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# Who Decides?

## *Government In the New Millennium*

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Editor

*C.D. Howe Institute*

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Bird, Richard M (Editor). Who Decides? Government in the New Millennium.

Toronto, ON, Canada: C.D. Howe Institute, 2004. p i.

<http://site.ebrary.com/lib/calgarypubpolicy/Doc?id=10079138&ppg=1>

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#### National Library of Canada Cataloguing in Publication Data

Main entry under title:

Who Decides? Government in the New Millennium / Copy-edited by Lenore d'Anjou

(Observation, ISSN 0832-7912)  
ISBN 0-88806-636-8

[verso page text.

HC115.C2367 2002                      338.971                      C2002-902609-1

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Quotation with appropriate credit is permissible.  
Cover design by Priscilla Burry  
Photos provided by Library of Parliament / Bibliothèque du Parlement  
Photographer's credits:  
{Center Block}: Mone's Photography  
{Senate Mace}: Gordon King  
{Senate Chamber}: Stephen Fenn

Printed in Canada by Ricoh, 205 Industrial Parkway North,  
Aurora ON L4G 4C4

August 2004.

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### Comment, *Tom Flanagan*

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Ronald Wintrobe, citing chiefly the fact that there now seems no plausible alternative to the federal Liberals as a governing party, plays with the idea that Canada might be considered a dictatorship. The Liberals, however, have been in power for only 11 years — hardly a long stretch of power in a parliamentary system. In my own province of Alberta, the Progressive Conservatives have been in power since 1971; before that, Social Credit governed without interruption for 36 years (1935-to-1971). Throughout this period, Alberta has had a one-party-plus system, in which a governing party — Social Credit or Progressive Conservative — has confronted two or more opposition parties that could elect members to the legislature but rarely threatened to topple the government.

Despite its lack of recent experience of the alternation in government that is said to be the great virtue of a two-party system, Alberta is, according to the pro-free-market outlook of the C.D. Howe Institute, a paragon of good government. The province ranks at or near the top of all the obvious indices: smallest debt, lowest taxes, lowest unemployment rate, highest credit rating, lowest rate of welfare dependency and most favourable climate for investment.

In a broader perspective, the two-party alternative-government model that Wintrobe seems to postulate as a democratic norm is actually quite rare in the real world of democracy. As I show at length in a recent publication (Flanagan 2002, 23), that model is, in fact, the least common of the following five types of party systems found in modern democracies:

*The two-party alternative.* In this system, although other parties may be able to win some seats, only two parties have a realistic chance of winning elections, alternating fairly frequently in form-

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ing a government. Examples include the United Kingdom after the Second World War and New Zealand until the introduction of proportional representation in 1996.

*Alternating coalitions.* Here, one or both of the governing entities is a coalition rather than a single party, as in the cases of Australia since the 1920s and France's Fifth Republic (since the late 1950s).

*One-party-plus.* In this system, one party wins almost all the elections and governs alone or with minor coalition partners. The opposition is divided among two or more parties, as in Sweden and Japan.

*Consensus government.* In these situations, all governments are coalitions, with several participants. Change after elections usually means only a rearrangement of portfolios or perhaps the addition, subtraction, or replacement of one coalition partner. An example is the Netherlands.

*Power-sharing.* All major parties share in government all the time, as in Switzerland and the United States. (The U.S. case is somewhat obscured by its presidential system, but little gets done without the mutual cooperation of Democrats and Republicans, albeit in varying proportions determined by the results of the most recent election.)

Empirical evidence shows that all five models can work well. Who is rash enough to say that the United Kingdom, New Zealand, Australia, France, Sweden, the Netherlands, the United States, and Switzerland are not admirable democracies? All have flourishing economies and an enviable record of protecting civil and political rights. Of course, each can be justifiably criticized for something or other from someone's point of view, but let the country that is without sin cast the first stone.

Canadian alarmists should get a grip on reality. If Canada has entered a one-party-plus phase, that does not mean that democra-

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cy is dead or threatened, only that for a time it will work in a different way. Even if only one party governs, opposition parties can still force the government to deal with new ideas. Any government that ceased to take its opposition seriously would soon find its pre-eminence threatened, as any corporation would if it failed to respond to a threat to its market dominance from upstart rivals.

Wintrobe ignores this line of thought, though he concludes that Canada is not a dictatorship because the Charter and the courts allow disaffected groups to achieve their objectives against or outside the government's control. He is right in a sense, but too narrow in his analysis. Dictatorship is prevented because Canada's Constitution uses the following tools to prevent arbitrary power from being concentrated in a single pair of hands:

*The rule of law and judicial review.* The courts can declare acts of both the legislature and the executive to be ultra vires and, hence, unenforceable. This power existed long before the Charter, but the Charter has strengthened it.

*Representative government.* Under this system, certain classes of office holders must be elected by the people and periodically submit to re-election.

*Federalism.* Under Canada's system, power is divided between federal and provincial jurisdictions, so that no single team of politicians controls everything.

*Bicameralism.* At the federal level, both the Senate and the House of Commons must approve legislation. Although the Senate is usually compliant toward the government-dominated House of Commons, it is not always. Recall that the Senate rejected the Mulroney government's abortion bill and frustrated the Chrétien government's attempt to cancel the Pearson Airport expansion without paying compensation.

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*Separation of powers.* Under Canada's monarchy, the Crown appoints heads of government, can dismiss them, and must assent to all legislation. These powers are much weaker than they used to be, but the Crown still holds them and might play a significant role in a political emergency.

*Responsible government.* This governmental system requires that the cabinet maintain a working majority in the popularly elected legislature. Governments can and do fall on confidence votes when their caucus splits (as in the Diefenbaker government in 1962) or when they are in a minority (as the Trudeau government was in the early 1970s and the Clark government in 1979). More often, though, they draw back from the brink and do not push measures that might lead to their defeat.

To be sure, bicameralism and the separation of powers are much weaker tools than the original constitutional designers intended them to be, and the rise of party discipline has vitiated responsible government. Because of such trends, one might, as Donald Savoie (1999) does, detect an evolution toward dictatorship, though in the bigger picture, they have been more than offset by the growth of provincial powers under federalism; the rise of judicial activism in a post-Charter universe, and the enhancement of representative government through the expansion of the franchise, the emergence of organized political parties and the efflorescence of the mass media.

In fact, the government of Jean Chrétien, though devoted to old-fashioned patronage and influence peddling, was not dictatorial in its approach to policymaking. It borrowed or inherited many of its major policies from its opponents: low inflation, privatization, free trade, and the goods and services tax from the Progressive Conservatives; balanced budgets, lower taxes, and a tougher response to Quebec separatism from Reform and the Canadian Alliance. At the same time, the Chrétien government was remarkably hesitant about many of its own initiatives: A new Citizenship Act was introduced for the fifth time in the fall of 2002, the Species at Risk Act still had not been passed at the time of writ-

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ing, and no detailed plan for implementing the Kyoto Accord was produced, even though the government endorsed it in 1996.

None of this is to deny that certain aspects of Canadian government badly need fixing. For example, our appointed Senate is an embarrassment, and I believe that only individuals, not corporations or labour unions, should be allowed to contribute to political parties. But I do not see an overall crisis of democracy in Canada. The system creaks along as it has for decades, needing (and sometimes getting) improvement in certain areas, but performing not too badly by any reasonable standard of world politics.

Of course, the Liberal government pursues many policies of which I deeply disapprove, such as a government monopoly of health insurance, expensive regional, industrial, and aboriginal subsidies, and unemployment insurance that creates powerful disincentives to work. But I see these as examples of bad ideas in action, not as the result of defective institutions. They would probably emerge from any set of democratic institutions as long as Canadian public opinion and political culture are what they are. Without dismissing the importance of improving our institutions, I believe the most important task for would-be reformers is the laborious task of changing public opinion and political culture, rather than dreaming of quick victories through institutional change.

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Bird, Richard M (Editor). Who Decides? Government in the New Millennium.  
Toronto, ON, Canada: C.D. Howe Institute, 2004. p 106.  
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