Most responsibilities are divided, not shared.
- Wide taxation powers for both levels of government



# Fiscal Federalism

- Both governments perceive:
  - Personal Income tax
  - Corporate Income tax
  - Sales taxes (GST, PST/HST)
  - Payroll taxes (CPP/QPP, EI)
- The federal government also perceives customs and excise duties
- Provinces collect taxes related to natural resources and vice (gambling, alcohol, marijuana)
- Municipalities perceive property taxes

# Fiscal Federalism

- Fiscal federalism serves to remedy gaps between governments:
- The vertical fiscal gap: Gaps between federal government and provinces.
- The horizontal fiscal gap: Gaps across provinces.

# Fiscal Federalism

- In order to remedy these gaps, the federal government uses a variety of programs:
- The CHT (Canada Health Transfer)
- The CST (Canada Social Transfer)
- Equalization payments

# Fiscal Federalism

- Even though the federal and provincial governments both have the right to perceive taxes, there is a certain level of financial interdependence in the federation.
- This is due to many factors:
  1. The quasi-federation of 1867 favoured the federal government;
  2. Different provinces have different means;
  3. There is competition for sources of funding between the provinces and between the federal and provincial governments;

# Fiscal Federalism

- Equalization payments
- They are payments made by the federal government to poor provinces.
- The principle behind equalization payments is that every province should be able to offer services beyond a minimal national standard.
- So, for instance, every province should be able to offer its citizens education, healthcare, and a social safety net.

# Fiscal Federalism

- There is inequality across the provinces.
- If we let provinces handle these services on their own, there may be strong discrepancies between services to citizens of rich provinces vs. citizens of poor provinces.
- Equalization payments serve to remedy this problem.

# Fiscal Federalism

- Equalization payments are guaranteed in the Constitution since 1982.
- They are unconditional, meaning that the federal government cannot request that a province do something (or cease to do something) to receive this payment.
- This has led some to criticize the program, arguing that recipients should be forced to change their economy to make it more competitive.

# Fiscal Federalism

- Equalization payments lead to some heated debates in Canada.
- This is because these funds only benefit poorer provinces.
- Citizens from rich provinces pay taxes to the federal government, but receive nothing from equalization.



# Fiscal Federalism

- In equalization debates, recipient provinces are called « have not provinces » and provinces that do not receive equalization are called « have provinces ».
- Have not provinces receive money based on the strength of their economy, but also the total number of citizens in the province.
- This is because the goal of equalization is to fund services, and social services will cost more as the population increases.

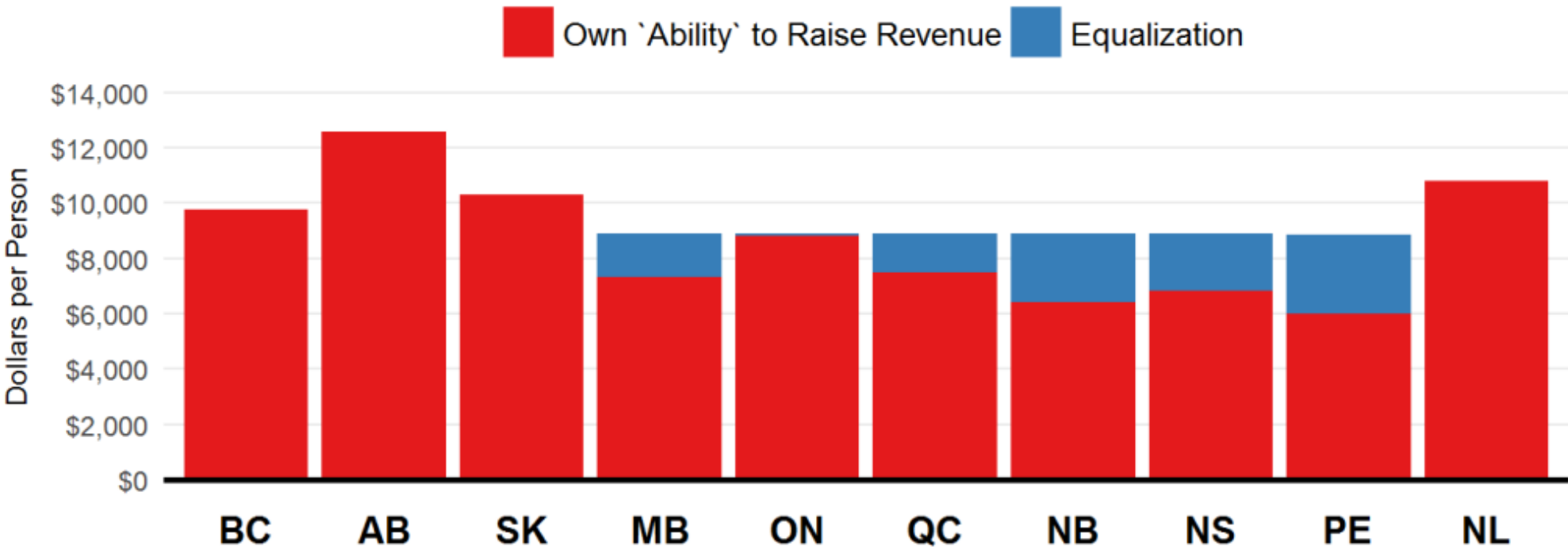
# Fiscal Federalism

- The next slide illustrates the role of equalization in the provinces' finances.
- The red bar illustrate the ability of each province to generate revenue per capita on its own, without equalization. It shows big differences (Alberta is about twice as high as PEI).
- The blue bars represent the effect of equalization. It shows that equalization payments help have-not provinces reach a minimal Canadian standard. Have provinces do not receive this payment, but still remain above this Canadian standard (BC, AB, SASK, NL).
- The value of equalization per capita for each province can be found at the bottom of the graph as well.
- Credit for the graphs go to Prof. Trevor Tombe from the University of Calgary.

# Fiscal Federalism

## Fiscal Capacity and Equalization, by Province (FY 2018-19)

Displays each province's own fiscal capacity, the equalization payment required to bring it up to an 'average' level, and the 'adjustment payment' to fix the pool of equalization paid. In 2018/19, adjustments totalled \$1.76b.



	Source: Federal Equalization Model, Table 1, Supply © Statistics Canada						
	PE	NS	NB	QC	ON	MB	
Equalization Per Capita	\$2,835	\$2,046	\$2,480	\$1,419	\$70	\$1,566	

# Fiscal Federalism

- Questions?



# Fiscal Federalism

- Another aspect of fiscal federalism touches upon the idea of the federal government's spending power.
- The federal spending power in Canada has been defined as “the power of Parliament to make payments to people or institutions or governments for purposes on which it [Parliament] does not necessarily have the power to legislate.”

# Fiscal Federalism

- What this means in layman's terms is that the federal government can spend money in areas of jurisdictions that are not its own.
- This is why the federal government can give money to postsecondary students in the form of scholarships or contribute to healthcare.
- As long as federal programs involve spending money but not influence legislation, this is acceptable according to the doctrine of the federal spending power.

# Fiscal Federalism

- The federal spending power is not recognized explicitly in the Constitution.
- However, it has been used extensively by Canadian governments at least since the middle of the 20th century.
- It has never been directly challenged in the Supreme Court.

# Fiscal Federalism

- This may seem completely fine at first.
- If the federal government is only giving money away to provinces, why complain?
- One issue is that the federal government can associate these payments to certain conditions.
- In doing so, they can influence provinces to adopt programs that are not the ones their population wants.



# Fiscal Federalism

- The federal spending power is thus an indirect way for the federal government to influence provincial policy.
- It can do so by imposing national standards, and letting provinces choose the means of attaining these standards.
- It can also outright state what the new policy should be.
- This can threaten the division of power between the provinces and equality of the two orders of government.

# Fiscal Federalism

- This is especially an issue in a context when provinces have limited funds and growing expenses.
- In such a situation, provinces may not really have the possibility to say no to federal transfers.
- In this case, the federal government gets the power to influence provincial policy or force the provinces to have a deficit.

# Fiscal Federalism

- One could argue that provinces could just raise their taxes to fund their own programs.
- There are two obstacles to this:
  1. The federal government already taxes citizens, and there is a limit to how much citizens can be taxed.
  2. Some provinces are too poor to generate that much from their own taxes. They need to rely on outside funding.

# Fiscal Federalism

- This thus leads to a conundrum.
- On one side, the spending power ensures national standards and contributes to equality among the provinces.
- On the other side, it endangers the sovereignty of provinces in their jurisdictions.

# Fiscal Federalism

- The two most important uses of the federal spending power target healthcare and social welfare.
- The Canada Health Transfer (CHT), which requires provinces to meet the standards of the Canada Health Act.
- The Canada Social Transfer (CST), which requires provinces to distribute social assistance to all residents without minimum residency requirements.

# Fiscal Federalism

- Other programs are referred to as shared programs.
- In such programs, the federal government funds 50% and the province the other 50%.
- Shared cost programs are criticized by provinces because they force them to adopt and fund the priorities of the federal government.

# Fiscal Federalism

- These programs have led some provinces to argue for the right to opt-out of such programs with the funds.
- Their argument is that the federal government should not be spending in provincial jurisdictions, and that such funds reveal a vertical fiscal imbalance.
- The federal government has agreed to do so in some cases, while requiring that provincial programs have similar aim to the federal programs.

# Fiscal Federalism

- Direct spending occurs when the federal government gives money directly to institutions or individuals for reasons related to provincial jurisdictions, effectively bypassing provincial governments.
- Some early examples include unemployment insurance and old age pensions.
- These responsibilities have since then been given to the federal government.



# Fiscal Federalism

More recent examples include:

- The Millenium Canada scholarships
- Transfer of funds to municipalities
- The universal child benefit
- The Canada child benefit

# Fiscal Federalism

- Questions?



POLI 202

# The Government of Canada

The Constitution and Quebec Politics

# Outline

- The 1867 Constitution
- The Quiet Revolution
- The 1982 patriation
- Mega-Constitutional Politics
- The Aftermath

# The 1867 Constitution

## Background

- Why were the colonies willing to join together in a Canadian union?
- Resist military threats from the United States
- Resolve deadlock in United Canada
- Improve finances

# The 1867 Constitution

## The Goals

- Design a national government encompassing the four founding colonies; (Ontario, Quebec, NB, NS)
  - Creates House of Commons and Senate
- Forge a federal system with two levels of government;
  - Creates new legislative assemblies in Quebec and Ontario
- Redefine the relationship between Canada and the Crown.
  - Creation of Governor General and lieutenant-governors positions

# The 1867 Constitution

- The British North America Act (BNA Act) was introduced as an Act of Parliament in the United Kingdom.
- This reflects the fact that Canada was considered a colony of the British Empire at the time.
- Consequently, Canada could not change its own Constitution. It needed the British government to support it and make the change in the British Parliament.



# The 1867 Constitution

- The Act also states that Canada will have a system of government which is « similar in principle to that of the United Kingdom ».
- This is why the Canadian political system is sometimes referred to as the Westminster system.
- This includes constitutional conventions such as responsible government.



# The 1867 Constitution

- Questions?

# Contesting the Constitutional Order

- For about 100 years, there were no major contestations of the Canadian Constitution.
- One source of contestation came from the Western Provinces.
- They had grievances especially regarding the exportation of grain and the tariffs offered to them by Eastern merchants and bankers.
- To address the problem, they created new parties and tried to gain influence in Parliament. They did not ask for constitutional change.

# Contesting the Constitutional Order

- Another source of tension was the expansion of the welfare state.
- The federal state began to expand, developing the characteristics of modern states.
- This represented a new challenge to the division of powers between federal and provincial governments.

# Contesting the Constitutional Order

- The federal government wanted to be involved in the welfare state and fund it.
- Most provinces did not view this as a major issue.
- They were happy to benefit from funding from Ottawa.
- Quebec would disagree. It wanted to protect its autonomy and cultural distinctiveness from interference by the federal government.



# Contesting the Constitutional Order

- Conflicts between the federal government and Quebec grew over the welfare state.
- Initially, Quebec conservatives (union nationale) opposed the expansion of the welfare state altogether.
- Later, the newly elected Quebec Liberals wanted a provincial welfare state.
- They wanted investments in Quebec's future, but they also wanted these investments to be controlled by the Quebec government.

# Contesting the Constitutional Order

- They argued that Quebec had different responsibilities than other provinces.
- In a 1965 speech, Jean Lesage (Quebec premier) argued that Quebecers have a collective identity of their own, and that they trust the Quebec government to defend it more than the federal government.
- Daniel Johnson (his successor) went further, stating that Canada should be understood as a pact between two equal nations.



# Contesting the Constitutional Order

- It is also worth noting that the first sovereignist leaders were part of the Liberal party at the time.
- René Lévesque and Jacques Parizeau worked with Lesage's government.
- They left and formed the Parti québécois because they felt independence was necessary.
- They thought the Canadian Constitution did not allow for Quebec to make its own decisions and pursue its goals.

# Contesting the Constitutional Order

- René Lévesque went on to create the Parti Québécois, an openly separatist political party.
- It won a provincial election in 1976 and managed to form a majority government for the first time.
- One of the election promises was to hold a referendum on sovereignty.

# Contesting the Constitutional Order

- The government spent four years preparing for the referendum.
- These four years were marked by tense negotiations about what could be done to convince Quebecers to stay in Canada.
- Pierre-Elliot Trudeau, as Prime Minister, promised a renewed federalism, more respectful of Quebec's difference.

# Contesting the Constitutional Order

- The 1980 referendum resulted in a 40% vote for the YES side, and 60% for the NO side.
- This was a victory for the federalists.
- However, the Parti québécois was reelected in the 1980 Quebec provincial elections.
- This sent the message that Trudeau would have to make good on his promise of « renewed federalism ».

# Contesting the Constitutional Order

- Questions?

# The 1982 Patriation

- The initial proposal from the federal government included:
  - The patriation (giving Canada the ability to modify its Constitution)
  - The Charter of Rights and Freedoms
  - Promise to define amending formula within 2 years with referendum
- Trudeau told the premiers not to negotiate for more provincial powers or over the Charter.

# The 1982 Patriation

- To begin, the federal government (more specifically attorney general Jean Chrétien) visited provincial premiers to discuss plans for the new Constitution.
- However, he failed to secure support from the provinces.
- As a result, the federal government proposed to unilaterally modify the Constitution. (rejected by 8 provinces out of 10)

# The 1982 Patriation

- A reference question asked the Supreme Court whether unilateral patriation is acceptable or not.
- The Court stated that it is not illegal to do so based on the text.
- However, it ruled that doing so would be unconstitutional regarding constitutional conventions.
- The Supreme Court said that constitutional amendments should receive support from the provinces, but does not require unanimity.



# The 1982 Patriation

- This forced the parties to negotiate again.
- The negotiations lasted four days in a hotel in Ottawa with the PM, premiers and their top advisers.
- The provinces wanted to delay adoption of the Charter, which Trudeau refused to do.
- Formal discussions stopped, as tempers were running hot.

# The 1982 Patriation

- People were meeting in unofficial channels.
- Chrétien met in an unused kitchen to find a compromise with representatives from Ontario and Saskatchewan.
- This was unofficial, and there are no official records of this meeting.
- It is at this time that the notwithstanding clause was brought up and agreed to in exchange for provincial support for the Charter.
- In return, the provinces would drop the right to withdraw with compensation and adopted the amending formula.

# The 1982 Patriation

- The new Constitution was supported by 9 provinces out of 10.
- Quebec did not give its approval to the 1982 patriation.
- The final negotiations took place in secret during the night, while the Quebec delegation was sleeping.
- They learned that the other 9 provinces and the federal government had reached an agreement the following morning at breakfast.
- Quebec refused to sign and left.

# The 1982 Patriation

- The new Constitution included the Charter of Rights and Freedoms.
- It also gave Canada the ability to modify its own Constitution.
- It also acknowledges bilingualism, multiculturalism, gender equality, equalization and First Ministers Conferences.

# The 1982 Patriation

- As part of patriation, Canada needed to define the rules for amending the Constitution.
- In most cases, a constitutional amendment requires support from the House of Commons, the Senate, 7 (or more) provinces representing at least 50% of the public.
- This applies to modifications to jurisdictions and the Charter.

# The 1982 Patriation

- For other topics, unanimity of the provincial assemblies is required.
- This is the case of the amending formula itself.
- If an amendment would restrict provincial powers, they have the right to opt out with compensation (education, culture).
- Bilateral agreements are possible if only some provinces are affected.
- The Senate can only delay adoption for 180 days, but not block it.

# The 1982 Patriation

- It is interesting to note what is absent from the 1982 Constitution.
- It does not modify the division of powers between federal and provincial governments.
- It did not require popular support.
- Parliamentary institutions were left untouched, including the Senate and the Governor General.



# The 1982 Patriation

- Most importantly given Trudeau's promises of « renewed federalism », the 1982 Constitution does not say anything about the status of Quebec in the federation.
- It recognizes French and English as equal.
- However, the idea of Quebec as a founding people, nation, or distinct society is absent from the Constitution.
- It also does not give Quebec any powers requested during negotiations, such as a right to withdraw from federal programs in provincial jurisdictions with compensation or immigration powers.



# The 1982 Patriation

- These factors, plus the fact that Quebec was left out of the final negotiations, exacerbated tensions between federalists and sovereignists.
- It left the status of Quebec in the federation undefined.
- Many felt that they had been duped by Trudeau promises of « renewed federalism ».
- This set the stage for the mega-constitutional negotiations of the 80-90s.

# The 1982 Patriation

- Questions?

# Mega-Constitutional Politics

- The phrase « Mega-constitutional politics » refers to constitutional negotiations that attempted to get Quebec to sign the 1982 Constitution.
- These discussions involved actors from all the provinces.

# Mega-Constitutional Politics

- The Meech Lake Accord was Brian Mulroney's attempt to reintegrate Quebec in the Constitution.
- The 11 first ministers met in 1987 to prepare the terms of the Accord.
- The preparation of the accord involved no public participation whatsoever.
- Other issues were put aside until Quebec could be reintegrated in the Constitution.

# Mega-Constitutional Politics

- The Meech Lake Accord would recognize Quebec as a distinct society.

It would also recognize new powers for ALL provinces

- Greater role in immigration.
- Give the right to withdraw from federal programs with full compensation.
- Give greater power regarding the amendment formula.
- Provinces would play a role in selecting Senators and SCC judges.

# Mega-Constitutional Politics

- For the Accord to pass, it required unanimous support of the federal Parliament and the 10 provincial assemblies.
- This support had to be assembled within 3 years.
- Quebec was the first to officially approve the Accord.
- The federal government and 7 other provinces did the same.
- However, the Accord was not supported in Newfoundland and Manitoba.

# Mega-Constitutional Politics

- Note that these provinces did not vote AGAINST the Accord.
- Rather, they did not hold the vote.

Many reasons explain why the Accord failed

- Some critics were concerned that the distinct society clause would lead to separation
- Others were afraid it would be used in court to circumvent the Charter of Rights and Freedoms
- Finally, some of the signatories were defeated in their home province.

# Mega-Constitutional Politics

- A major lesson from the Meech Lake Accord was that a deal negotiated in secret did not appear legitimate.
- Attempts at Constitutional negotiations would have to be public and include members of the public.
- This would also mean include more actors in the negotiations would include their demands in the new Accord.



Questions?

# Mega-Constitutional Politics

- This led to the Charlottetown Accord.
- Because it involved many different actors, the Accord made a lot of compromises.
- Quebec's specificity was addressed, but weakly.
- Senate Reform was proposed, but did not satisfy the West. The Senate was elected and equal, but weaker.
- There were also changes to the Supreme Court and the House of Commons. Small provinces lost seats in the House of Commons because they received more seats in the Senate.

# Mega-Constitutional Politics

- Three provinces promised to hold provincial referenda on this issue before either supporting or rejecting the Accord.
- The federal government followed suit, deciding to hold a referendum in the remaining provinces.
- The Accord was supported by all federal parties (except Reform), all provincial governments, and the business community.

# Mega-Constitutional Politics

- Nevertheless, the Accord was not successful.
- It only passed in four provinces.
- Across the country, the vote ended with 54% No and 46% Yes.
- In Quebec, it was 57% No and 43% Yes.

# Mega-Constitutional Politics

- After this second failure, there was little appetite left for further constitutional negotiations.
- Politicians felt like this was doomed to failure.
- Requiring support from the public may make things more legitimate, but it also made it more difficult to reach consensus on the agreement.

# Mega-Constitutional Politics

- Furthermore, it was now clear that any actor asked for its support for a constitutional amendment would ask for something in exchange.
- The West made it clear that support for constitutional amendments would require Senate Reform.
- Quebec made it clear that its traditional demands would have to be met to consider future amendments as well.
- This discourages constitutional negotiations. Actors can anticipate the difficulty of reaching an agreement.

# Mega-Constitutional Politics

- This situation laid down the foundations of the 1995 referendum.
- Given the failures of the two accords and the reluctance of the other partners to continue constitutional negotiations, Quebecers felt like they had no other option but to hold a second referendum on independence.
- The Parti québécois won the 1994 elections, promising a referendum as soon as possible in its mandate.

# Mega-Constitutional Politics

- The referendum was hotly contested.
- During the campaign, support for the Yes side (separation) appeared to have the advantage in the polls.
- Due to the stakes, the referendum had the highest voter turnout in Quebec history (93.5%)
- The Yes side obtained 49.4% of the vote and the No side 50.6%.



# Mega-Constitutional Politics

- This concluded Mega-Constitutional Politics.
- There have been no further attempt to modify the Canadian Constitution in a major way.
- Quebec still has not signed the Canadian Constitution.
- This remains largely an unresolved issue.

# Mega-Constitutional Politics

- Questions?

# The Aftermath of 1995

- The 1995 referendum and its very close results prompted Canadian politicians to find solutions to keep Quebec in the federation.
- However, these solutions would have to avoid constitutional negotiations.
- Consequently, the federal government launched various administrative and bilateral agreements to keep Quebec in Canada.

# The Aftermath of 1995

- These proposals can be grouped under two strategies.
- Plan A consisted of trying to convince Quebec to stay in the federation by agreeing to some of Quebec's key demands.
- Plan B, on the contrary, consisted of keeping Quebec in Canada by making secession more difficult.

# The Aftermath of 1995

- Shortly after the referendum, the federal government decided to agree to some of Quebec's demands.
- It recognized that Quebec forms a distinct society « within the operations of the federal government » in a motion in 1996.

# The Aftermath of 1995

- Likewise, the federal government promised to use its veto to block constitutional amendments that Quebec opposes.
- This promise was also extended to Ontario, the West, and the Atlantic Provinces.
- This is an indirect way to satisfy the demand that no further constitutional amendments be made without the support of Quebec, like in 1982.

# The Aftermath of 1995

- Federal governments have agreed to let Quebec withdraw with full compensation from federal programs touching on provincial jurisdictions (healthcare, social issues).
- In 2006, the Harper Conservatives recognized Quebec as a nation within a United Canada.
- They also offered Quebec a seat at the UNESCO, giving Quebec a presence on the international stage.

# The Aftermath of 1995

- The first element of Plan B was the federal government asking a reference question to the Supreme Court on the legality of unilateral Quebec independence.
- The Supreme court ruled that Quebec had no right to unilaterally declare independence.
- This sounds like a victory for the federal government...



# The Aftermath of 1995

- ...except the Supreme Court did not only answer the question it was asked.
- It also provided further instructions regarding what should happen in the case of a successful referendum.
- It identified four key principles of the Canadian Constitution:
  - Federalism
  - Democracy
  - The rule of law
  - Respect of minorities

# The Aftermath of 1995

- It then said that on the basis of these principles, a clear majority vote in Quebec would force the federal government to negotiate the terms of the separation.
- The Supreme Court left it to politicians to determine what would constitute a clear majority.

# The Aftermath of 1995

- The judgment led to the necessity of defining what is a clear question and a clear majority.
- The Clarity Act states that the federal government will only recognize a vote on independence if the question is clear and if there is a strong majority in support.
- However, the Act itself does not define what is a clear question or a strong majority...

# The Aftermath of 1995

- In fact, the federal government reserves the right to judge whether clarity has been achieved **after** the vote has taken place.
- The question phrasing should make it clear that it is asking about independence.
- It is expected that the federal government would require more than 50%+1 of the vote to identify a clear majority.

# The Aftermath of 1995

- This has been received very negatively in Quebec by both sovereignists and federalists.
- The Clarity Act means the federal government can keep moving the goalpost and refuse to recognize the vote.
- A democratic system needs clear rules, which are not found in the Clarity Act.

# The Aftermath of 1995

- Quebec replied with Bill 99.
- Bill 99 states that Quebecers have the right to self-determination and can hold binding referenda to determine their future.
- In doing so, it rejects both the verdict of the Supreme Court and the federal Clarity Act.
- It states explicitly that such referenda require 50%+1 of the vote to be adopted.

# The Aftermath of 1995

- In 2017, [premier Couillard](#) (Liberal) introduced a [policy](#) aiming to reopen constitutional dialogue so Quebec could sign the Constitution.
- PM Justin Trudeau [shut down the initiative](#) in less than 24 hours by saying he had no desire to enter constitutional discussions.
- In 2021, premier Legault (CAQ) introduced Bill 96, which expands protection for French in Quebec.
- It also announces Quebec's willingness to amend its own Constitution to state that Quebecers constitute a nation and that French is the only official and common language of said nation.
- The notwithstanding clause was invoked when adopting this Bill.

# The Aftermath of 1995

- Questions?





POLI 202

# The Government of Canada

The Constitution and Quebec Politics

# Outline

- The 1867 Constitution
- The Quiet Revolution
- The 1982 patriation
- Mega-Constitutional Politics
- The Aftermath

# The 1867 Constitution

## Background

- Why were the colonies willing to join together in a Canadian union?
- Resist military threats from the United States
- Resolve deadlock in United Canada
- Improve finances

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- Design a national government encompassing the four founding colonies; (Ontario, Quebec, NB, NS)
  - Creates House of Commons and Senate
- Forge a federal system with two levels of government;
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- Redefine the relationship between Canada and the Crown.
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- This is why the Canadian political system is sometimes referred to as the Westminster system.
- This includes constitutional conventions such as responsible government.

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- One source of contestation came from the Western Provinces.
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- The federal state began to expand, developing the characteristics of modern states.
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# Contesting the Constitutional Order

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- Most provinces did not view this as a major issue.
- They were happy to benefit from funding from Ottawa.
- Quebec would disagree. It wanted to protect its autonomy and cultural distinctiveness from interference by the federal government.



# Contesting the Constitutional Order

- Conflicts between the federal government and Quebec grew over the welfare state.
- Initially, Quebec conservatives (union nationale) opposed the expansion of the welfare state altogether.
- Later, the newly elected Quebec Liberals wanted a provincial welfare state.
- They wanted investments in Quebec's future, but they also wanted these investments to be controlled by the Quebec government.

# Contesting the Constitutional Order

- They argued that Quebec had different responsibilities than other provinces.
- In a 1965 speech, Jean Lesage (Quebec premier) argued that Quebecers have a collective identity of their own, and that they trust the Quebec government to defend it more than the federal government.
- Daniel Johnson (his successor) went further, stating that Canada should be understood as a pact between two equal nations.

# Contesting the Constitutional Order

- It is also worth noting that the first sovereignist leaders were part of the Liberal party at the time.
- René Lévesque and Jacques Parizeau worked with Lesage's government.
- They left and formed the Parti québécois because they felt independence was necessary.
- They thought the Canadian Constitution did not allow for Quebec to make its own decisions and pursue its goals.

# Contesting the Constitutional Order

- René Lévesque went on to create the Parti Québécois, an openly separatist political party.
- It won a provincial election in 1976 and managed to form a majority government for the first time.
- One of the election promises was to hold a referendum on sovereignty.

# Contesting the Constitutional Order

- The government spent four years preparing for the referendum.
- These four years were marked by tense negotiations about what could be done to convince Quebecers to stay in Canada.
- Pierre-Elliot Trudeau, as Prime Minister, promised a renewed federalism, more respectful of Quebec's difference.



# Contesting the Constitutional Order

- The 1980 referendum resulted in a 40% vote for the YES side, and 60% for the NO side.
- This was a victory for the federalists.
- However, the Parti québécois was reelected in the 1980 Quebec provincial elections.
- This sent the message that Trudeau would have to make good on his promise of « renewed federalism ».

# Contesting the Constitutional Order

- Questions?

# The 1982 Patriation

- The initial proposal from the federal government included:
  - The patriation (giving Canada the ability to modify its Constitution)
  - The Charter of Rights and Freedoms
  - Promise to define amending formula within 2 years with referendum
- Trudeau told the premiers not to negotiate for more provincial powers or over the Charter.

# The 1982 Patriation

- To begin, the federal government (more specifically attorney general Jean Chrétien) visited provincial premiers to discuss plans for the new Constitution.
- However, he failed to secure support from the provinces.
- As a result, the federal government proposed to unilaterally modify the Constitution. (rejected by 8 provinces out of 10)

# The 1982 Patriation

- A reference question asked the Supreme Court whether unilateral patriation is acceptable or not.
- The Court stated that it is not illegal to do so based on the text.
- However, it ruled that doing so would be unconstitutional regarding constitutional conventions.
- The Supreme Court said that constitutional amendments should receive support from the provinces, but does not require unanimity.

# The 1982 Patriation

- This forced the parties to negotiate again.
- The negotiations lasted four days in a hotel in Ottawa with the PM, premiers and their top advisers.
- The provinces wanted to delay adoption of the Charter, which Trudeau refused to do.
- Formal discussions stopped, as tempers were running hot.

# The 1982 Patriation

- People were meeting in unofficial channels.
- Chrétien met in an unused kitchen to find a compromise with representatives from Ontario and Saskatchewan.
- This was unofficial, and there are no official records of this meeting.
- It is at this time that the notwithstanding clause was brought up and agreed to in exchange for provincial support for the Charter.
- In return, the provinces would drop the right to withdraw with compensation and adopted the amending formula.

# The 1982 Patriation

- The new Constitution was supported by 9 provinces out of 10.
- Quebec did not give its approval to the 1982 patriation.
- The final negotiations took place in secret during the night, while the Quebec delegation was sleeping.
- They learned that the other 9 provinces and the federal government had reached an agreement the following morning at breakfast.
- Quebec refused to sign and left.



# The 1982 Patriation

- The new Constitution included the Charter of Rights and Freedoms.
- It also gave Canada the ability to modify its own Constitution.
- It also acknowledges bilingualism, multiculturalism, gender equality, equalization and First Ministers Conferences.

# The 1982 Patriation

- As part of patriation, Canada needed to define the rules for amending the Constitution.
- In most cases, a constitutional amendment requires support from the House of Commons, the Senate, 7 (or more) provinces representing at least 50% of the public.
- This applies to modifications to jurisdictions and the Charter.

# The 1982 Patriation

- For other topics, unanimity of the provincial assemblies is required.
- This is the case of the amending formula itself.
- If an amendment would restrict provincial powers, they have the right to opt out with compensation (education, culture).
- Bilateral agreements are possible if only some provinces are affected.
- The Senate can only delay adoption for 180 days, but not block it.

# The 1982 Patriation

- It is interesting to note what is absent from the 1982 Constitution.
- It does not modify the division of powers between federal and provincial governments.
- It did not require popular support.
- Parliamentary institutions were left untouched, including the Senate and the Governor General.



# The 1982 Patriation

- Most importantly given Trudeau's promises of « renewed federalism », the 1982 Constitution does not say anything about the status of Quebec in the federation.
- It recognizes French and English as equal.
- However, the idea of Quebec as a founding people, nation, or distinct society is absent from the Constitution.
- It also does not give Quebec any powers requested during negotiations, such as a right to withdraw from federal programs in provincial jurisdictions with compensation or immigration powers.

# The 1982 Patriation

- These factors, plus the fact that Quebec was left out of the final negotiations, exacerbated tensions between federalists and sovereignists.
- It left the status of Quebec in the federation undefined.
- Many felt that they had been duped by Trudeau promises of « renewed federalism ».
- This set the stage for the mega-constitutional negotiations of the 80-90s.

# The 1982 Patriation

- Questions?

# Mega-Constitutional Politics

- The phrase « Mega-constitutional politics » refers to constitutional negotiations that attempted to get Quebec to sign the 1982 Constitution.
- These discussions involved actors from all the provinces.



# Mega-Constitutional Politics

- The Meech Lake Accord was Brian Mulroney's attempt to reintegrate Quebec in the Constitution.
- The 11 first ministers met in 1987 to prepare the terms of the Accord.
- The preparation of the accord involved no public participation whatsoever.
- Other issues were put aside until Quebec could be reintegrated in the Constitution.

# Mega-Constitutional Politics

- The Meech Lake Accord would recognize Quebec as a distinct society.

It would also recognize new powers for ALL provinces

- Greater role in immigration.
- Give the right to withdraw from federal programs with full compensation.
- Give greater power regarding the amendment formula.
- Provinces would play a role in selecting Senators and SCC judges.

# Mega-Constitutional Politics

- For the Accord to pass, it required unanimous support of the federal Parliament and the 10 provincial assemblies.
- This support had to be assembled within 3 years.
- Quebec was the first to officially approve the Accord.
- The federal government and 7 other provinces did the same.
- However, the Accord was not supported in Newfoundland and Manitoba.

# Mega-Constitutional Politics

- Note that these provinces did not vote AGAINST the Accord.
- Rather, they did not hold the vote.

Many reasons explain why the Accord failed

- Some critics were concerned that the distinct society clause would lead to separation
- Others were afraid it would be used in court to circumvent the Charter of Rights and Freedoms
- Finally, some of the signatories were defeated in their home province.

# Mega-Constitutional Politics

- A major lesson from the Meech Lake Accord was that a deal negotiated in secret did not appear legitimate.
- Attempts at Constitutional negotiations would have to be public and include members of the public.
- This would also mean include more actors in the negotiations would include their demands in the new Accord.

Questions?

# Mega-Constitutional Politics

- This led to the Charlottetown Accord.
- Because it involved many different actors, the Accord made a lot of compromises.
- Quebec's specificity was addressed, but weakly.
- Senate Reform was proposed, but did not satisfy the West. The Senate was elected and equal, but weaker.
- There were also changes to the Supreme Court and the House of Commons. Small provinces lost seats in the House of Commons because they received more seats in the Senate.

# Mega-Constitutional Politics

- Three provinces promised to hold provincial referenda on this issue before either supporting or rejecting the Accord.
- The federal government followed suit, deciding to hold a referendum in the remaining provinces.
- The Accord was supported by all federal parties (except Reform), all provincial governments, and the business community.



# Mega-Constitutional Politics

- Nevertheless, the Accord was not successful.
- It only passed in four provinces.
- Across the country, the vote ended with 54% No and 46% Yes.
- In Quebec, it was 57% No and 43% Yes.

# Mega-Constitutional Politics

- After this second failure, there was little appetite left for further constitutional negotiations.
- Politicians felt like this was doomed to failure.
- Requiring support from the public may make things more legitimate, but it also made it more difficult to reach consensus on the agreement.

# Mega-Constitutional Politics

- Furthermore, it was now clear that any actor asked for its support for a constitutional amendment would ask for something in exchange.
- The West made it clear that support for constitutional amendments would require Senate Reform.
- Quebec made it clear that its traditional demands would have to be met to consider future amendments as well.
- This discourages constitutional negotiations. Actors can anticipate the difficulty of reaching an agreement.

# Mega-Constitutional Politics

- This situation laid down the foundations of the 1995 referendum.
- Given the failures of the two accords and the reluctance of the other partners to continue constitutional negotiations, Quebecers felt like they had no other option but to hold a second referendum on independence.
- The Parti québécois won the 1994 elections, promising a referendum as soon as possible in its mandate.

# Mega-Constitutional Politics

- The referendum was hotly contested.
- During the campaign, support for the Yes side (separation) appeared to have the advantage in the polls.
- Due to the stakes, the referendum had the highest voter turnout in Quebec history (93.5%)
- The Yes side obtained 49.4% of the vote and the No side 50.6%.

# Mega-Constitutional Politics

- This concluded Mega-Constitutional Politics.
- There have been no further attempt to modify the Canadian Constitution in a major way.
- Quebec still has not signed the Canadian Constitution.
- This remains largely an unresolved issue.

# Mega-Constitutional Politics

- Questions?

# The Aftermath of 1995

- The 1995 referendum and its very close results prompted Canadian politicians to find solutions to keep Quebec in the federation.
- However, these solutions would have to avoid constitutional negotiations.
- Consequently, the federal government launched various administrative and bilateral agreements to keep Quebec in Canada.



# The Aftermath of 1995

- These proposals can be grouped under two strategies.
- Plan A consisted of trying to convince Quebec to stay in the federation by agreeing to some of Quebec's key demands.
- Plan B, on the contrary, consisted of keeping Quebec in Canada by making secession more difficult.

# The Aftermath of 1995

- Shortly after the referendum, the federal government decided to agree to some of Quebec's demands.
- It recognized that Quebec forms a distinct society « within the operations of the federal government » in a motion in 1996.

# The Aftermath of 1995

- Likewise, the federal government promised to use its veto to block constitutional amendments that Quebec opposes.
- This promise was also extended to Ontario, the West, and the Atlantic Provinces.
- This is an indirect way to satisfy the demand that no further constitutional amendments be made without the support of Quebec, like in 1982.

# The Aftermath of 1995

- Federal governments have agreed to let Quebec withdraw with full compensation from federal programs touching on provincial jurisdictions (healthcare, social issues).
- In 2006, the Harper Conservatives recognized Quebec as a nation within a United Canada.
- They also offered Quebec a seat at the UNESCO, giving Quebec a presence on the international stage.

# The Aftermath of 1995

- The first element of Plan B was the federal government asking a reference question to the Supreme Court on the legality of unilateral Quebec independence.
- The Supreme court ruled that Quebec had no right to unilaterally declare independence.
- This sounds like a victory for the federal government...

# The Aftermath of 1995

- ...except the Supreme Court did not only answer the question it was asked.
- It also provided further instructions regarding what should happen in the case of a successful referendum.
- It identified four key principles of the Canadian Constitution:
  - Federalism
  - Democracy
  - The rule of law
  - Respect of minorities

# The Aftermath of 1995

- It then said that on the basis of these principles, a clear majority vote in Quebec would force the federal government to negotiate the terms of the separation.
- The Supreme Court left it to politicians to determine what would constitute a clear majority.

# The Aftermath of 1995

- The judgment led to the necessity of defining what is a clear question and a clear majority.
- The Clarity Act states that the federal government will only recognize a vote on independence if the question is clear and if there is a strong majority in support.
- However, the Act itself does not define what is a clear question or a strong majority...



# The Aftermath of 1995

- In fact, the federal government reserves the right to judge whether clarity has been achieved **after** the vote has taken place.
- The question phrasing should make it clear that it is asking about independence.
- It is expected that the federal government would require more than 50%+1 of the vote to identify a clear majority.

# The Aftermath of 1995

- This has been received very negatively in Quebec by both sovereignists and federalists.
- The Clarity Act means the federal government can keep moving the goalpost and refuse to recognize the vote.
- A democratic system needs clear rules, which are not found in the Clarity Act.

# The Aftermath of 1995

- Quebec replied with Bill 99.
- Bill 99 states that Quebecers have the right to self-determination and can hold binding referenda to determine their future.
- In doing so, it rejects both the verdict of the Supreme Court and the federal Clarity Act.
- It states explicitly that such referenda require 50%+1 of the vote to be adopted.

# The Aftermath of 1995

- In 2017, [premier Couillard](#) (Liberal) introduced a [policy](#) aiming to reopen constitutional dialogue so Quebec could sign the Constitution.
- PM Justin Trudeau [shut down the initiative](#) in less than 24 hours by saying he had no desire to enter constitutional discussions.
- In 2021, premier Legault (CAQ) introduced Bill 96, which expands protection for French in Quebec.
- It also announces Quebec's willingness to amend its own Constitution to state that Quebecers constitute a nation and that French is the only official and common language of said nation.
- The notwithstanding clause was invoked when adopting this Bill.

# The Aftermath of 1995

- Questions?



POLI 202

# The Government of Canada

Political Parties

# Outline

- The history of party systems in Canada
- How parties work
- Voting behaviour



# Party Systems in Canada

- Before we begin studying **party systems**, we need to define what they are.
- « The pattern of competition and cooperation among all political parties within a given political system. »
- This includes the configuration of the parties in the system: how many parties, and which are they.
- It also includes the bases of support of these parties.

# Party Systems in Canada

- According to the textbook, there are 4 different stages in the evolution of party systems in Canada
1. Bipartisan party system (1867-1921)
  2. Appearance of third parties (1921-1957)
  3. The nationalization of political parties (1963-1988)
  4. The regionalization of political parties (1993-2015)

# Party Systems in Canada

- The first party system spans the period going from the foundation of Canada to the first election following World War 1.
- There were not many differences in the political positions defended by these parties.
- Politics under the first party system were thus an affair of patronage.

# Party Systems in Canada

- What is patronage?
- “The use of state resources to reward individuals for their electoral support.”
- Politicians would be elected, and then would use their power to reward their supporters with jobs in their ridings, access to the railroad, etc.

# Party Systems in Canada

- Questions?

# Party Systems in Canada

- A key reason for the emergence of the second party system was linked to World War 1.
- Wartime conscription proved a particularly divisive issue.
- The contrast was particularly marked across languages, with English Canadians favouring conscription and French Canadians opposing it.

# Party Systems in Canada

- This division had an impact on the two parties of the time.
- The Conservatives, who were in government, supported conscription.
- The Liberals opposed the government.
- The Conservatives won in 1917 on a pro-conscription platform, but lost to the Liberals in 1921.

# Party Systems in Canada

- The 1921 election was remarkable for other reasons.
- It marked the entry of a new party in the political arena: the Progressive Party.
- This marked the increasing importance of regional and class based divisions in Canadian politics.
- This meant the end of strict bipartism in Canada.



# Party Systems in Canada

- This marks the beginning of the second party system.
- The economic depression of the 1930s led to the emergence of two new political parties defending western populism.
- The Co-operative Commonwealth Federation represented a left-wing alternative.
- The Social Credit represented a right-wing alternative.

# Party Systems in Canada

- This period also marked the beginning of brokerage politics in Canada.
- Brokerage politics refers to the idea of brokering an agreement between multiple sides on a given issue.

# Party Systems in Canada

- Politics in the second party system were not ideological, but they were not based in patronage either.
- They revolved around the idea of problem-solving conflict between many groups.
- French vs. English
- Rural vs. Urban
- West vs. East
- Class Conflict

# Party Systems in Canada

- The Liberals maintained their advantage in Quebec during this time period.
- In doing so, they managed to win most elections and become the « natural governing party » over this time period.

# Party Systems in Canada

- Questions?

# Party Systems in Canada

- The Liberal hold on government lasted from 1935 to 1957.
- It was broken by John Diefenbaker.
- He was then defeated in 1963.
- This marks the beginning of the third party system.

# Party Systems in Canada

- The Liberals returned to their dominant position in the third party system.
- Lester B Pearson and Pierre-Elliot Trudeau are the two defining Prime ministers of the time period.
- The CCF rebranded itself as the New Democratic Party (NDP). It then took on the role of defending workers in addition to farmers.

# Party Systems in Canada

- Furthermore, many changes happened at the time to electoral competition.
- Politics became more ideological, with the structure of left-right politics we are familiar with today.



# Party Systems in Canada

- Trudeau developed a national strategy, based on symbols of Canadian identity. (Charter of Rights and Freedoms, official bilingualism, multiculturalism)
- During this time period, the parties started appealing to the whole country at once, rather than select groups.
- This is the period of nationalized campaigning in Canada.

# Party Systems in Canada

- One reason for this nationalization of electoral campaigns rests upon the emergence of new technology.
- Television.
- It would lead to the first leader's debate, which we still have today.
- Also radio, airplanes facilitate national campaigning. Can send a message and visit all regions of the country more easily.

# Party Systems in Canada

- It is not because the parties tried to campaign nationally that they succeeded.
- The Liberals still did poorly in the West.
- Conservatives did well in English Canada.
- Liberals had to get enough support in urban Ontario to win (coupled with their traditional base in Quebec)
- Conservatives struggled in Quebec.

# Party Systems in Canada

- Questions?

# Party Systems in Canada

- After Trudeau's departure from politics in 1984, Mulroney led the Conservatives to victory.
- Key topics for Mulroney were constitutional negotiations and negotiating a Free Trade Agreement with the United States.
- They won most of Quebec's seats, a rare feat for the Conservatives.
- This was a risky gamble, as the coalition rested on support from the West and Quebec, which disagreed on the topic of Quebec's place in Canada.

# Party Systems in Canada

- The first mandate went rather well.
- The government prepared the Meech Lake Accord, which received wide support from provincial premiers (including Quebec's).
- They also successfully negotiated the free trade agreement with the U.S.
- This paved the way for a second Conservative government in 1988, once again relying on support from Quebec and the West.
- It seemed like the “risky gamble” had paid off.

# Party Systems in Canada

- However, this success would not last.
- The free trade agreement led to sharp criticisms.
- The economic situation of the country took a turn for the worse.
- Most importantly, the constitutional negotiations (Meech and Charlottetown) were never concluded successfully.
- This led many to stop supporting the Conservative Party.
- It also led to the creation of two parties that adopted regional perspectives rather than national ones.

# Party Systems in Canada

- As seen before, parties in Canada were trying to run campaigns while promoting national unity and brokerage politics.
- Not so much for the two parties that appeared in the 1993 election.
- The Bloc Québécois, a sovereignist party with candidates only in Québec, said it would represent the interests of Québec in the House of Commons.
- The Reform party thought it could represents the interests of the West in the House of Commons.



# Party Systems in Canada

- The creation of these two parties left the Conservative party without a base.
- In the 1993 election, it went from 156 seats to only 2!
- The NDP was reduced to 8 seats.
- The Bloc Québécois won 54 and the Reform won 53.
- The Liberals won 177, in large part thanks to support in Ontario.

# Party Systems in Canada

- The Liberals ruled for over a decade after 1993.
- The right-wing parties (Conservative and Reform/Alliance) realized that the division of right-wing votes between two parties was a problem.
- They thus merged under the new Conservative Party of Canada, of which Stephen Harper became the first leader. (2003)
- The Conservative Party won in 2006.

# Party Systems in Canada

- The Bloc Québécois remained relatively strong during this time period.
- It lost steam after 1993, but regained a lot of support after the sponsorship scandal (2004 election).
- However, it did not manage to maintain this level of support during the time Harper spent in government.
- It came back with 32 seats in 2019.

# Party Systems in Canada

- Questions?

# How parties work

- Political parties are institutions that have many roles in Canada.
- They play a role in parliamentary representation.
- They are responsible for ensuring the link between the electorate and the governance of Canada.

# How parties work

- Party membership in Canada is fairly low. (1-2% of the public)

This is despite the fact that parties can include members who are not voters (noncitizens, people under 18).

- Certain groups are overrepresented. (whites, men, older people, wealthier people)
- Parties do try to change this fact, by creating commissions and clubs targeting underrepresented groups.

# How parties work

- There are many rules limiting how parties are financed in Canada.
- They were introduced in the 1974 Elections Expenses Act.
- This encouraged donations and encouraged parties to maintain contact with individuals in-between elections.
- It also ensured greater transparency.

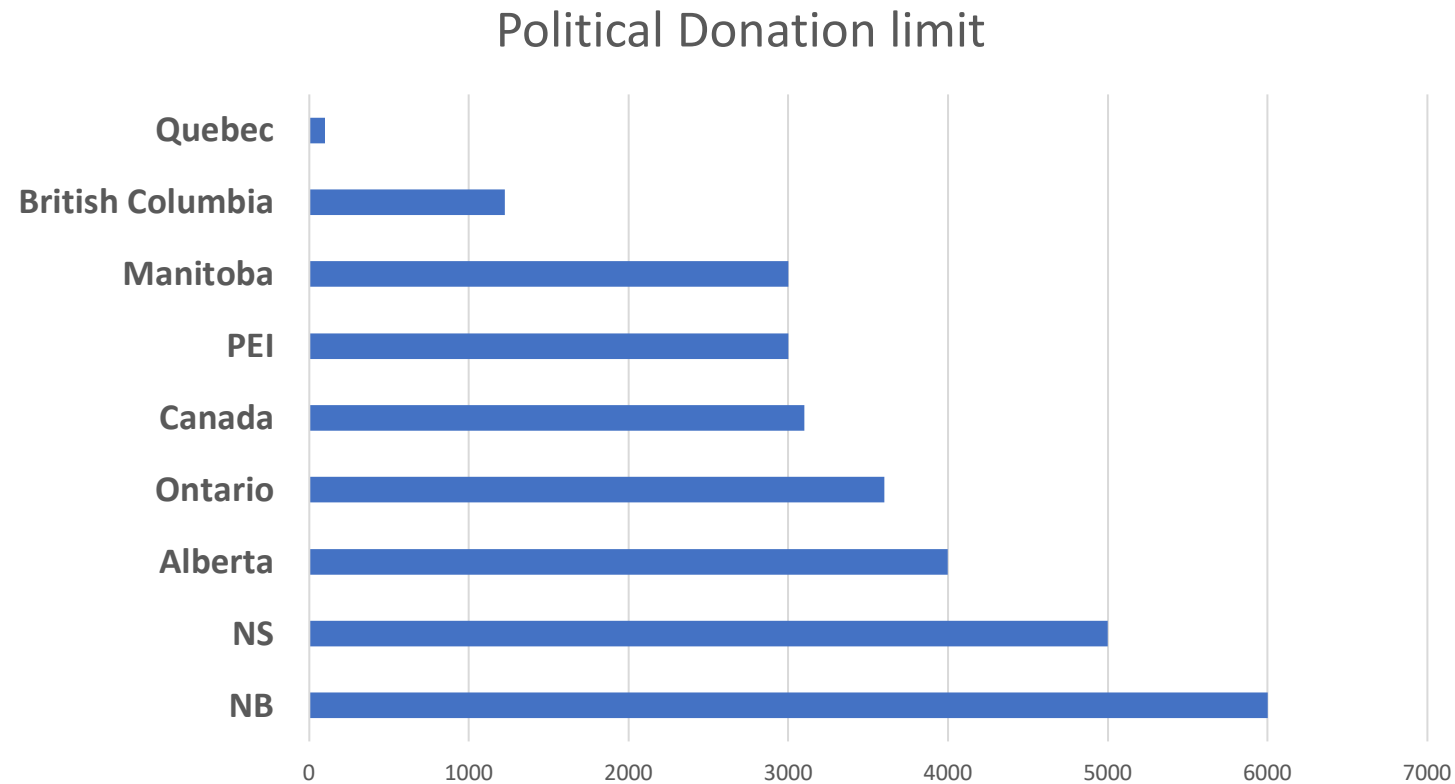
# How parties work

- In 2003, PM Jean Chrétien adopted a law making it illegal for corporations and unions to donate to political parties.
- The maximum donation was set at 5000\$ by PM Chrétien.
- It was later reduced further by PM Harper, and now stands at about 1575\$ per party.



# How parties work

- For provincial politics, rules vary per province.



# How parties work

- Party activities tend to be very busy around election time.
- Things are less busy between elections.
- Many members would like to have greater influence in the party, especially regarding the creation of party policy.

# How parties work

- The choice of local candidates is largely left to the choice of the members.
- Party leaders have the ability to veto a candidate, but they rarely use it.
- They may impose their candidate if they have a star candidate that they think would make a good minister, for instance.

# How parties work

- The selection of party leaders has become more open with time.
- Initially, leaders were selected by a small group that included parliamentarians and party insiders. There was very little influence from the party members.
- The 1960s saw the beginning of large delegate conventions.

# How parties work

- With time, even delegate conventions seemed too restrictive.
- The first parties to change the model federally were the Reform Party and the Bloc Québécois.
- The adopted models in which all party members could cast a vote for the leader.
- The other parties had to follow because of pressure from their own members.

# How parties work

- The NDP follows a direct model of one-member, one-vote.
- The Conservative Party has adopted a system where individual votes are weighed so that each constituency has the same weight.
- Finally, the Liberals have adopted a system where even non-members can vote as « sympathizers ».

# How parties work

- Questions?

# Voting Behaviour in Canada

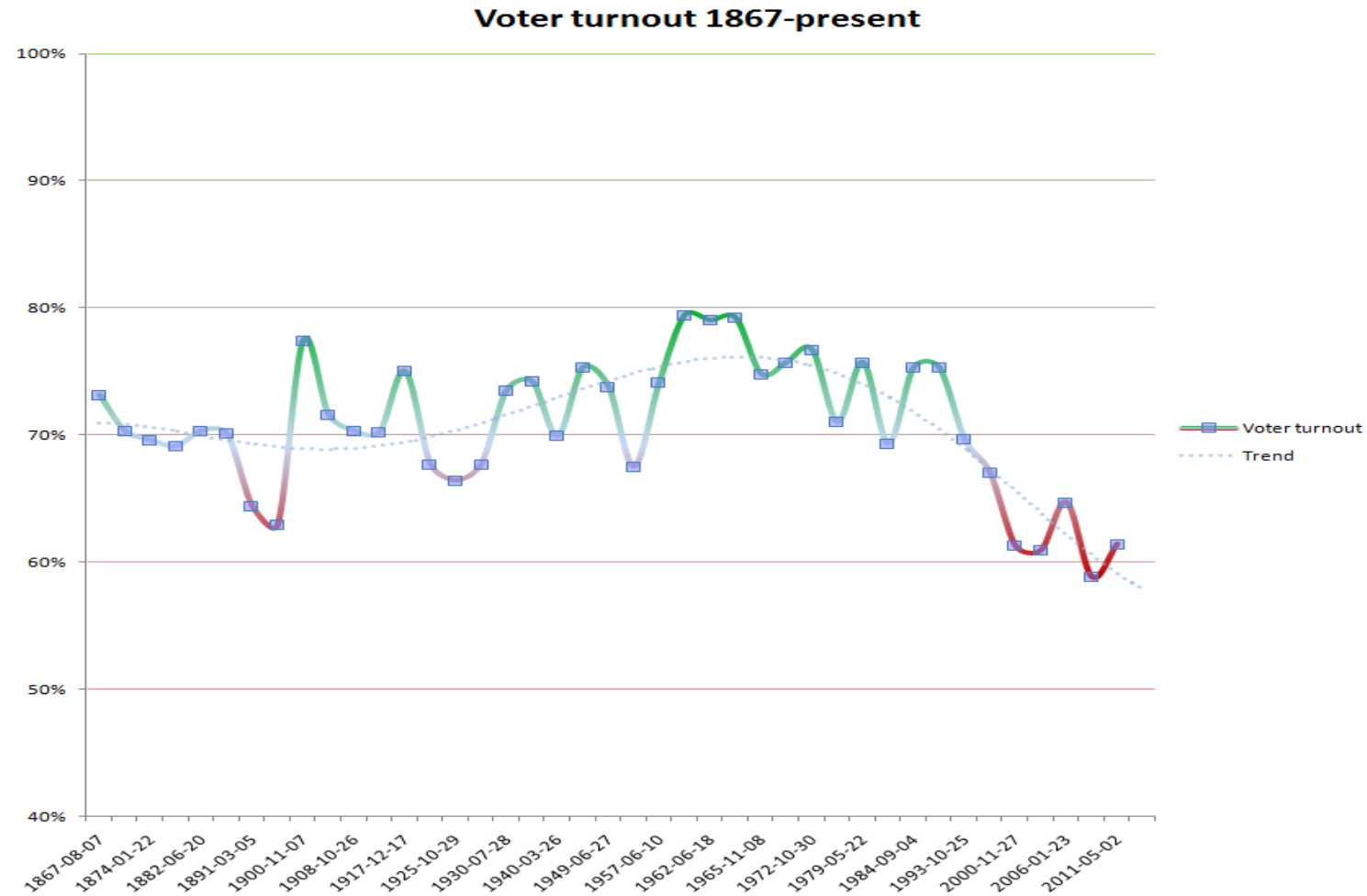
- In order to function, political parties need electoral support.
- We are thus going to conclude with an overview of voters in Canadian politics.
- How many Canadians vote?
- Who votes for whom?



# Voting Behaviour in Canada

- Abstention in Canada is fairly high.
- Abstention has varied from 25% to 40% since the end of the second World War.
- A Royal Commission on the topic identifies three institutional reasons for this low turnout.

# Voting Behaviour in Canada



# Voting Behaviour in Canada

3 institutional reasons.

1. No mandatory voting law. Unsurprisingly, countries that force citizens to vote by law have a higher turnout.
2. Bicameralism: countries with two chambers also typically see lower turnout in elections.
3. Majoritarian electoral system: These systems typically have lower turnout than countries using proportional systems of voting.

# Voting Behaviour in Canada

- The cause of the drop in turnout over time is due to generational change.
- Youth are less interested in politics, less informed, and less likely to see voting as a duty.
- Young voters show lower rates of participation.
- They vote less than young generations who lived in previous times as well, so this does not only reflect a difference in age.

# Voting Behaviour in Canada

- Many explanations have been offered to explain vote choice in Canada.
- Some argue that the vote is based on sociodemographic characteristics.
- These characteristics include region, religion, language, unionization and gender.

# Voting Behaviour in Canada

- Traditionally, the Liberals obtained many votes in Quebec, and the Conservatives obtained votes in the West.
- So did the NDP, to a lesser degree.
- This was interrupted by the 1993 election.

# Voting Behaviour in Canada

- Since 1993, the Liberals have done well in Ontario and the Atlantic Provinces.
- The Reform replaced the Conservative Party in the West until the merger between the two.
- The Bloc Québécois has done well in Quebec.

# Voting Behaviour in Canada

- Religion is strongly associated with vote choice in Canada.
- Catholics are more likely to vote Liberal.
- Protestants are more likely to vote Conservative.
- Non-believers are more likely to vote for the NDP.
- These results are robust over time, despite the fact that there exist little religious character in Canadian politics.



# Voting Behaviour in Canada

- Language and origins also matter for the vote.
- French Quebecers are much more likely to vote for the Bloc Québécois than other Quebecers.
- English-speaking citizens are more likely to support the Conservatives.
- Linguistic minorities are much more likely to vote for the Liberal Party.
- Citizens who are not of European descent are more likely to vote for the Liberal Party.

# Voting Behaviour in Canada

- Another variable that explains voting behaviour is party identification.
- Party identification is a psychological attachment to a given political party.
- The voter thinks of themselves as being a Liberal, Conservative, etc.
- It is the strongest single determinant of the vote.

# Voting Behaviour in Canada

- In Canada, about half the public identifies with a political party.
- Half of this group identifies with the Liberal party.
- This gives the Liberal party a strong advantage, as it has a bigger base than the other parties.

# Voting Behaviour in Canada

- Other factors that matter are issues and leader evaluations.
- Canadians will vote for the party that most closely defends their position on issues.
- This can also be understood on the basis of ideology (Left vs. Right) rather than specific issues.

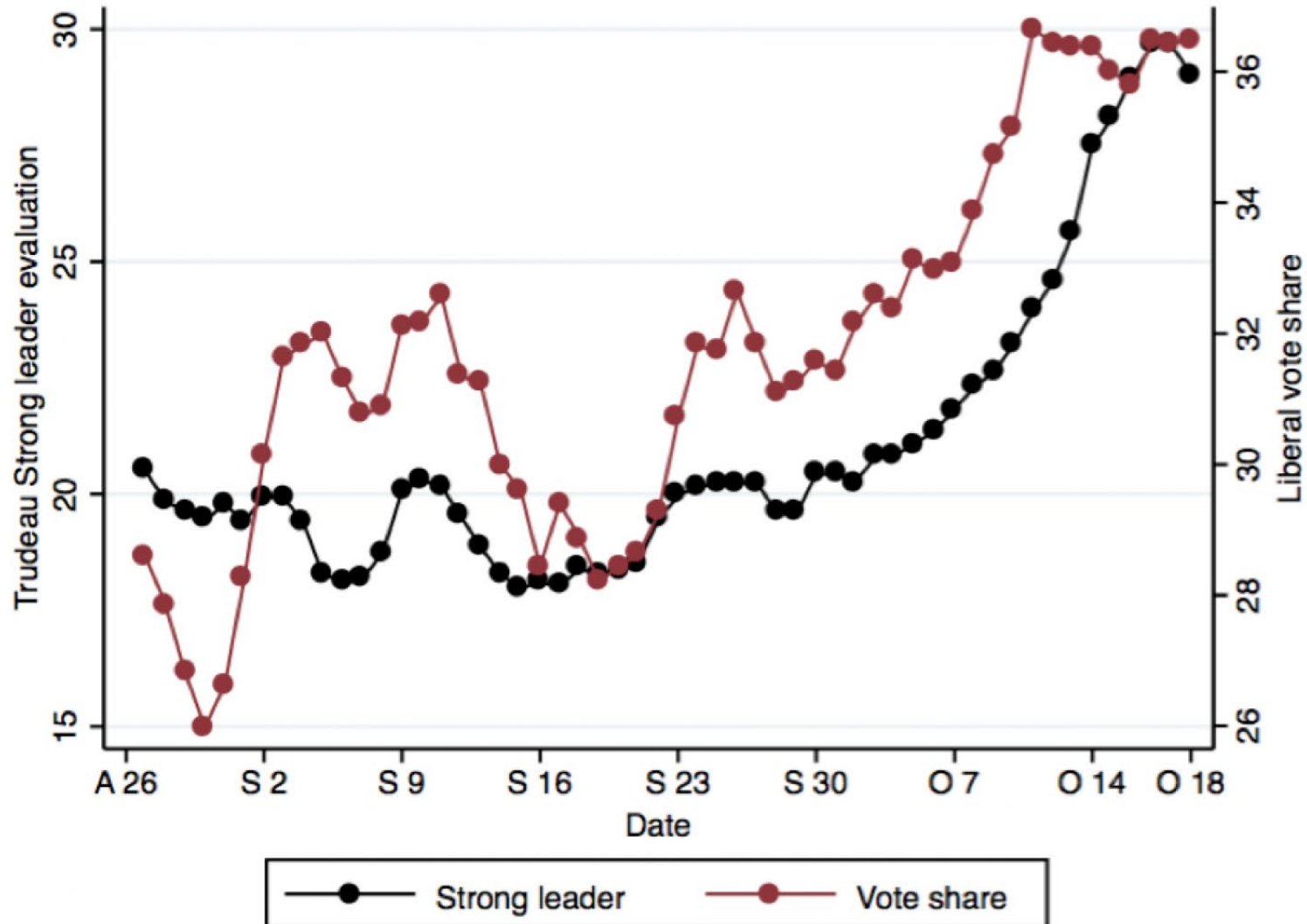
# Voting Behaviour in Canada

- Finally, leader evaluations will matter as well.

Traits matter:

- Competence
- Leadership
- Intelligence
- Honesty
- Empathy

# Voting Behaviour in Canada



This is a comparison of perception of Trudeau as a strong leader and voting intentions for the Liberals in the 2015 election.

We can see clearly that the two are closely linked.

# Voting Behaviour in Canada

- Voting behaviour can thus be said to be a function of:
  1. Sociodemographics
  2. Party identification
  3. Issue positions
  4. Leader evaluations





# POLI 202

# The Government of Canada

Electoral Systems

# Outline

- Introduction
  - Canada's Electoral System
  - Advantages and Disadvantages
  - Other Options
- 
- Essay Question

# Introduction

- The first thing we should do is define electoral systems.
- **Electoral system:** « the system used to count the votes and determine the results of elections »
- The Canadian electoral system has been the same since 1867.
- There have been multiple attempts to change the electoral system in Canada at the federal and provincial levels.

# Introduction

- Several provinces have considered changing their electoral system:
- British Columbia
- New Brunswick
- Ontario
- PEI
- Quebec

# Introduction

- Most importantly for this class, electoral reform was a key topic in recent Canadian history.
- In the 2015 election, both the Liberals and NDP promised during the campaign that they would reform the Canadian electoral system.
- After the election, the Liberal government decided not to pursue this issue further.

# Introduction

- For these reason, we will discuss some of the reasons why the Canadian electoral system might be changed.
- We will also discuss alternatives to the electoral system, as well as the consequences of adopting one of these alternatives in the Canadian context.

# Introduction

- Questions?

# Plurality Voting System

- First Past the Post is probably the simplest electoral system there is.
- It is usually used in single-member districts (districts where a single individual is elected)
- This is the electoral system that Canada uses.



# Plurality Voting System

- The simple rule of FPTP is that the candidate with the most votes wins.
- This means that a majority (50%+1) is not required.
- A candidate simply needs to have more votes than the other challengers to win.

# Plurality Voting System

- Imagine 3 candidates
- Candidate A: 40%
- Candidate B: 30%
- Candidate C: 30%
- Candidate A would be elected despite not receiving a majority (50%+1) of the votes.

# Plurality Voting System

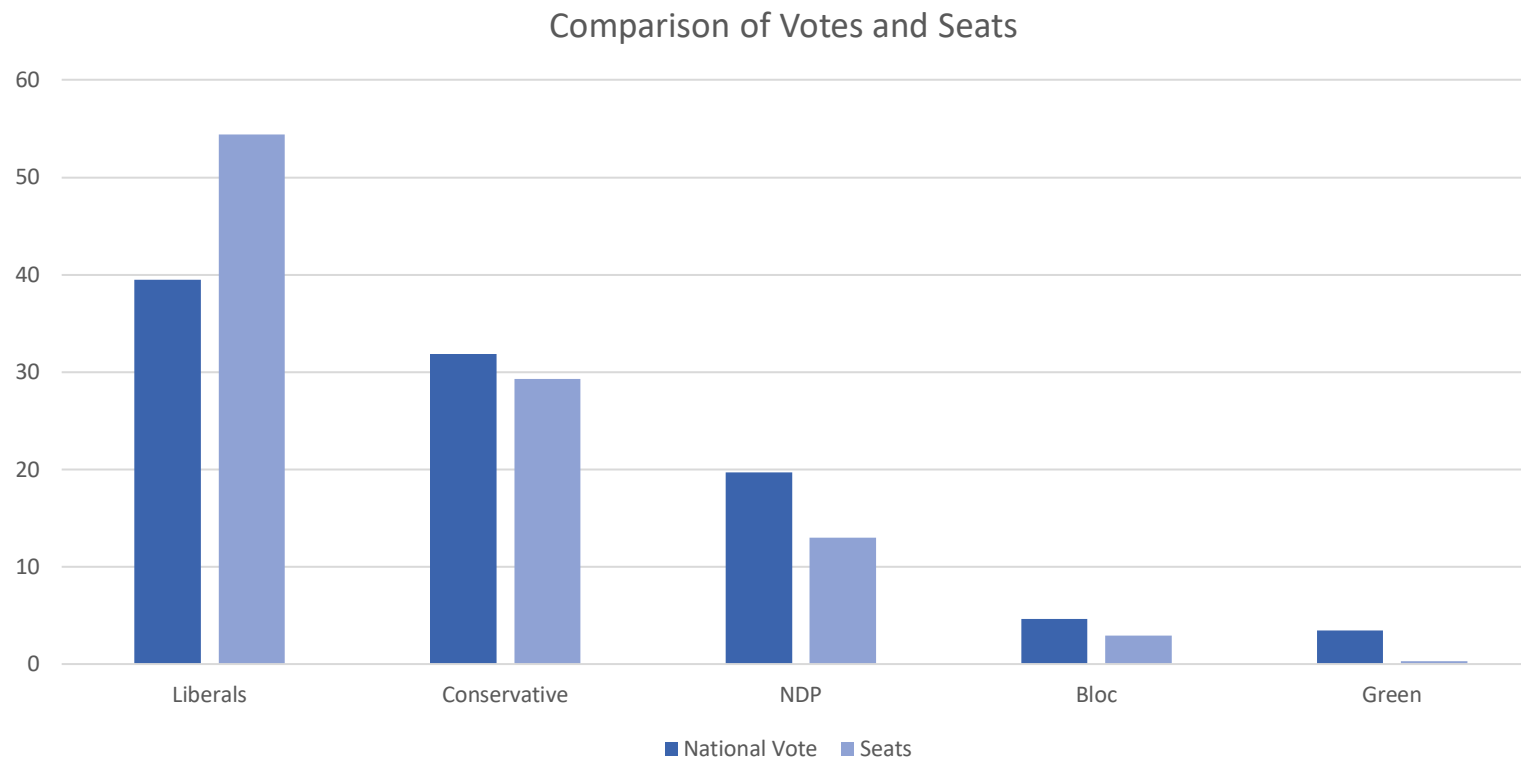
- The literature recognizes that FPTP has advantages and drawbacks.
- What are some of the advantages of FPTP?
- It is simple.
- It leads to stable majority governments.
- It gives great accountability to citizens.
- It creates a strong link between MP and citizens.

# Plurality Voting System

- FPTP tends to produce majority governments because candidates do not need to convince most voters to win the seat.
- The party that does the best at the national level will benefit from this in many riding.

# Plurality Voting System

## Example : Canada, 2015

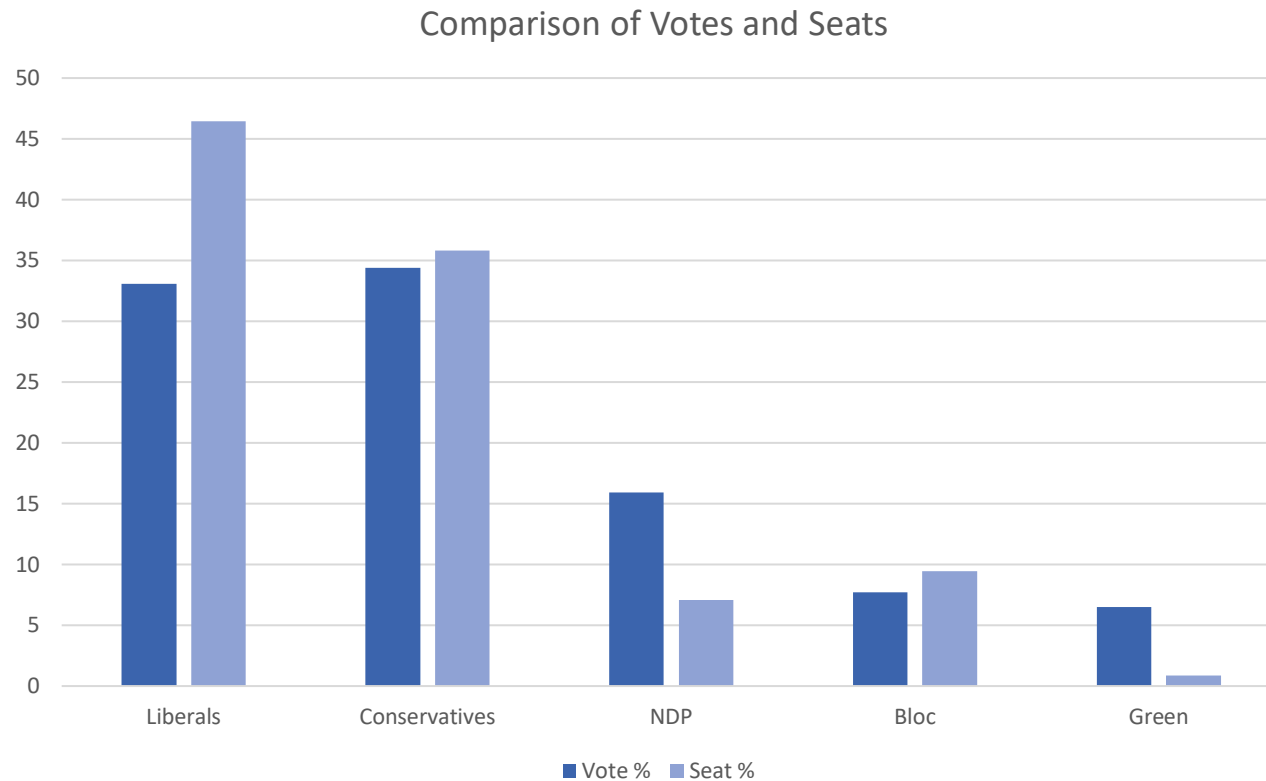


Despite winning less than 40% of the votes in 2015, the Liberals have managed to win more than 50% of the seats and govern with a majority.

This also means that other parties have received a smaller share of seats than the share of votes they received.

# Plurality Voting System

- Example : Canada, 2019



A similar thing happened in 2019. The Liberals obtained barely more than 30% of the vote but obtained more than 45% of the seats.

The NDP and the Greens were the parties most adversely affected by the electoral system during that election.

# Plurality Voting System

- Why would a majority government be more stable?
- Because of responsible government.
- If your party holds most seats in the House of Commons, you are almost guaranteed not to lose a confidence vote.

# Plurality Voting System

- Furthermore, the propensity to elect majority governments also increases the accountability of the government.
- Lines of responsibility are blurrier under minority governments.
- This is also true under coalition governments.
- Governments can accuse opposition parties and coalition partners of blocking their initiatives, which makes it more difficult to identify who is responsible for governmental action.



# Plurality Voting System

- Finally, FPTP creates a stronger link between voters and representative.
- Since the representative represents a particular district, then voters who have an issue know who is supposed to represent them.

# Plurality Voting System

There are, however, many criticisms that have been directed at FPTP. Can you think of some of them?

- Gives more power to the government
- Penalizes small parties
- Bad for representation
- Lowers turnout
- Accentuates regional differences
- Can fail to elect the leading party nationally

# Plurality Voting System

- While giving the leading party a majority helps form stable governments, it also means that it gives them control over the House of Commons.
- Critics argue that changing the electoral system would give more power to the opposition and keep in check the power of the government.

# Plurality Voting System

- The bonus for the leading party also implies that small parties are penalized.
- This is a zero-sum game: if somebody wins more seats, someone has to win fewer seats.
- Changing the electoral system would give greater weight to parties like the NDP and the Greens.

# Plurality Voting System

- Furthermore, FPTP does not encourage the representation of minorities.
- Research has shown that countries with proportional representation tend to elect more women and minorities to public office.
- Likewise, FPTP countries also exhibit lower rates of political participation during elections.

# Plurality Voting System

- FPTP also accentuates regional differences.
- In the 1993 election, the Bloc won 54 seats with 13.52% of the vote.
- The Conservatives won 2 seats with 16.04% of the vote.
- This is because the Bloc vote was concentrated in Quebec, while the conservative vote was spread all over Canada.
- FPTP thus favours parties that target regional interests, which may weaken national unity.

# Plurality Voting System

- One of the most important issues of FPTP is that it can fail to elect the nationally/provincially leading party.
- Because it focuses only on ridings, it does not take into account the distribution of the total vote.
- This can lead the loser of the vote to nevertheless win the most seats.

# Plurality Voting System

## Quebec, 1998 election

	Votes	Seats	Seats %
Parti Quebecois	42.87%	77	62%
Liberals	43.55%	47	38%
ADQ	11.81%	1	1%

The Liberals received the most votes, but the Parti Québécois received a lot more seats.



# Plurality Voting System

## New Brunswick, 2018 election

	Votes	Seats	Seats %
Liberals	38%	21	43%
Conservatives	32%	22	45%
People's Alliance	13%	3	6%
Green	12%	3	6%

The Liberals received more votes, but the Conservatives narrowly won 1 extra seat and formed government in New Brunswick.

# Plurality Voting System

- Canada, 2019 election

	Votes	Seats	Seats %
Liberals	33.07%	157	46.45
Conservatives	34.41%	121	35.80
NDP	15.93%	24	7.10
Bloc	7.69%	32	9.47
Green	6.5%	3	0.89

In the 2019 federal election, the Conservatives won the most votes but the Liberals won the most seats.

# Plurality Voting System

- Questions?

# Majority Voting Systems

- As discussed, plurality voting systems can lead to the election of governments that do not have the support of a majority of the population.
- Some have developed majority voting systems as a solution.

# Majority Voting Systems

## Majority Voting Systems

- Majority-runoff: France (presidential)
- Alternative Voting: Australia

# Majority Voting Systems

- Majority voting systems are very similar to plurality voting systems.
- The biggest difference is that they require 50%+1 of the population to support a candidate to elect the candidate.

# Majority Voting Systems

- Under majority run-off, there are two rounds of voting.
- Round 1: If a candidate wins 50%+1 of the vote, this candidate wins and the election is over.
- If no candidate wins 50%+1 of the vote, then the top 2 candidates advance to the second round and all other candidates are eliminated.
- Round 2: Opposing only the top 2 candidates as determined by round 1. Since the vote is split in the middle, one of the two candidates should be able to earn a majority.

# Majority Voting Systems

## Majority Run-Off

- The most common type of majority vote (19 presidential elections+Mali)
- In this system, there are two rounds of voting.



# Majority Voting Systems

- This gives voters the opportunity to vote for small parties in the first round.
- Prevents vote splitting from influencing the results.
- Sends signal to presidential candidates

# Majority Run-Off Example

	Round 1	Round 2
Liberals	40%	60%
Conservatives	30%	40%
NDP	20%	-
Green	10%	-

- In the example to the left, nobody receives 50%+1 of the vote in the first round.
- In the second round, the NDP and Green voters have to vote for one of the two leaders. The Liberals win with 60% of the vote.
- (I make the assumption that NDP and Green voters would prefer the Liberals to the Conservatives in a 2-to-1 ratio)

# Majority Voting Systems

Name	Ideology	1st round	2nd round
Chirac	Right	19.88	82.21
Le Pen	Far Right	16.86	17.79
Jospin	Left	16.18	-
Bayrou	Center	6.84	-
Laguiller	Left	5.72	-
Chevènement	Left	5.33	-
Mamère	Left	5.25	-
Besancenot	Left	4.25	-
Josse	Right	4.23	-

- Sometimes the goals of the system are not achieved.
- In France (2002), the vote on the left was so divided in the first round that both the right and far right made it to the second round.
- This is despite the fact that the vote for the parties on the left is clearly higher when you add it up.
- Vote splitting does not affect outcome of final stage, but can affect who will make it to final stage.

# Majority Voting Systems

## The Alternative Vote

- One big drawback of the previous method is that it forces voters to vote twice.
- A solution to this problem is presented by the alternative vote.

# Majority Voting Systems

## The Alternative Vote

- Voters are asked to rank the candidates in their order of preference.
- First choices are counted first.

# Alternative Vote Example

	Count 1	Count 2	Count 3
Liberals	40%	45%	65%
Conservatives	30%	30%	35%
NDP	20%	25%	-
Green	10%	-	-

- In the example to the left, nobody receives 50%+1 of the vote in the first round.
- In the second round, votes for the Greens are reallocated to their second choice. 5% go to the Liberals, 5% go to the NDP. Still no 50%+1
- In the third round, votes for the NDP are reallocated to the next preference. 20 go to the Liberals, and 5 go to the Conservatives.
- Liberals win.
- Green voters who became NDP are now down to their third choice.

# Majority Voting Systems

- Questions?

# Proportional Voting Systems

- PR can only be used in multimember districts.
- 29 countries use the list system.
- The parties elect a number of candidates equivalent to the number of votes they receive.



# Proportional Voting Systems

- Not all PR systems are the same.
- They are differentiated based on many dimensions.
  1. District size
  2. Thresholds
  3. Selection of Candidates

# Proportional Voting Systems

## District size

- The whole country is 1 district. (Israel, Netherlands, Slovakia)
- In the 26 other countries, district sizes vary but are smaller than the whole country.

# Proportional Voting Systems

The number of members per district is a trade-off.

- When the number is big, the result is more representative, but the representative may be disconnected from the voters.

# Why more representatives means accurate representation

	Votes	1 rep.	10 reps.	100 reps.
Liberals	40%	1	4	40
Conser vatives	35%	0	3	35
NDP	20%	0	2	20
Green	5%	0	1	5

- The example to the left illustrates why more representatives can represent the vote better.
- With 1 representative, 60% of voters do not have a representative in Parliament.
- With 10, all voters are represented, but the proportions of Conservatives and Green are a little off.
- With 100, the proportions are represented perfectly.

# Proportional Voting Systems

## Thresholds

- Thresholds represent a minimum value of support that parties must gain to receive seats in PR.

# Proportional Voting Systems

## Thresholds

- 19 countries with list PR have a threshold (out of 29).
- Turkey requires 10%, and Poland 7%.
- All other countries are lower, typically at 3 or 5%.

# Proportional Voting Systems

## Selection of Candidates

- A final question relates to the selection of candidates.
- In most PR countries (17/29), voters can only vote for the party.
- They do not get to choose the candidate.

# Proportional Voting Systems

## Selection of Candidates

- In the other 12 countries, voters can indicate which candidates they prefer.
- This can alter the order of election of some candidates on the party list.



# Proportional Voting Systems

- Questions?

# Strategic Voting

- A final criticism often addressed to plurality voting is that voters are encouraged to vote strategically by the system.
- The argument holds that other voting systems do not induce this incentive, and thus are better.
- This is WRONG!

# Strategic Voting

- Let us first define what is strategic voting.
- Strategic voting occurs when:
  - A voter has preferences  $A > B > C$  and;
  - Party A has no chance to win an election and;
  - The voter chooses to vote for party B to prevent party C from winning instead of voting for their number 1 preference (party A).

# Strategic Voting

- But this can exist in other systems as well.
- Remember the example of majority run-off from France 2002.

# Strategic Voting

- This also works for PR systems.
- Imagine that you have a system with a 5% threshold, like Germany.
- You like the Socialists more than the Greens, but you see that the Greens are around 5% in the polls.
- You decide to vote for the Greens to make sure they have seats and that they can support the Socialists in Parliament.

# Strategic Voting

- This also occurs under the alternative vote.
- [Imagine this scenario of British elections under the alternative vote.](#) (ctrl+click to see full post)
- Here everyone votes sincerely (first preference).

	First round votes	<i>Transfers of votes</i>	Final votes
Conservative	20,000	<i>+8,000</i>	28,000
Liberal Democrat	15,000	eliminated	
Labour	25,000	<i>+7,000</i>	32,000

# Strategic Voting

- The Conservatives are not happy with this outcome.
- They would prefer a LibDem win.
- So 3000 Conservatives change their first vote to LibDem.
- This changes the outcome.

	First round votes	<i>Transfers of votes</i>	Final votes
Conservative	17,000	<i>eliminated</i>	
Liberal Democrat	18,000	<i>+15,000</i>	33,000
Labour	25,000	<i>+2,000</i>	27,000

# Strategic Voting

- The lesson here is that strategic voting can occur under every electoral system.