SPRING 2011

CanadaWatch

PRACTICAL AND AUTHORITATIVE ANALYSIS OF KEY NATIONAL ISSUES

EDITORIAL

Harper's Canada: Dissecting the revolution

A REVOLUTION MANQUÉ

Harper was elected as a no-nonsense conservative who promised to shrink the size of the government and reduce its role in the economy. His "red-meat" conservatism promised to lower taxes and usher in an era of smaller government, but after five years in office, his governance revolution has stalled.

New hires in the civil service and military have added more than 30,000 people to the government's payroll. Spending jumped both pre- and post-recession. The plan to restore fiscal balance and return the national accounts to the black has failed. The government's actual and projected deficits are larger than any the Liberals managed to achieve. On fiscal management, Harper is hardly a textbook conservative—the Pentecostal preacher espousing small government.

BY DANIEL DRACHE

Daniel Drache is the acting director of the Robarts Centre for Canadian Studies at York University.

Significantly, many Canadian families like what they see from some of his policies. Families get small tax credits for sports equipment, apprenticeship tools, and trucker's lunches. Harper has added some big-ticket items such as the tax-free savings account and added to the child tax benefit that replaced the discredited Keynesian-inspired family allowance. For young families, these giveaways lend credibility to his "conservative-who-cares" image.

Ideologically, though, his government revolution will not be remembered for these small gestures. If one looks at the

Harper's Canada, page 3

THE MAN AND THE REVOLUTION

2010 in review: Canada's values

THE DEMOCRATIZATION OF EVERYTHING

Social and technological changes over the past half-century have produced powerful tensions that leaders who would seek to govern highly educated societies like Canada must navigate. Socially, the decline of deference toward traditional forms of institutional authority has meant that bureaucrats and elected leaders can no longer assume that the public will assent to their decisions or assume that mandarins know best (even when they do). Technologically, the Internet has enabled an incredible proliferation of disruptive practices, from citizen journalism published on blogs, to Twitter-fuelled activism, to the forced transparency imposed from the outside in by WikiLeaks—whose teeth have proved a little sharper than those of Canada's increasingly dysfunctional access to information regime.

BY MICHAEL ADAMS

Michael Adams is a noted commentator on social values and social change in North America. The founding president of the Environics group of research and communications consulting companies, Michael Adams is the author of six books, including the most recent, just published by Penguin Canada, *Stayin' Alive: How Canadian Baby Boomers Will Work, Play, and Find Meaning in the Second Half of Their Adult Lives.*

Even as online idealists herald the "democratization" of everything and advocate for open data, open government, and new forms of citizen participation, Stephen Harper's Conservatives have now governed for half a decade and Canadians are apparently unperturbed by the steely hierarchy over which the prime minister is said to preside.

HOW WE SEE OURSELVES

What do Canadians think about how their country is faring these days, with its perennial minority governments and its old-fashioned top-down leader? Are

2010 in review, page 5

The contents of this issue are listed in the Features box on page 2.

CANADA WATCH SPRING 2011

The Harper Governance Revolution: Taking Minority Government to Its Limit

FEATURES

CanadaWatch

PRACTICAL AND AUTHORITATIVE ANALYSIS OF KEY NATIONAL ISSUES

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Harper's Canada continued from page 1

bigger picture, the Harper government cannot claim to be minimalist in the lives of Canadians. It has already added $200 billion to the national debt, and only some of this was used to fight the recession. The government's approach to the massive structural deficit it created is to ignore the opinions of experts who advocate restoring the cuts to the GST and eliminating any further tax cuts to Canada's corporations. Ronald Reagan in the United States and Brian Mulroney were "tax-cut" conservatives who spent billions and created a poisoned chalice of massive debt mismanagement.

SUCCESS BY A THOUSAND CUTS

Harper's own agenda is not very different in broad outline from that of other conservative leaders, like Ronald Reagan, who ran up massive deficits. However, his made-in-Canada, kick-ass conservatism has changed the institutional makeup of Canada and its state–citizen culture. The HST has jacked up the cost of consumer goods, and the tax grab pushed Gordon Campbell to resign as the premier of British Columbia. Globally, Canada's role has been downgraded, as the Harper government has become an avatar of US geopolitics in Afghanistan and elsewhere. Human rights and middle-powership, once the foreign policy signature of Canada, have been put on the back burner. Canadians live in a more unequal society than ever before, and Harper's goal to gift more public resources to private enterprise goes further than those his Liberal predecessors lavished on corporate Canada. His tough-on-crime legislation and his low-profile management of the Canada–US relationship have paid handsome dividends in his political heartland.

Many in the media portray his "bite-by-bite" approach in Parliament as a winning strategy against a lacklustre opposition. He has cut the public service through attrition rather than a bloody-minded wholesale restructuring of government. If you cut enough muscle, it goes without saying, the government cannot continue to row or steer the machinery of the state effectively. For a prime minister who prefers stealth to accountability, what better way to achieve the first and most difficult of his governance objectives? There is none better.

Harper's mixture of ruthless pragmatism in dealing with Parliament, the micromanagement of government, and the relentless strategy of one-way messaging has provided him with the tools to govern as if he had a majority.

Michael Ignatieff is the weakest Liberal leader since John Turner. The struggle for control between the Jean Chrétien and Paul Martin loyalists left the Liberals divided, feckless, and confused in the eyes of the Canadian public. The Liberal Party has been kicked around in the rough and tumble of "no-rules" partisanship in this minority government.

Harper's mixture of ruthless pragmatism in dealing with Parliament, the micromanagement of government, and the relentless strategy of one-way messaging has provided him with the tools to govern as if he had a majority. He has centralized more power in the Prime Minister's Office than had any of his predecessors; the result is that he has almost total control over every aspect of government, from Cabinet ministers to the civil service on downward. The critical test remains, can Harper succeed in winning over the public to his political brand of conservatism? So far, he has not found a way to bridge the growing divide between his values and the priorities of Canadians.

THE TRUST FACTOR: WHAT YOU SEE IS NOT WHO HE REALLY IS

Nik Nanos is one of Canada's best pollsters in tracking the shifting moods and expectations of Canadians. A February 14, 2011 poll revealed that none of Harper's red-meat issues are top priorities for Canadians. Nanos asked over one thousand Canadians, What is the most important national issue of concern? Health care, at 22 percent, was the top response; jobs and the economy came second, while 10 percent prioritized the environment. Only 5 percent of respondents put debt and deficit reduction as their top priority.

For the Conservatives, the million-dollar question is how to increase national support from the current 35.9 percent to win a majority government. Pollsters tell us that 35 percent of Canadians would give the Tories 138 seats if an election were held today; that is 5 seats less than they currently hold. The Liberals, even under the lacklustre leadership of Ignatieff, continue to garner the support of almost 30 percent of Canadians. Amazingly, the Liberal brand remains a powerful vote-catcher. If an election were held today, projections claim that the Iggy Liberals could pick up an additional 10 or more seats in the House, believe it or not.

The next Parliament will be larger with new seats created in British Columbia, Alberta, and Ontario, reflecting fast-growing urban areas. However, these are not likely to alter Harper's chances for forming a majority. In 2008, the Conservatives were 13 seats shy of a majority. On his website, threehundredeight.blogspot.com, Éric Grenier has created an electoral profile of the new ridings, which shows that Harper stands a reasonable chance of taking only three out of the seven new seats.

Much will change between today and election day. The New Democratic Party

Harper's Canada, page 4

Harper's Canada continued from page 3

(NDP) may bear the full brunt of the current state of disunity on the left. It is almost axiomatic that as Liberal fortunes rise, the New Democrats numbers nosedive. They are fighting for the loyalty of an immense number of centre-left Canadians. According to current scenarios, the NDP would lose to the Liberal and Conservative front-runners in almost every part of the country except Quebec and the Maritimes.

Canada's political map has changed since the Liberals' repeated successes between the 1960s and 1980s, when their status as Canada's governing party was unchallengeable with Ontario and Quebec voters in their back pocket. Today, Canada's political system is both regionalized and fragmented. In the standoff between Canada's four political parties, each one has a sizable regional political base, but no single party has a winning national strategy. The electoral heartland of all of Canada's political parties has been regionalized to an unprecedented degree.

THE ETHNIC VOTE: HARPER'S STRATEGIC VARIABLE

The breakthrough in this unwieldy political landscape lies in Harper finding a framing issue around which to swing anywhere from 10 to 20 seats to his favour. His target audience and potential vote bank—Canada's ethnic voters—stand between Harper's big victory and failure. A leaked document reveals that the ultra-secretive Conservative election machine's plan of attack is to blitz Toronto's and Vancouver's immigrant communities with TV ads, radio messaging, and social media networking. The four target ethnic groups are Chinese, South Asians, Ukrainians, and Jews; communities that inhabit suburban ridings and have voted Liberal for generations may determine the outcome of the next election.

Harper's work is cut out for him. Tories fare worst with South Asian and Chinese voters, who remember the anti-immigrant policies of the Reform Party and Harper's role leading the attack on Canada's immigration-friendly policies. In the Indo-Canadian community, Harper hopes to capitalize on their opposition to same-sex marriage and split their vote. The stakes are high and the question is—will Canada's multicultural train switch tracks to embrace Harper's hard-line conservatism with its pragmatic edge? However, experts argue that his party's chances at splitting off chunks of the vote from the Liberals are much exaggerated. Missing from this picture is the deep well of voter distrust around Harper's policies as well as his leadership. The distrust factor has become the most important liability after five years in office. There is a lot about his management style to upset Canadians.

Harper's most dim-witted policy mistake was the attack on Statistics Canada's long-form census and the fabricated argument that the census violated the privacy of Canadians. The subtext is that the vital social information the long form provides is a critical tool for Canadians to understand how their society functions, where it is succeeding, and where the big and small gaps are. What Canadians saw was a political leader who forced the head of Statistics Canada to resign in protest and on principle. Canadians were not wrong to ask themselves, what does Harper fear from this strategic information-gathering exercise? Is it rational?

THE ALIENATED CENTRE: HARPER'S BAD-HAIR ELECTION NIGHTMARE

The dumbest thing that Harper has done in the last five years is anger and alienate centre, liberal, and left Canadians, who constitute well over 50 percent of voters. (If Bloc support is included, this grows to over two-thirds of the Canadian electorate.) The 2008 budget statement that precipitated Harper's greatest political crisis—prorogation and the short-lived, ill-conceived attempt at governance by a Liberal–NDP coalition with Bloc support—stands out as his greatest blunder. Harper prorogued Parliament for two months in order to avoid testing the confidence of the House in his policies as required by the Westminster model of parliamentary government.

His unwavering support for environmentally disastrous projects like the oil sands has hurt his electoral chances in large urban centres, with young and first-time voters and with angry environmentalists. Without the support of the broad centre, Harper will not get his cherished majority.

For a brilliant tactician, Harper's gaffes, mistakes, and miscalculations are self-inflicted—the product of his rigid ideology and personal temperament and hence his greatest burden. This kind of ideological head-butting sends a viral message to many Canadians that this government cannot be trusted. It is a government that prides itself in one-way messaging to Canadians; it has no feedback loops and is not engaged with the public. It acts in a discriminatory and mean-spirited way to those who disagree with its ideological ends, and it takes pride in being a government whose agenda does not include social justice. In Canada's fragmented, regionalized political system, Harper's governance revolution is founded on the black arts of secrecy and stealth as much as ideology. What Canadians fear most about his conservative revolution manqué is not knowing what other programs would be dismantled, lost, or marginalized if he possessed the jewel in the crown—a majority government.

For a brilliant tactician, Harper's gaffes, mistakes, and miscalculations are self-inflicted … and hence his greatest burden.

2010 in review continued from page 1

Canadians frustrated, impatient for increasingly direct democracy (or at least proportional representation) as technology enables new forms of participation and the culture increasingly values autonomy and self-expression? Or in a time of economic uncertainty and roiling geopolitical complexity, do Canadians appreciate a strong, single-minded leader who has a vision or at least an agenda and tirelessly exacts compliance from the institutions of government?

This fall Environics updated its Focus Canada public opinion research program, which began in 1976. The picture that emerges from our most recent sounding is of a society that has considerable faith in its institutions, but a somewhat diminished confidence in the people running them. Canadians are more positive than ever about our parliamentary system; they express little interest in tinkering with our electoral process, our system of government, or our Constitution. (In other polls over the past few years, Environics has found that while pundits fret about minority governments, the public is unperturbed by them.) At the same time, Canadians are considerably less confident than they have been in the past about the politicians and political parties working the levers of our institutions.

CULTURAL CONFIDENCE

On more general issues of national identity and the state of the country, Canadians are sanguine. They are culturally confident: proud of their country, its freedom, its diversity, and its symbols. In addition to Parliament, at least in the abstract, Canadians continue to place great importance on such national symbols as the *Charter of Rights and Freedoms*, the flag, our national parks, and the national anthem.

We also like the RCMP, multiculturalism, and Canadian literature and music. Further down the list of national symbols that make us proud are hockey, bilingualism, the CBC, and our national capital.

[W]e like the free-market system as much as Americans do, but are more likely to believe taxes are generally a good thing because taxes support valued public services like health care and education.

The Queen, however, is not widely seen as an important national symbol—and, alas, we went into the field too early to ask about William and Kate.

CAUTIOUS OPTIMISM

On the pressing issues of the day, Canadians think our economy is relatively strong and that our standard of living is good. In fact, nine in ten of us feel that our quality of life is better than that of our southern neighbours, a finding our Fathers of Confederation would surely find reassuring. On the whole, Canadians are relieved that we seem to have dodged the "great recession" but express caution about the near term, saying this is no time for a shopping spree.

The data also show that we like the free-market system as much as Americans do, but are more likely to believe taxes are generally a good thing because taxes support valued public services like health care and education.

Our beloved heath-care system is the most sacred of our cows and Canadians strongly continue to endorse the public system, with eight in ten saying it should be funded through tax dollars rather than private insurance and their own pocketbooks (although a more impatient boomer-driven majority now believe we should be able to purchase medical services to ensure timely access).

CRIME AND SECURITY: NO AUTOMATIC BUY-IN

On other issues, Canadians today are less likely than at any time in our 35 years of tracking to believe crime is increasing. What's more, in terms of crime-related public investments, most Canadians favour a focus on prevention over enforcement and punishment. Public support for the death penalty remains at an all-time low. Over the past decade, in fact, Canadians have increasingly expressed the view that convicted murderers should be sentenced to life imprisonment with no parole, instead of execution. The categorical good-and-evil moralism that rationalizes the death penalty diminishes in appeal with each generation.

As well, increasing majorities of Canadians favour gun control (this before the Tucson shooting), abortion rights, and same-sex marriage. In addition, six in ten Canadians believe that the global economic crisis is no excuse to stop working on environmental issues.

Pluralities of Canadians believe that Aboriginal problems are more the result of public attitudes and government policies than they are self-inflicted. Canadians want the emphasis of government policies to be on improving the lives of Aboriginal peoples both on- and off-reserve—as opposed to focusing on legal issues like self-government and settling land claims.

IMMIGRATION GOOD FOR CANADA

Canadians continue to be open to immigration, and are much more likely than any other society in the world today to believe immigrants are good for the country. Still, Canadians would like to see more evidence that immigrants are adopting "Canadian" values, which, for many, means embracing gender equality.

2010 in review, page 6

2010 in review continued from page 5

JUDGING AMERICA IN SMART WAYS

Far from being automatically anti-American, Canadians appear to be judging America according to its actions and its leadership and are quite prepared to admire and even follow America when they believe it is headed in the right direction. Public opinion data show that positive opinion of the United States surged by 14 percentage points between June and December 2008, in the wake of President Barack Obama's election.

Most of the views that I have been writing about here have been stable or evolving slowly over the past three and a half decades, although Canadian confidence in our economy and the way it is regulated, and our pride in national symbols have increased notably over the past three years.

A close look at the numbers suggests a shift occurred in the late 1990s when the views of baby boomers became mixed with growing numbers of their Gen X and Gen Y offspring, not to mention an increased proportion of immigrants, who tend to express as much or more pride in their adoptive country than do Canadian-born citizens.

DISSATISFACTION WITH LEADERS

Other factors influencing the evolution of public opinion in Canada have been a generally robust economy, an increasingly educated population, and a media environment in which communication and self-expression have exploded. These last conditions bring us back to the question of whether Canadians believe that our leaders' current approach to governance remains appropriate in a wired, egalitarian, globalized, urban world. As the foregoing numbers suggest, the people of Canada are proud of their country—especially its democracy—and tend to think it is on the right track. Perhaps because they believe things are going reasonably well, Canadians are not pushing for some kind of social media-driven revolution. Their dissatisfaction with their political overlords suggests to me that they simply want their leaders to exhibit some of the wisdom, dignity, and even idealism that our institutions seem to point them toward.

Perhaps because they believe things are going reasonably well, Canadians are not pushing for some kind of social media-driven revolution. Their dissatisfaction with their political overlords suggests to me that they simply want their leaders to exhibit some of the wisdom, dignity, and even idealism that our institutions seem to point them toward.

It is important to note that Canadians' dissatisfaction with political leaders cuts across parties and personalities. Although expert opinion might suggest that the Harper government has made a marked departure from the style of previous governments (including Progressive Conservative ones), the public does not seem to blame the Conservatives disproportionately for the combative tone in Ottawa or for any radical change to the direction of their country.

As for Harper himself, Canadians find him a less-than-magnetic figure, but they don't distrust him as much as his political opponents and educated urban elites would like them to. People like the fact that he is a decisive, if sometimes controversial, leader, and in the absence of apparent leadership at the helm of the Liberal Party, the plurality find him acceptable as prime minister.

CANADIANS ARE NOT DRIFTING TO THE RIGHT

At the same time, there is little evidence to suggest that the unforeseen stability of the current Conservative government is a symptom of a more conservative population. If Canadians are moderately satisfied with the Conservative government (enough to give them successive minorities and keep them polling in the mid-30s), it is not because Canadians are drifting to the right. Canadian public attitudes on major economic and safety net issues have changed little in recent decades. It is important to note that Canadians' dissatisfaction with political leaders cuts across parties, and on social issues Canadians are generally becoming more liberal. The prime minister was quite right when he observed that he and much of his caucus are more conservative than the political centre of gravity in this country. But for now, Canadians seem to be willing to be governed by a steady hand who embodies neither their greatest hopes nor their deepest fears.

Political paralysis in contemporary Canada

BY TOM FLANAGAN

Tom Flanagan is a professor of political science at the University of Calgary.

MODEST CHANGES AT BEST

During its time in power, Stephen Harper's government has not had a majority in either the House of Commons or the Senate, and has had to contend with a civil service and a judiciary shaped by 12 years of Liberal appointments. Given these constraints, policy change has been incremental and marginal at best.

There has been no constitutional change, though perhaps the proposal for a single national securities regulator will be called that if it survives the government's reference to the Supreme Court of Canada. Nor has there been any major institutional change. Pleading a need for haste before an impending election, Harper abandoned his own innovative procedure for House of Commons committee hearings when he made his second appointment to the Court. He did introduce fixed dates for general elections but then violated the spirit of his own legislation in 2008, leaving it more or less a dead letter. Senate reform has gone nowhere fast, so that Harper is filling the Senate with Conservative partisans. He may still achieve limitation of Senate terms to 8, 10, or 12 years, though I suspect that even that small step will not happen unless he can get Conservative majorities in both the Senate and the House of Commons.

CONTINUITY AND CHANGE

In some major areas of public policy, the Harper government has continued Liberal policies. The Conservative spending track was about the same as that of Paul Martin's government, until the 2008 recession led to a surge of deficit spending in the name of stimulus. Harper continued, and indeed accelerated, the military buildup initiated by Martin, while extending the combat mission in Afghanistan to which the Liberals had committed Canada. Harper did introduce some tax cuts, which the Liberals opposed—most notably the two-point reduction in the GST—but he also implemented reductions to corporate and personal income tax that the Martin government had previously promised.

Does anyone seriously maintain that cancellation of the Court Challenges Program, or stronger support for Israel, or reduction in the GST has wrought a basic transformation in Canadian society?

The Conservatives refused to proceed with a couple of Martin initiatives, specifically the Kelowna Accord, which aimed to put more money into Aboriginal programming, as well as the Liberal plan for a national public system of day care. These were important decisions, to be sure, but they did not change Canada; they simply left the country in the same state of hideous oppression at which it had arrived after 12 years of Liberal government.

Many goals of Conservative policy remain unfulfilled. The Wheat Board is still the monopoly purchaser of western wheat and barley, and the gun registry still exists, though enforcement of long-gun registration has been suspended. In spite of running against gay marriage in the 2005–6 election campaign, the Conservatives failed to repeal it once they came to power, and Harper took it off the agenda by scheduling a free vote in the House of Commons in which he knew the repeal of gay marriage would be defeated.

CRUCIAL NEW INITIATIVES

The Conservatives have introduced a large number of criminal law measures whose common themes are the specification of new offences, longer terms of punishment, and restriction of prisoners' "rights," such as collecting old age security and guaranteed income supplement while incarcerated. If this whole body of legislation is passed and implemented (far from certain in a minority Parliament), our criminal justice system would become marginally more punitive but would still be far from American levels of punishment and incarceration.

One could go on itemizing the differences that a Conservative government has made. There are indeed many, but they are all relatively marginal. Does anyone seriously maintain that cancellation of the Court Challenges Program, or stronger support for Israel, or reduction in the GST has wrought a basic transformation in Canadian society? In terms of public policy, Canada in 2010 under Stephen Harper was not fundamentally different from what it was in 2005 under Paul Martin.

FUNDAMENTAL TRANSFORMATION OF PARTY COMPETITION

In terms of party politics, however, the change has truly been fundamental and transformational. The Liberals won majority governments in 1993, 1997, and 2000 largely because Brian Mulroney's victorious coalition had fragmented into the Reform Party, the Bloc Québécois, and a Progressive Conservative remnant. At the turn of the century, political commentators were claiming, some with joy, and some with sorrow, that the Liberals would be in power forever because they faced no real competition. Such predictions only increased when Paul Martin replaced Jean Chrétien as Liberal leader.

Political paralysis, page 8

Political paralysis continued from page 7

Parties that do not fear defeat become complacent and even corrupt in office, as evidenced by the Liberal sponsorship scandal. However, Stephen Harper solved that problem by bringing about the 2003 merger between the Canadian Alliance and the Progressive Conservatives. Reuniting the right made it possible for the new Conservative Party of Canada to get back on the winning trajectory that had started in 1979, when Joe Clark temporarily drove Pierre Trudeau from power.

Of course, there are no final solutions in politics. Solving one problem always creates others. Now we have moved from a decade of uncompetitive one-party rule in which government was relatively unchecked to a decade of hypercompetitive minority Parliaments, in which governments have great difficulty implementing any agenda. Unedifying? Absolutely. Transformative? Hardly.

FUTURE PROSPECTS

Harper will get a Conservative majority in the Senate if his government can survive for a few months into 2011, and he can grow that majority by continuing to win even minority victories in elections. Nevertheless, majority control of the House of Commons still seems tantalizingly difficult to achieve, as long as the Bloc continues to win 40 or 50 seats in Quebec.

Even if Harper were to win a majority, it would probably be a narrow one, not robust enough to serve as the basis for implementing his mythical "hidden agenda."

Even if the Conservatives succeed in passing their new legislation to increase the House of Commons by about 30 seats (all in Ontario, Alberta, and British Columbia) after the next census, a majority will be difficult to reach. For example, in a House of 340 seats, 171 is a majority. Running against the weakest Liberal leader in history, the Conservatives won 143 seats in 2008. To get a bare majority after 2014, they would have to hold all those seats and win 29 of the 32 new seats—a virtual impossibility. Of course, there may be other ways to cobble together a majority, but it will not be easy under any scenario.

Even if Harper were to win a majority, it would probably be a narrow one, not robust enough to serve as the basis for implementing his mythical "hidden agenda." The best forecast is that, whatever the electoral fortunes of his party, he will carry on with the incremental, pragmatic, sometimes opportunistic course he has followed thus far. Supporters of other parties may dislike his government's policies and seek to defeat him—that is called democracy—but hysterical rhetoric about Conservative policies and the effect of their implementation contributes nothing to intelligent debate.

He's still here

BY SETH FELDMAN

Seth Feldman is a professor in the Film Department and former director of the Robarts Centre for Canadian Studies at York University.

THE GIFT

Seven years ago, when *Canada Watch* published "The Chrétien Era: A Red Book Audit," a special issue on the legacy of Jean Chrétien, it was hard to imagine that we would be repeating the exercise with an issue on Stephen Harper. Harper was, after all, an anomaly in Canadian politics: a man with an overriding ideology and a determination to enforce that ideology upon a country with little sympathy for it.

As a vocal libertarian, he was by definition an outsider. Canada, in contrast, is a country that usually requires its leaders to pay their party dues or at least to demonstrate some interest in public administration. Even Pierre Trudeau had to fight his way through Parliament and the Liberal Party before getting the keys to the Prime Minister's Office.

In contrast, the Canadian right had simply handed Harper the leadership. The Alliance/Reform/Conservative opposition had become so hopelessly divided and ineffectual that there was nothing to lose by entrusting an outsider with its fate. These were people who had at one moment, accidentally, or not, named themselves the Canadian Reform Alliance Party. Who was CRAP to object if a bright and articulate guy wanted to ignore its self-derision and take it to victory?

Harper's election victory was less his doing than Prime Minister Paul Martin's. Martin's coup was a twofold miracle. He had dethroned the most popular prime minister in modern times. In so doing, he had also split a party that believed in nothing so much as remaining, at all costs, united.

LIBERALS DOWN AND OUT

It has been five years since Harper took office and the Liberal Party has still not fully recovered from that division. It has no "A" list in its upper echelons and its "B" list leaders are barely coping. Worse still, it is stalled in a kind of limbo: too weak to take power and too strong to regard itself as CRAP in need of a desperate fix. Meanwhile, thanks to our system of anti-proportional representation, the Bloc makes a majority government difficult for any party. The NDP and Green Parties, whose combined popular support now equals that of the Liberals, are forever prevented from translating that support into clout.

Perhaps the real tragedy of Harper's reign can be measured in lost opportunity costs. While even the Americans talk about high-speed rail, we keep chugging along on 19th-century railroads.

Harper has had other allies as well. At the beginning of his reign, he was gifted with a like-minded administration in Washington. Even after 2008's economic and political tsunamis in the United States, he had another made-in-America ace up his sleeve. Having cashed their bailout cheques, the American elite were not going to allow this "hope and change" business to go too far—or anywhere at all.

For the last two years, when he should have been seen as out of step with the Obama revolution, Harper has instead been slipstreaming the rise of the Tea Party. The well-funded and staged reaction to Obama has not entirely put 2008 down the memory hole, but it has provided an ongoing legitimacy to the zeitgeist that very nearly bankrupted the industrial world and left us with Sarah Palin.

CANADA'S LUCKY FORTUNE

Like the Tea Party, Harper rides the wave of a demographic relatively unaffected by the great recession. That Canada was spared the worst of the recession is perhaps Martin's third and most significant gift to Harper. The barriers Martin erected between Canadian and American banks, supplemented by some good sense on the part of Canadian bankers themselves, have made it possible for Harper to govern one of the few G20 countries where newly impoverished citizens are not taking their frustrations out on their national governments.

There have been other strokes of good fortune, enough to make one believe that a party full of creationists can indeed get some heavenly consideration for its leader. The unchecked growth of the oil sands has made his Alberta base rich, confident, and hungry for power. Conversely, the damage the recession has caused to the Ontario economy has humbled and angered a third of the Canadian electorate, putting their once predominantly Liberal loyalties up for grabs.

LOST OPPORTUNITIES

Perhaps the real tragedy of Harper's reign can be measured in lost opportunity costs. While even the Americans talk about high-speed rail, we keep chugging along on 19th-century railroads. As Obama, in the face of enormous opposition, finds the money for an improved health system, Harper is busy buying a new generation of jet fighters for an air force that has not fought a dogfight in the last 60 years.

He's still here, page 10

He's still here continued from page 9

Harper was appealing to the electorate's fear of a non-existent crime wave when Egyptians were appealing to Western leaders for support. Would it have been so difficult for him to give them encouragement or, at least, to distance himself from President Hosni Mubarak's take on governance? Or put another way, could Stephen Harper support democracy with a straight face?

It does not seem that way. A colourless introvert, he has cultivated the image of a man who is smart enough to provide sound management so long as you do not ask him how. Michael Bliss has compared him to MacKenzie King, the one-man show of a prime minister no one knew or liked, but at the same time, the politician no one could dump.

THE "BIG MAN" AS PRIMO LEADER

The dark side of Harper's image is the authoritarian, the man who has continued to work as if he were still moulding CRAP into gold. CRAP is seldom asked for its opinion of the process and Harper treats his caucus accordingly. He has been merciless to those who make the party appear foolish or corrupt. The resentful and disloyal have been cowered into a very low profile.

As befitting a libertarian, he has more or less the same opinion of Parliament and of government as a whole as he has of his caucus. Chrétien was also accused of dictatorial practices. However, while Chrétien wheeled and dealt, punished and rewarded, Harper has been more inclined to fire and prorogue.

It is a reasonable fear that, given a majority, he would extend his disdain for the democratic process to encompass an equally virulent disdain of the electorate. No Canadian deserves to be treated like a Tory backbencher. Yet this may be our fate.

THE UBER POLITICAL HONCHO

Here too, though, Harper has been lucky. A world in hard times looks for strong leadership, and we have been taught that strength is focused, arrogant, and unforgiving.

So here we are at the end of year five. The unlikely Mr. Harper, at the helm of a minority government, has redefined both sides of the parliamentary aisle as increasingly marginal irritants in his running of the country. His bullying of the other parties has made them into a truly loyal opposition.

Harper has pacified the Senate he once promised to reform. He has compromised and when possible eliminated the concept of "arm's length" in the civil service. And in what we hope are sops to his right-wing base, he has reminded us that none of the social reforms enacted in the last hundred years are immune from repeal.

Canada under Harper has become an environmental menace and enthusiastic participant in America's state of permanent warfare. "Social justice" is devolving from an ideal to a half-remembered abstraction.

WELCOME TO THE LONG WAR

Canada under Harper has become an environmental menace and enthusiastic participant in America's state of permanent warfare. "Social justice" is devolving from an ideal to a half-remembered abstraction. The census has been tweaked to discourage bad news. In wars on the deficit, all the wrong belts get tightened.

In five years, Stephen Harper has gone from an accident of history to an embodiment of his era, a time when power is managed like and equated to the daily news cycle. Ruling one hundred years after Wilfrid Laurier, he is less concerned about the century belonging to Canada than he is about Canada belonging to him.

The Harper revolution: Fiscal conservatism—Yes, no, maybe

BY C. SCOTT CLARK AND PETER DEVRIES

C. Scott Clark was associate deputy minister of finance from 1994 to 1997 and deputy minister of finance from 1997 to 2000. Peter Devries was the director of fiscal policy in the Department of Finance from 1990 to 2005.

The 2011 budget will likely only be remembered as an excuse to call an election, because of a 1.5 percentage point reduction in the corporate tax rate; a trivial economic reason but, for some, an important political reason.

If there is an election, there will likely be little debate over the fiscal policy the government has been following since it was first elected in 2006. The reason is that it is very difficult to identify a clear set of fiscal principles that the Conservative government has been pursuing. Instead, the government has adopted a version of the old adage, "Believe what I say and ignore what I do."

IS HARPER A FISCAL CONSERVATIVE? IN WORDS ONLY

If by a fiscal conservative one means a person who wants to reduce the size of government through less government spending, lower taxes, balanced budgets, and lower debt burdens, then Stephen Harper is clearly not a fiscal conservative. Strangely enough, the only prime minister that comes closest to meeting this definition is Jean Chrétien from 1993 to 2001.

The only policy action that Harper has implemented consistent with being a fiscal conservative has been to lower taxes. The other essential elements of the definition have been completely ignored. Program expenses have increased significantly, surpluses have been eliminated, and the deficit has reached record levels in absolute terms, with accompanying increases in the debt. The target of reducing the debt-to-GDP ratio by 2012–13 has been pushed beyond the current five-year planning track.

DO DEFICITS MATTER TO HARPER? NOT REALLY

If you listen to Harper's rhetoric, then deficits matter and he is committed to eliminating the deficit and running ongoing surpluses. During the 2008 election, Harper stated categorically that his government would never record a deficit, and the economy would not go into a recession. The Minister of Finance, in his November 2008 economic and fiscal update, produced a fiscal forecast showing surpluses as far as the eye could see.

The Harper government inherited a surplus of over $13 billion in 2006–7. By 2008–9, the government recorded a deficit of almost $6 billion thanks to cutting the GST by two points.

Well, the rest is history, as the saying goes. The Harper government inherited a surplus of over $13 billion in 2006–7. By 2008–9, the government recorded a deficit of almost $6 billion thanks to cutting the GST by two points. By 2009–10, the deficit reached $55.6 billion, in part because of the recession, but also in part because of Harper's temporary conversion to Keynesian economics by virtue of being a member of the G20 and by outdoing every other country in the amount of stimulus provided.

The real issue going forward is whether the Harper government regards the deficit as a serious problem that requires significant cuts to government programs and/or revenue increases to eliminate it. The answer is, it does not. This was clear in the 2010 budget, where the government showed a small surplus five years out, based largely on economic growth, as the spending reductions announced were largely not credible.

The government has rejected the analysis of the Parliamentary Budget Office (PBO), the International Monetary Fund (IMF), and others, that the deficit includes a significant structural component that will not be eliminated without significant expenditure cuts and/or revenue increases. Recently, the PBO released an update of its fiscal projections, which showed a structural deficit of $10 billion in 2015–16. Normally, one would hope that a fiscally conservative government would not hesitate to take tough actions to eliminate a structural deficit. This government, on the other hand, has rejected the existence of a structural deficit, without any analysis, and intends to rely on attrition of public sector employees to reduce government costs, and on economic growth to eliminate the deficit.

Equally problematic is the refusal of the government to acknowledge the growing fiscal imbalance that will emerge in the second half of the decade from the impact of the ageing population on increasing government spending and reducing potential economic growth. The February 2011 report of the PBO sets out the fiscal implications of these developments.

The Harper revolution, page 12

The Harper revolution continued from page 11

DOES HARPER FAVOUR LOWER TAXES? ABSOLUTELY

Clearly, this is the one area where Harper has fulfilled his Conservative principles. What Harper will be remembered most for will be the two-point reduction in the GST, which pretty much wiped out the surpluses the government inherited and which is primarily responsible for the structural deficit we have today. Income taxes were reduced not by cutting middle rates but by providing targeted "boutique" tax preferences, such as those to assist the participation of young people in sports. The personal income tax system is now littered with special tax preferences. With regard to corporate tax cuts, the Harper government extended the plan initially implemented by the Liberal government in 2000. The result was that total tax revenues as a share of GDP fell from 16.3 percent in 2006–7 to 14.3 percent in 2009–10.

It is unfortunate that Harper chose to cut the GST. When the GST was implemented, it was always the intention to shift the burden of taxation onto the GST and to lower the burden on personal and corporate income tax. By doing so, this would favour savings and investment and economic growth. Harper has done the exact opposite.

Indeed, if Harper had not cut the GST by two points, the corporate income tax could be cut further, while at the same time the government could have sufficient revenue to eliminate the structural deficit that currently exists.

DOES HARPER FAVOUR LOWER SPENDING? NOT REALLY

Between 2006–7 and 2009–10, total program spending increased by 13 percent, rising from 13 percent to 16 percent of GDP, largely because of the stimulus spending and cyclical factors. It is expected to fall back to about 13.5 percent of GDP by 2015–16, but this means that the underlying growth in program spending is in line with the growth in nominal GDP. In the 2006 election, Harper promised to keep the growth in program spending to no more than the growth in population and inflation.

To date, the Harper government has not made any tough expenditure decisions to assist in the elimination of the deficit. It seems unwilling to accept that there is a structural deficit problem.

Prior to the 2010 budget, the Harper government said that it would not cut major transfers to the provinces or to persons. Recently, it has said that spending on research and health would also be protected. It has, therefore, excluded more than half of program spending from cuts to eliminate the deficit, leaving it to rely primarily on cuts to direct spending. In the 2010 budget, the growth of defence spending was cut and the level of spending on international assistance was frozen. The operating budgets of government departments were frozen for two years. The 2011 budget is expected to outline how the government intends to find these latter savings. The government has indicated it will not be necessary to make major cuts to programs to realize these savings. However, experience has demonstrated that across-the-board administrative savings are not sustainable.

To date, the Harper government has not made any tough expenditure decisions to assist in the elimination of the deficit. It seems unwilling to accept that there is a structural deficit problem and unwilling to cut government expenditures.

WILL HARPER BECOME A FISCAL CONSERVATIVE? PERHAPS

The next test of Harper's fiscal conservative credentials (assuming that Harper is still in power) will come in the 2012 or 2013 budget. The current legislation with respect to federal support under the Canada Health Transfer (CHT) and Canada Social Transfer (CST) expires on March 31, 2014. New legislation will be required to authorize any payments after that date.

Although originally stating that transfers to provinces would be protected, the Harper government is now indicating that the provinces should not count on these transfers. In previous budget documents, the government has emphasized the need to clarify the roles and responsibilities between federal and provincial governments. This statement suggests that the preferred option would be to cut the growth of CHT and CST and "download" the problems of an ageing population onto the provinces.

This may not be very easy. A significant reduction in transfer payments to the provinces would open up issues with respect to equalization and coordination of federal–provincial tax policies. The provinces could not easily cope with a major cut in transfer payments.

There is of course an alternative, which is simpler and less disruptive to federal–provincial relations. The federal government could simply restore the two points to the GST. However, this would violate one of Harper's fundamental conservative principles, which was not to increase taxes, regardless of how ill advised from a fiscal and economic perspective such a tax cut was. It would mean a larger budget and larger role for the federal government in the economy.

However, stranger things have happened in the past. "Believe what I say and ignore what I do" is the dominating operating principle of the Harper government when it comes to fiscal policy.

The reality is that Harper has shown the kind of flexibility in applying fiscal conservative principles that is needed to stay in power. After all, that is what politics is all about.

The global meltdown: Fiscal stimulus and the structural deficit

"Of course I believe in luck. How otherwise to explain the success of some people you detest?"
Jean Cocteau, quoted in Look

"I am a great believer in luck, and I find the harder I work the more I have of it."
Stephen Leacock, Literary Lapses

BY DOUG PETERS AND ARTHUR DONNER

Doug Peters is the former chief economist of the Toronto-Dominion Bank and former Secretary of State (Finance) in the federal Liberal government. Arthur Donner is a Toronto-based economic consultant and has been an adviser to both federal and provincial governments.

THE GLOBAL MELTDOWN

Canada's economy is recovering from a deep recession, which was unavoidable because of the worldwide financial meltdown and a resulting global downturn. Yet since 2008, when the global downturn began, Canada's economy has fared much better than that of other advanced industrialized countries. In particular, Canada's banks came through the financial maelstrom relatively unscathed and our housing industry experienced only a mild downturn.

As well, Canada's job losses during the recession were nowhere as deep as they were in the United States; indeed, as of January 2011, Canada had replaced all of the jobs that were lost in the recession. This is where politics and economic analysis intersect. Every politician enjoys taking credit when good things happen, but they also should take the blame when things go wrong. In June 2010, Stephen Harper and Jim Flaherty basked in the limelight of Canada's economic and fiscal performance during the G8 and G20 meetings in Toronto.

However, an objective assessment of the evidence suggests that the Conservative government had little or nothing to do with the mildness of the recent recession, the speed of the jobs recovery, or the success of Canada's banking system.

SINCE THE RECESSION, THE CANADIAN ECONOMY RUNS AHEAD OF THE UNITED STATES

The following chart illustrates that, on an international comparative basis, Canada's output (or real GDP) contraction in the recent recession was relatively mild. Although Canada entered the recession slightly after the United States, Canada's overall real GDP contraction during the recession was rather similar to the American decline.

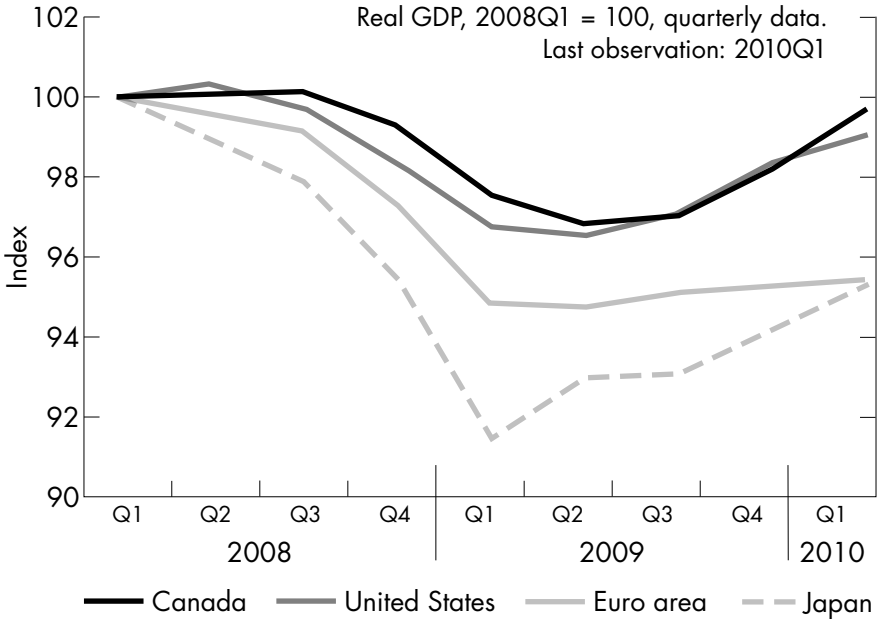
As Phillip Cross points out in Statistics Canada's May 2010 *Economic Observer*, the most remarkable feature of Canada's downturn, which started in 2008, was its speed, severity, and recovery time:

- The duration of the commodity price slump between June 2008 and February 2009 was relatively short—eight months—markedly shorter than in previous cycles. Nonetheless, the 50 percent drop in commodity prices in the current cycle was much deeper than in previous cycles.
- The recent output contraction was neither unusually long nor severe, but the rate of decline was steep.
- As for employment, Canada's latest recession was much milder than the previous two Canadian downturns.

The global meltdown, page 14

Canada suffered much less from job loss than the United States, and surprisingly, since the recession ended, the Canadian economy has restored most of the jobs that were lost.

FIGURE 1 GDP Corrections in the Last Recession



Source: Bank of Canada, Monetary Policy Report, chart 20, July 2010 (Statistics Canada, U.S. Bureau of Economic Analysis, Eurostat, and Japan Statistics Bureau).

The global meltdown continued from page 13

A PUZZLE: WHY WAS CANADA'S DOWNTURN MILD?

What accounts for the rather mild nature of the Canadian output decline, particularly as compared with that of Japan and the Euro area? Housing and financial institution stability in this country can account for much of the difference. Indeed, the 2008–9 recession in Canada never felt quite as bad as the American counterpart. Canada suffered much less from job loss than the United States, and surprisingly, since the recession ended, the Canadian economy has restored most of the jobs that were lost.

Canada's last employment peak was in October 2008. The recovery, which in output terms began in the middle of 2009, has now replaced all of the lost jobs. Indeed, as the following two labour market charts illustrate, between July 2009 and January 2011 (the economic recovery phase), the Canadian economy has added 534,000 jobs, including 106,000 jobs in the three months ending January 2011. Because of the job market recovery, the Canadian unemployment rate was 7.8 percent in January, though it was as low as 7.6 percent in November and December.

Employers in the United States remain understandably skittish. They will need to see considerable evidence of positive developments on the housing and manufacturing fronts before they start hiring again in a meaningful way.

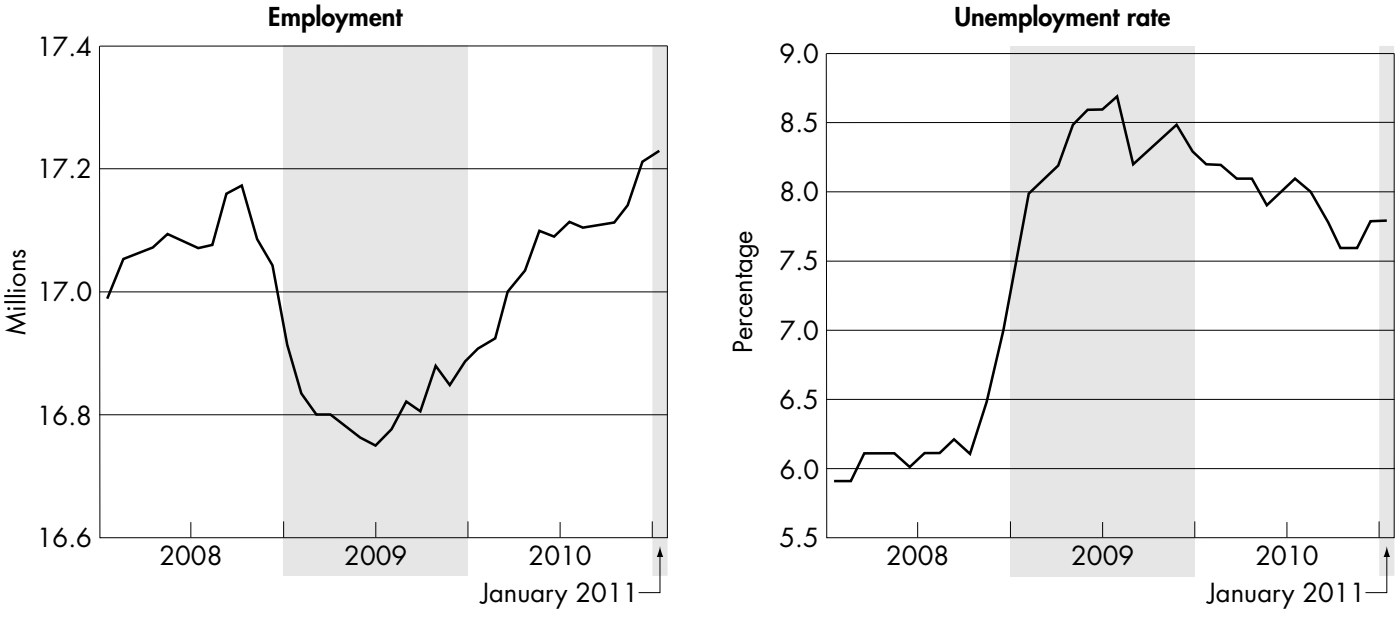
THE BLEAK US STORY

In contrast to Canada's relatively mild jobs recession and strong jobs recovery, over the past several years the US job market has deteriorated in ways not seen since the Great Depression. Indeed, since the beginning of the US recession in December 2007 and its lowest level in January 2010, the US economy had shed some 8.7 million jobs, roughly equal to the net job gains over the previous nine years. In addition, over the past year the US economy, despite the massive stimulative policies at work, regained less than a million of the lost jobs. In other words, total payroll employment in the United States was still some 7.7 million lower in January 2011 than at the previous peak in December 2007. (Interestingly, the Canadian economy created 327,000 jobs over the past year. Had the US economy created jobs at the same pace, it would have generated 3.3 million jobs, instead of less than a million.)

Moreover, despite the fact that the job market started to grow again in the United States, the American unemployment rate has been falling (9 percent in January 2010) because of declining labour force participation, but when you look behind the numbers you can see the real problem. There are fewer people in the US workforce today than before the recession began. There simply are too few job vacancies relative to the unemployed and underemployed who are seeking new jobs.

Indeed, the US labour force shrunk by 750,000 between the peak in 2007 and January 2011. While the monthly labour

FIGURE 2 Canadian Employment and Unemployment



Source: Statistics Canada, Labour Force Survey, January 2011.

force change numbers are quite erratic, it turns out that in the past two months the actual shrinkage of the labour force was roughly three-quarters of a million people. Employers in the United States remain understandably skittish. They will need to see considerable evidence of positive developments on the housing and manufacturing fronts before they start hiring again in a meaningful way.

As a result, to date the United States is experiencing close to a jobless recovery—that is, an upturn in economic activity and good growth in corporate profits accompanied by an absence of job creation.

FROM ONE GREAT RECESSION TO THE NEXT—FROM ONE CONSERVATIVE GOVERNMENT TO THE NEXT

It is interesting to contrast the performance of the Canadian economy under the last two Tory governments that faced hard times. Canada did not fare as well in the great recession of 1989–92 as in the recent recession. The federal fiscal deficit reached a record level of $44 billion and the debt-to-GDP ratio was exceedingly high, as was the unemployment rate, when the previous Conservative government was voted out of office in October 1993.

The first problem for the new Liberal government headed by Jean Chrétien was to reduce unemployment and then to face the reality of the fiscal and budget problems. Over the next four years, the budget system was repaired and the fiscal deficit eliminated. For a decade, Canada's federal government ran yearly fiscal surpluses so that going into the next great recession ($1.1 billion, 2008–9) Canada's debt-to-GDP ratio was markedly reduced and was lower than other G7 countries.

The economic expansion that occurred prior to the recent or second great recession was far more balanced in Canada than in other countries. The housing sector in particular did not experience the excesses that were evident in the United States and Europe. The reason for this is that our mortgage system differed substantially. Canada lacked the vast amount of incentives that the United States had for home ownership—in particular, the income tax deductibility of mortgage interest. In addition, Canada was fortunate in not having the excess of subprime mortgage lending that occurred in the United States. And Canadian banks, the major players in the mortgage market in Canada, tended to hold rather than securitize mortgages and thus were much more careful in their lending. This more balanced economy allowed Canada's unemployment rate in 2007 to fall to its lowest level in some 25 years.

Finally, after the "two-month holiday," the Conservative government got its act together and realized that a second Great Depression might be in the offing.

THE FIASCO OF THE CONSERVATIVE'S NOVEMBER 2008 ECONOMIC STATEMENT

At a time when it was obvious that a recession was under way in the United States, the Conservatives presented no plans for keeping Canada out of a major recession. The 2008 economic statement turned out to be totally unrealistic and resulted in the near defeat of the just-elected Conservative minority government. With the prorogation of Parliament for two months starting in December 2008, Canada did not respond to the widening economic and financial fiasco that was spreading into a worldwide great recession.

Finally, after the "two-month holiday," the Conservative government got its act together and realized that a second Great Depression might be in the offing. A new expansionary budget was presented to Parliament on January 27, 2009. The budget projected a fiscal deficit of $33.7 billion rather than the proposed surplus that the economic statement had presented just two months earlier. The deficit for 2009–10 later ballooned to about $54 billion.

DUMB LUCK OR PROBLEMS FOR THE FUTURE

We have tried to show that the Harper government has been very lucky in that Canada's economy and its job market outperformed those of other G8 countries, both in the recession and since the recovery began. However, despite this relative good luck, the federal government has made some bad policy moves that have created problems for the future.

The great recession of 2008–9 has left Canada with a legacy of large budget deficits and rising debt. In its March 2010 budget, the Harper government projected a $49 billion budget deficit for fiscal 2010–11 after implementing year two of its economic stimulus package, down slightly from the 2009–10 budget estimate of $54 billion. In the next three years, the fiscal deficit is projected to decline to $28 billion, $18 billion, and $9 billion. The budget in 2014–15, under the Conservative's doubtful scenario, is nearly balanced, as the deficit declines to a tiny $2 billion.

Generating this declining deficit path will be difficult if not impossible without raising taxes. The federal government has indicated that it will neither raise taxes nor cut any transfer payments relating to health care, education, and pensioners. Instead, program spending within government departments will be frozen. That means that any wage increases for civil servants, set at 1.5 percent this year, will have to be paid out of existing budgets. Through targeted spending restrictions, the budget projects that the government can save $17.6 billion over five years and the details of these restrictions are either sketchy or unknown.

The global meltdown, page 17

Prorogation—Prime ministers must not become kings

BY PETER H. RUSSELL

Peter H. Russell is University Professor Emeritus, Political Science at the University of Toronto.

FROM HENRY VIII TO STEPHEN HARPER

Although Peter Mansbridge may still have trouble pronouncing it, and many Canadians may not be able to spell it, "prorogation" has become a new word in the political lexicon of virtually all Canadians. For many, "prorogation" may be a new word, even though it refers to a practice dating back to the reign of King Henry VIII, who invented "prorogation" as a way of sending Parliament away without dissolving it.

In modern times, prorogation is used to break up parliaments expected to last three years or more into sessions. Parliament is prorogued when most of a session's work is done, and there is a recognized need for a seasonal break and for a new session of Parliament to begin after the break, with a Speech from the Throne setting out a new government legislative agenda. The word is unfamiliar to most Canadians and indeed to most citizens in other Westminster parliamentary countries because its normal use is routine and uncontroversial.

The prorogations of the Parliament of Canada in 2008 and 2009 were far from routine. Indeed, it is as if the prime minister returned to the ways of prorogation's royal inventor and used prorogation to send away a Parliament that had become too pesky. The first came just two weeks after the opening of Parliament following the October 2008 election. The second came over a year into the session but with much of the government's legislative agenda, including crime bills that the government claimed were urgently needed, still before Parliament. In both cases, Prime Minister Stephen Harper's aim in advising Governor General Michaëlle Jean to prorogue parliament was to avoid the government's accountability to Parliament.

A prime minister who can shut down Parliament at any time would be a modern version of an absolute monarch. This would be disturbing even if the prime minister's party had a majority in the House of Commons.

The December 2008 prorogation enabled the Harper government to avoid a scheduled vote of non-confidence, which there was every reason to believe would carry. The 2009 prorogation was to avoid the scrutiny of a House Committee inquiring into the handling of Afghan detainees.

THE CONSTITUTIONAL ISSUES

Under the Canadian Constitution and all of those based on the Westminster model, the power to prorogue Parliament along with the power to summon and dissolve Parliament rests with the Crown. King George VI's 1947 letters patent made it clear that in Canada the governor general will exercise these Crown powers. Constitutionally, the controversy over prorogation raises the issue of whether the governor general reserves any discretionary power in exercising the power to prorogue Parliament.

In Canada's system of parliamentary government, as it has evolved over a century and a half, constitutional convention requires that the governor general normally exercise the legal powers vested in the Crown, on the advice of ministers responsible to parliament. However, there is a strong case for arguing that, in certain exceptional circumstances, the Governor General, as the representative of the Crown, must hold in reserve a discretionary power to refuse a prime minister's advice. The principle governing the use of such a reserve power of the Crown is that its use is necessary to prevent the undermining of responsible parliamentary government.

If the governor general's role in prorogation is reduced to that of a clerk without any discretion to refuse a prime minister's "advice," then we move very close to a system of prime ministerial rather than parliamentary government. A prime minister who can shut down Parliament at any time would be a modern version of an absolute monarch. This would be disturbing even if the prime minister's party had a majority in the House of Commons. However, when the government lacks a majority in the House of Commons and its licence to govern depends on commanding the confidence of the elected chamber of Parliament, giving the prime minister a blank cheque to close down Parliament would seem incompatible with parliamentary democracy.

SMALL RESERVE OF POWER

Constitutional experts agree that the governor general reserves the power to reject a prime minister's advice to pro-

rogue Parliament. In December 2008, however, they were divided on whether, in the circumstances that prevailed at the time, the reserve power should have been exercised. For some, those circumstances—the fear that a refusal would plunge Canada into a huge political crisis just when it was in the midst of an economic crisis, and the faith that, in the meantime, Harper would work with the official opposition on a new budgetary approach to the fiscal crisis—argued in favour of granting the prorogation.

On the other side were those who believed as a matter of principle that evasion of a vote of non-confidence called for rejection of the prime minister's advice, regardless of any adverse practical consequences. The constitutional case for rejecting prime ministerial advice in December 2009 may have been less compelling. Nevertheless, this prorogation aroused a great deal of disapproval at the level of public opinion and is credited with costing the Harper Conservatives 10 to 12 points of popular support.

LACK OF CONSENSUS ON THE RULES

On March 17, 2010, the House of Commons passed a motion, moved by NDP leader Jack Layton, requiring that the prime minister seek the consent of the House of Commons before advising a prorogation of more than seven days. The Layton motion, because the Conservatives opposed it, lacks the political consensus needed for a binding constitutional convention. Constitutional conventions are the rules of behaviour accepted as obligatory by *all* those concerned in the working of the Constitution. Without such a consensus, the governor general is put in the position of refereeing a game in which the players do not agree on the rules.

It is high time that Canada's parliamentarians took a leaf out of New Zealand's book and codified key constitutional conventions in something like that country's Cabinet Manual. In the United Kingdom, then Prime Minister Gordon Brown asked the Cabinet Secretary to carry out such a codification, in anticipation of an election that was expected to—and did—produce a "hung parliament." The draft manual was submitted to a select committee of Parliament in February 2010. This process resulted in a public commitment of all parties to agree upon practices that ensure that the Queen will not be forced to take sides in a partisan controversy.

It is the height of irresponsibility on the part of our parliamentary leaders to make no concerted attempt to resolve differences over fundamental constitutional conventions of parliamentary democracy.

It is the height of irresponsibility on the part of our parliamentary leaders to make no concerted attempt to resolve differences over fundamental constitutional conventions of parliamentary democracy. Prorogation is by no means the only matter on which consensus is lacking. The 2008 parliamentary crisis indicated that Prime Minister Harper and the opposition parties are at odds over whether the governor general must accede to the "advice" of a prime minister to dissolve Parliament when the government is defeated on a confidence vote shortly after an election. They are also at odds over the legitimacy of an incumbent government being replaced by a coalition not approved in advance by the electorate. These are not small questions and they are very likely to arise if the next election produces another hung Parliament.

Failure to deal with this matter, and deal with it soon, will make Canada the laughing stock of the parliamentary world and move our country back to a monarchy—the Kingdom of Stephen.

The global meltdown continued from page 15

A LARGER DEFICIT THAN ADMITTED

The government projects Canadian real GDP growth to average 3 percent annually for 2011 through 2013, which, on the face of it, seems a reasonable assumption. The Parliamentary Budget Officer, however, has concluded that even this kind of normal growth would leave a significant budget deficit in the fiscal books. One of the most important reasons for these continuing deficits is the reduction in the GST rate from 7 percent to 5 percent in 2007 and 2008. These tax cuts occurred at the peak of the last boom and, of course, have already resulted in significant revenue losses, roughly $10 billion annually.

The Harper government is now wrestling with a structural budget deficit of roughly 1 percent of potential GDP in five years—still low by many global standards. But there will be no budget balance without severe cutbacks in program spending unless taxes are increased—which the Conservatives say they will never do.

GETTING THE PRIORITIES WRONG

After admonishing the other leaders at the G20 and G8 summits to reduce deficits and lower expenses, the Conservative government announced that Canada would spend $9 to $16 billion or more on unneeded new fighter jets. One really wonders what the leaders of the other G20 countries, which in many cases were reducing social expenditures, would think of Canada's ludicrous expenditure on military aircraft at a time of retrenchment in their economies.

It is an easy prediction that the Conservatives' budget numbers will be drastically revised over time.

Constitutional rule bending: When angry citizens push back and fight for democracy

BY CHRISTIAN NADEAU

Christian Nadeau is a professor in the Department of Philosophy at the Université de Montréal. His most recent book, *Rogue in Power: Why Stephen Harper Is Remaking Canada by Stealth*, is published by James Lorimer and Company (2011).

PROROGATION AND CONTESTATION

In British-style parliamentary regimes, prorogation is a mechanism that allows the government to suspend the work of deputies. This measure is deemed acceptable if the legislative program of the government is mostly finished, which is obviously a very rare occurrence.

It is a special measure, to be used with circumspection and in keeping with the reasons for which it was originally instituted. It seems obvious that the Harper government acted contrary to these provisions. In 2009, for example, the Harper government used prorogation while 37 laws out of the 64 that were slated for study had yet to be examined. In addition to this dubious motivation, the Harper government called for a very long prorogation as Parliament would not resume for at least six weeks.

Some journalists, and maybe a large part of the government, seemed to think that Canadians did not care about prorogation and that the issue was too complicated. However, the weeks following prorogation in December 2009 showed them to be wrong. In fact, prorogation initiated a very important debate and mobilized a very angry public against Harper and his friends.

GETTING ORGANIZED

Early in January 2010, a group of political scientists circulated a letter written by the non-partisan group Fair Vote Canada, in which they condemned prorogation and demanded electoral reform. A few days later, my colleague at the Université de Montréal, Daniel Weinstock, instigated a second letter. The letter, signed by over 200 university faculty from a number of disciplines—political science, law, and philosophy—aimed similarly to condemn this political manoeuvre that, while being perfectly legal, is contrary to the very nature of Canadian democratic institutions. Weinstock received considerable media attention, and because of these initiatives prorogation became a real issue for Canadians. Weinstock and the signatories insisted on the fact that the formal legitimacy of prorogation was precisely the reason why it should be used with circumspection; this is also what the population at large understood to be at stake in the prime minister's actions.

Numerous organizations … united under the aegis of the Voice Coalition to sign a public declaration challenging the Harper government's sabotage of democratic institutions.

What is at stake, according to the petitioners, is the very capacity of elected officials, as a whole, to deliver what they owe to the electorate. However, the question becomes, how, during prorogation, can our elected officials be held responsible for decisions taken in their absence by the executive? Further, it is incumbent on the nature of the British system to ally the written law with customs, a fact that Harper seems to have forgotten in modifying the value of the former while denying the importance of the latter.

These actions may go against the spirit of conservatism, but they are completely coherent when considered with the other "revolutionary" actions of the Harper government. Harper's government has not hesitated, between 2006 and the present, to slowly yet permanently alter the manner in which Canadian institutions have been framed and legitimated. In addition to its pragmatic curtailment of institutional autonomy, the Prime Minister's Office has also gradually eroded the symbolic authority of our democracy.

In late January 2010, important meetings took place in about 60 cities across Canada. Large protest marches were organized in order to oppose Harper's prorogation and to show that his government's actions had no support among the citizenry. A number of organizations, including Canadians Against Proroguing Parliament, mobilized in order to alert fellow citizens and, most importantly, to counter political apathy, the main weapon of an authoritarian government. Numerous organizations, such as Amnesty International Canada, the Canadian Labour Congress, the Canadian Federation of Students, Équiterre, Independent Jewish Voices, the Climate Action Network, and Kairos, united under the aegis of the Voice Coalition to sign a public declaration challenging the Harper government's sabotage of democratic institutions. All of these actions show the remarkable force of civil society, but there is still a lot of work to do.

THE FRAGILE POWER OF THE PEOPLE

These actions clearly reveal people's discontent, which, when followed by resignation, suggests that a population evinces a self-protective reflex or a temporary passivity, especially when it has been unscrupulously manipulated for long periods. How to address this?

It seems to me that the problem lies in the paucity of institutional, non-governmental mechanisms that are able to provide a sounding board for public protest. Canada lacks a culture of public spaces, in the sense that Habermas and others use the term. We have no process whereby the exercise of reason allows members of civil society to have a certain amount of control over public affairs by holding those in power to account. These big ideas, often relegated to the rather "mad dreams" of philosophers, are essential to thinking through the democracy deficit that we are currently facing.

Even though a large segment of civil society contested prorogation, a few people—notably, the historian Michael Bliss—have pointed out that it will likely have a minor effect. The bills put on hold will be restudied one day or another, and the Special Committee on Afghanistan will inevitably continue its work. In other words, it is "much ado about nothing." The problem with this type of argument, however, is that it does not take into account two very important facts.

First, regardless of the government's motivations, Canadians pay a price when important bills that address real social issues are delayed in passing. Ultimately, the balance rests on whether this delay was worthwhile, something we should be dubious of given the weak arguments offered by the government for suspending parliamentary activities. Second, the recourse to prorogation as a political tool shows that the government has no problem running public affairs as if they were above the reach of Parliament and, thus, above the representatives elected by the people. We could argue at length regarding the merits and disadvantages of a parliamentary democracy, but given that we live in this type of system, the government cannot simply choose to modify its logical functioning based on what benefits it from one moment to the next.

BULLYING AND THE AUTOCRATIC LEADER

The history of political ideas teaches us that tyranny is defined as a government that looks after its own interests to the detriment of its subjects. Aristotle himself showed how tyrants, with their disdain for the public good, were condemned to fear reprisals from those whom they repressed. They could not hope to remain in power for long periods. It is obvious that we cannot compare the actions of the Harper government to those of the dictators that have marked the history of the 20th century and the beginning of the 21st century. However, authoritarian leaders and those who act with disdain for the institutions of government all have in common the tendency to forget that which could one day lead to their downfall.

In effect, prorogation works to dissolve the confidence and trust between the people and their government by allowing the government to function without those who were elected precisely to govern.

Steven Harper's careless oversight with respect to prorogation is that it jeopardizes that which it was supposed to protect, at least if it continues to be used for partisan ends, as it was in 2008 and 2009, rather than for legitimate or, even technical reasons. In effect, prorogation works to dissolve the confidence and trust between the people and their government by allowing the government to function without those who were elected precisely to govern.

In this way, Harper denied his government its principal source of authority. Following this action, he can no longer count on his influence and will have to rely on bullying. That is why it has become necessary for him to thrust aside the institutional constraints on the power of the executive. This is a vicious circle—recourse to bullying weakens institutions, which then forces the government to put forward excuses as to why it is obliged to work without the government and thereby to work increasingly outside the parameters of governmental legitimacy. Harper's Conservatives appear comfortable with this logic of bullying, and they hardly hide the fact that they believe that they alone are able to govern well.

WHY SHOULD WE CARE WHAT THEY DO?

Well before the 2006 election, in a talk before the Civitas group (a right-wing think tank) in 2003, Harper clearly announced his true objectives. This text, which too few have read, offers a glimpse into the most coherent version of Harper and his acolytes' ideas. We might see this as a purely circumstantial text that attempts to reorganize the political map in order to pave the way for a new Conservative party. For my part, I remain convinced that Harper believed what he said in 2003, and that he continues to believe it.

In the Civitas talk, Harper asserted that the real challenge facing the right is not, ultimately, the economy—given the fact that none of the parties really considers itself socialist (by which he seems to mean both socialism in the Soviet sense and in the larger sense of policies associated with the welfare state). The challenge is the discourse of the left, which undermines the essential moral priorities of society on the pretext of neutrality or even tolerance, and which leads to a pernicious value relativism. For example, on Harper's account, the opposition evinced by the left to the invasion of Iraq decisively contradicts their rejection of Saddam Hussein's tyranny. If this is not relativism, it is clearly, for the prime minister, a values impasse.

This text demonstrates what is at stake with prorogation and why it is important to fight against this type of policy. What Harper challenges are the

Constitutional rule bending, page 22

Constitutional reform by stealth: The creeping transformation of executive authority

BY DAVID SCHNEIDERMAN

David Schneiderman is a professor in the Faculty of Law at the University of Toronto, and founding editor in chief of the *Review of Constitutional Studies*.

Prime Minister Stephen Harper has aligned Canadian public policy closer to that of the United States in a number of areas such as foreign policy, the environment, and crime control. What perhaps is less apparent is the slow shift in the direction of US-style executive authority. In response to challenges issuing out of the House of Commons in the last couple of years, Harper has been resisting the premise that the executive is responsible to Parliament, despite its inveterate presence in the deep structure of Canada's constitutional order. He has preferred, instead, to mimic some of the least defensible aspects of US constitutional practice concerning executive branch independence. Even if there is a semblance of a separation of powers doctrine present in Canadian constitutional law, it lacks the sharp edges of US constitutional practice. By aiming to set precedents that replicate dysfunctional parts of the US constitutional system, Harper pushes us further into the embrace of US-style limited government where the executive operates as a separate check on legislative authority.

THE FIRST PROROGATION: IMPEDING COALITION GOVERNMENT

That Stephen Harper is intent on promoting the idea of a separate and segregated executive branch becomes apparent on an examination of the first prorogation crisis of December 2008. A Liberal–NDP coalition, with assistance from the Bloc Québécois, was formed in response to the provocative budget introduced by Finance Minister Jim Flaherty, which, in addition to wildly misreading a global economic crisis already well under way, withdrew public financing for federal political parties. Facing a parliamentary vote of non-confidence, the prime minister advised Governor General Michaëlle Jean to prorogue Parliament, which she did, as per constitutional convention.

Between the time the rumoured coalition began to take form and the prorogation of Parliament, there was an intense week of unprecedented debate across Canada.

Between the time the rumoured coalition began to take form and the prorogation of Parliament, there was an intense week of unprecedented debate across Canada. It was during this week that the prime minister and his government promoted the notion that the Canadian prime minister operates as a separate executive branch and therefore, like the US president, is directly elected. Any change of prime minister and government without a popular election, then, was constitutionally illegitimate.

The prime minister had some success in getting this message across. Immediately after the 2008 prorogation crisis passed, an Ipsos Reid poll commissioned by the Dominion Institute reported that 51 percent of respondents believed that the prime minister is directly elected, rather than appointed by the governor general. Only one-quarter of respondents were aware that Canada was a constitutional monarchy with the Queen as its head of state.

While this misunderstanding was most prevalent in Quebec, much of the vociferous opposition to the coalition emerged out of Alberta, where the Harper government had the full backing of the *Calgary Herald* and the *Edmonton Journal*. A review of the news and editorial pages of these two newspapers reveals that the government message came through loud and clear while more accurate assessments of the functioning of the executive within parliamentary systems was absent in this critical period. According to one dominant narrative, which appeared to be the main Conservative talking point, the change of government was likened to an unprecedented *coup d'état*. There could be no change of government, it was said, without a new election.

A second dominant narrative emerging out of the newspaper accounts lamented the loss of power by Alberta within any new coalition cabinet, while a third narrative concerned patriotism—mostly having to do with the participation of the Bloc in the coalition. Prime Minister Harper pushed the patriotism button when he began his counterassault in Parliament, accusing the coalition of a "betrayal" of the voters, the economy, and the best interests of the country. Typically, Harper would conjoin the patriotism theme with claims about lack of democratic legitimacy as he did in his nationwide address on the evening of December 3, 2008—there was "no democratic right to impose a coalition," he declared.

THE SECOND PROROGATION: COMPLICITY IN ALLEGED TORTURE

Events leading up to the second prorogation in late December 2009 revealed a prime minister ready to defend claims regarding executive authority that echo positions ordinarily issuing out of the George W. Bush White House. The events precipitating the late 2009 proro-

gation concerned access to documents regarding the alleged torture of Afghan detainees that had been handed over to Afghan security forces by the Canadian military in Afghanistan. The documents had been the subject of Foreign Affairs Officer Richard Colvin's testimony before the House of Commons Committee inquiring into the treatment of Afghan detainees. Though the prime minister would have preferred to have us believe that he needed time to "recalibrate," most Canadians understood that the Afghan detainee inquiry and the government's stubborn resistance to handing over uncensored documents to the House Committee precipitated prorogation.

Prorogation was prompted by the House of Commons adoption of a December 10 opposition motion calling on the government to produce those very uncensored documents. Unwilling to do so, the prime minister then asked the governor general to prorogue Parliament and not have it reconvene until more than two months later on March 2, 2010, after the Vancouver Olympics. All would be forgotten by then, the prime minister must have assumed. However, what the prime minister was claiming for his office was an unyielding independence from the House of Commons in which the "executive branch" held office separate from the legislative branch.

This is most clearly suggested by the legal manoeuvring by government and justice department officials. The day before the opposition parties were to vote on the contempt motion in December 2009, the Assistant Deputy Minister in the Department of Justice, Carolyn Kobernick, wrote to the Law Clerk and Parliamentary Counsel to the House of Commons, Rob Walsh, to explain the government's constitutional basis for refusing to disclose uncensored documents. Up to that day, the government side had been relying on a variety of statutes, such as the *Canada Evidence Act*, which it claimed legally barred the government from releasing documents that might threaten national security interests. In which case, as the prime minister and his ministers had advised the House, the government could only produce "legally available information."

Nicholson, taking his cue from Kobernick, argued that the original opposition motion was an unlawful extension of the legislative power into the realm of executive authority, each of which was sharply segregated from the other.

THE BATTLE FOR DISCLOSURE

Unredacted documents simply were not legally available. Acknowledging that there really was no statutory basis for refusing disclosure under the *Canada Evidence Act*, Kobernick instead identified "several basic principles" in our system of parliamentary democracy "that must always be borne in mind." These were, she wrote, the rule of law, parliamentary sovereignty, responsible government, and the separation of powers. Concerning the separation of powers, she maintained, "[e]ach of the three constitutional branches of government—the executive, the legislative, and judicial branches—must respect the legitimate sphere of action of the other branches." If there was no strictly legal basis for refusing to comply with the production of documents order, she argued that the House of Commons and its committees should instead respect fundamental principles like the separation of powers and simply yield to the government's superior authority in this matter.

It is this alleged bedrock constitutional principle that Justice Minister Rob Nicholson invoked in the House of Commons on March 31, 2010. This critical speech was in response to the opposition motion pending before the Speaker of the House, Peter Milliken, that there had been a breach of parliamentary privilege following the House's December 2009 motion to produce unredacted documents. Nicholson, taking his cue from Kobernick, argued that the original opposition motion was an unlawful extension of the legislative power into the realm of executive authority, each of which was sharply segregated from the other.

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TIPPING THE BALANCE: UPHOLDING PARLIAMENT SUPREME

In his much lauded ruling against the government on April 27, 2010, Speaker Milliken disagreed with the minister that this was an unlawful extension of legislative power. Yet he appeared to accept the minister's troubling premise about the separation of powers. "It is the view

Constitutional reform by stealth, page 22

Constitutional reform by stealth continued from page 21

of the chair that accepting an unconditional authority of the executive to censor the information provided to Parliament," declared Speaker Milliken, "would in fact jeopardize the very separation of powers that is purported to lie at the heart of our parliamentary system and the independence of its constituent parts." Though he did not elaborate on this point, presumably the Speaker meant to say that if he were to swallow the minister's argument whole, it would undermine the ability of the legislative branch to perform its checking function of the executive branch or, in terms more familiar to Westminster-style parliaments, hold the government to account.

SEPARATION OF POWERS DOCTRINE—US-STYLE POLITICS

The concern here is that, by accepting the separation of powers as foundational to Canadian constitutional law, we are drifting further in the direction of US-style constitutional politics. This is a model of divided government where a powerful executive can legitimately resist legislative initiative, where an elected upper house checks an equally legitimate lower house, and the governing party changes place with the opposition party only after a national election. All of these are innovations that Canadians perhaps should be talking about, but that this government prefers to do mostly by stealth.

Constitutional rule bending continued from page 19

conditions that make social pluralism possible: conditions that are necessary for our liberal democracies (see *Rogue in Power* for a full analysis of this important text).

It is crucial that we immunize our institutions against these types of excesses. Citizens must be regarded as participants on an equal footing in all decisions concerning the public sphere. This means that neither the elected representatives nor the government should use political mechanisms such as prorogation, which is authorized by the law, to prevent public debate. Through effective use of the media and through political education and civic culture, civil society must assert its capacity to transmit and amplify its efforts to protect the ideals associated with the common good. However, no civil society can do such work if the government stands opposed to it.

What Harper challenges are the conditions that make social pluralism possible: conditions that are necessary for our liberal democracies.

Canada the middle power: Lost in translation

CANADA ON THE GLOBAL STAGE: A TROUBLING RECORD

In the 2007 Speech from the Throne, the Harper government claimed that "Canada [was] back as a credible player on the international stage." The speech went on to say that "focus and action, rather than rhetoric and posturing, [were] restoring our influence in global affairs." Three years of "focus and action" later and we had lost the 2010 election to the United Nations Security Council, as reliable a barometer (nearly two-thirds of the UN's members are electoral democracies) as there is of the world's appraisal of the foreign policy of the Harper government. What happened?

Upon taking office, the Harper front bench had had little exposure to, or evident interest in, international affairs. It did not trust the advice of Canada's foreign policy bureaucracy, and tended to compensate for its own inexperience with ideology and to subordinate substance to communications. It stood on its head the Trudeau definition of foreign policy as the extension abroad of national policies. Foreign policy became the importation of international issues for domestic partisan advantage. Sensitive matters, notably the Middle East, were made into wedge electoral issues, with scant concern for their implications for the public peace. This basic modus operandi has been accompanied by greatly centralized decision making in the Prime Minister's Office (PMO) and extremely tight control over communications.

GLOBAL FOOT DRAGGING AND OTHER IMBALANCES

With regard to policy, the government downplayed the UN, ostentatiously skipping the annual UN General Debate in 2009, which was attended by about a dozen of the prime minister's G20 counterparts, including President Obama, for an eminently re-schedulable Tim Horton's announcement. In Prime Minister Harper's tenure, Canadian participation in UN peacekeeping missions remained at a low ebb—53rd among troop contributors as of January 2010. Even counting our well-respected, highly effective, and very costly deployment to Afghanistan, we scarcely ranked in the top 15 participants in UN-sanctioned or UN-led military operations. To the dismay of many allies and of the many small island states around the world, the government dragged its feet on climate change, as its predecessors had done, but established its own unilateral and less demanding target and timeframe, which it seems nonetheless unlikely to fulfill.

BY PAUL HEINBECKER

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> Despite the tight control of policy by the Prime Minister's Office, or perhaps because of it, managing relationships with other countries has been a particular failing of this government.

As to the Middle East, while the government maintained the basics of long-established Canadian policy, notably support for the two-state solution, it changed the tone, style, and fulcrum point of Canada's policy. From its first days in office, the government uncritically supported Israeli government policy, coming across as having little concern for the suffering and the rights of the Palestinians. While the government portrayed itself as "principled," with the prime minister characterizing the Israeli onslaught in the 2006 war in Lebanon that killed over 1,000 Lebanese, mostly civilians according to Human Rights Watch, as "measured," and blaming the UN for the Israeli bombing of a long-standing and well-marked UN observation post in which a Canadian soldier serving with the UN was killed, others saw its positions otherwise.

ISRAEL AND HUMAN RIGHTS

The government seemed to condone the Gaza war and echoed the Israelis' dismissal of Justice Richard Goldstone's findings of Israeli (and Palestinian) breaches of international humanitarian law. It did not raise concerns, as the Germans did, with the punitive Israeli blockade of Gaza, and seemed to readily support the Israeli version of its military response to the Turkish aid flotilla. There was also the shifting of numerous votes at the UN in favour of Israel; the imbroglios over the Canadian NGOs Rights and Democracy and Kairos and the funding of UN projects in Palestine; the shabby mistreatment of Madam Justice Louise Arbour on her retirement as UN human rights commissioner; the tacit acceptance of Israeli Prime Minister Netanyahu's ending the moratorium on illegal settlement construction in the West Bank and Jerusalem; and the lagging endorsement of the democratic aspirations of 80 million Egyptians.

Canada the middle power, page 24

Canada the middle power continued from page 23

Despite the tight control of policy by the Prime Minister's Office, or perhaps because of it, managing relationships with other countries has been a particular failing of this government. It initially downgraded relations with China, partly for human rights reasons but also out of ideological antipathy. The prime minister delayed paying a return visit to China and famously skipped the Beijing Olympics, one of the few significant foreign leaders to do so.

PUNCHING BELOW OUR WEIGHT

With the state visit to Ottawa of President Hu Jintao on the eve of the G20 summit, the Chinese signalled that they were ready again for business-like relations, but little warmth has been evident. Don Campbell, former Canadian ambassador to Japan, has observed that Canada has lacked any coherent strategy in Asia. Kishore Mahbubani, a former Singapore ambassador to Canada and the UN, asserted that Canada was one of the few countries that punched below its weight internationally and questioned whether Canada was becoming, consequently, the next Argentina. The government distressed Africans by the fact and manner of its downgrading of their continent in our international aid priorities, even if it made remedial efforts to reframe the policy more acceptably. Nor has the government made many inroads in its new priority in Latin America; indeed, Canada has been explicitly excluded, along with the United States, from the nascent Community of Latin American and Caribbean States.

The Harper government's clumsy imposition of visa requirements on Mexicans in 2009 constitutes a case study in the costs of mismanaging relations with partners. The decision, which came with little warning and with inadequate Canadian resources in Mexico to meet the demand, infuriated the Mexican authorities, inconvenienced scores of thousands of Mexican travellers, and cost the Canadian economy hundreds of millions of dollars in lost tourism revenues.

The government's record pales in comparison … to that of, for example, Prime Minister Mulroney, who … concluded a free trade agreement, an acid rain agreement, and an Arctic passage agreement with Washington.

OTHER MISTAKES AND MISCALCULATIONS

The government likewise mishandled an airline dispute with the United Arab Emirates (UAE), after we had been using one of their military airbases for nine years to transship soldiers and material to Afghanistan and to repatriate our wounded soldiers to Canada, apparently at no charge. Moving to another base is expected to cost hundreds of millions of dollars. The government's decision to hold two summits in Canada, the G8 summit in Huntsville and the G20 summit in Toronto, rang up a further, breathtaking bill of about a billion dollars.

SOME SUCCESSES TOO

All of this is not to say that the government's performance has been without its successes. A fair assessment of the Harper government's record must give it credit for the effective way it has employed Canada's G20 membership to respond to the international financial crisis and consequent recession, using the exceptional expertise in the Department of Finance and Bank of Canada to promote sound G20 decisions. The government increased spending on Canada's military by over 40 percent, a necessary correction that allowed the Canadian Forces to take on more demanding roles. It steadily maintained Canada's efforts in Afghanistan and made a sensible and responsible compromise in shifting to a training mission there. The government responded to the Haiti earthquake quickly, using the refurbished military to good, if expensive, effect.

Although rebuilding has been disappointingly slow, the government has taken a leadership role in the longer-term effort to rebuild that country. Positive, as well, has been the Harper government's promoting of Canadian sovereignty in the Arctic and its work with the four other Arctic coastal states to map the underwater topography in order to facilitate a negotiated outcome of overlapping claims, although the government's Cold War–era rhetoric about Russian bomber threats has been bizarre and discordant.

The Harper government kept the Liberals' promise to double aid to Africa (albeit from a lower base, and then froze the entire Canadian aid budget), and at the Huntsville G8 took the initiative to establish a maternal and children's health fund (though its attempts to exclude abortion services from fund coverage sparked public criticism by Secretary of State Clinton and a rebuke from the respected medical journal *The Lancet*, which called our policy "hypocritical and unjust). Further, the government embarked on major free trade negotiations with a number of countries, including India and the European Union, the latter a Canadian goal since the time of Trudeau. It has maintained a workmanlike if not warm relationship with Washington, initiating talks on a common security perimeter that, depending on the details, could help both sides.

HARPER VERSUS MULRONEY'S FOREIGN POLICY RECORD

The government's record pales in comparison, however, to that of, for example,

Canada the middle power, page 27

Our leader and the Obama charm: The good leader syndrome

'Cause nobody wants to do it on
their own
And everyone wants to know
they're not alone
There's somebody else that feels
the same somewhere
There's gotta be somebody for me
out there
—*Nickelback, "Gotta Be Somebody"*

BY TIM KAPOSY AND IMRE SZEMAN

Tim Kaposy is a professor in the Cultural Studies Program at George Mason University. Imre Szeman is a professor of English and film studies and Canada Research Chair in Cultural Studies at the University of Alberta.

BETTER COUNTRY, WORSE LEADER?

It seems so unfair. Despite being the "better" country in every way, they get the exciting and energetic guy, while we get the ultra-boring one.

The "we" and "they" are Canada and the United States, of course, and the boring and exciting ones, Prime Minister Stephen Harper and President Barack Obama, respectively. One takes impressive-looking jump shots and can talk his way around, and through, anything. The other tries to show his pop culture smarts by playing tunes with Bryan Adams and Nickelback at 24 Sussex and tries his best to make sure that he and his Cabinet say as little as possible. If Obama's long "aaaaaaaaand"s during interviews signals someone searching for the larger implications of his answer, Harper is largely content to appear pre-digitized, curt as a good ole Stephen Leacock joke, and cordoned off from eyes and ears. There is no comparison, especially when it comes to how each moves about on the international stage.

Of course, popular perception about whether a politician is suitable for office can change in an instant—on a dime. Expecting the same speed of service that they get at fast-food drive-thrus, Americans speedily grew disillusioned with Obama when he failed to bring about a US utopia within his first hundred days in office. Two years into his presidency, Obama's knack for negotiating national contradictions, evident in the way he addressed issues ranging from race to Iraq during the 2008 campaign, is today widely caricatured as a "vacuous opportunism" (see Tariq Ali's *The Obama Syndrome: Surrender at Home, War Abroad*) that has fostered insufficient support from Democrats and venom from opponents.

Political comparison is instructive when it helps us to dig deep into the structure that animates public life and gives a nation's democracy its defining characteristics.

In Canada, Harper's blockheaded demeanour has lingered longer enough to make him appear "principled" and impervious to the day-to-day incidents of mass-media attention that comprises much of what passes for politics in North America. If Harper does not disillusion Canadians, it is because they have always been indifferent to him. Still, one imagines that Canucks might prefer the elegant Obama to the pudgy and stiff-haired Harper, less because of any real understanding of what positions and policies each holds, than because one expects (even in the age of Italian Prime Minister Silvio Berlusconi) a certain *gravitas* from one's political leaders.

COMPARISONS AND THEIR LIMITS

But if we stop at such surface tallies of the coolness of political leaders, or stick with the comfort of imagining that Canada is (by necessity) the better country despite its leadership (as Canadians are wont to do), we do not learn much about either figure, or about where our respective systems stand today. It is useful to place Harper and Obama side by side, not in order to pat ourselves on the back because we are brave enough to admit a slight flaw in our otherwise pristine global image (i.e., we have a Harper!), but because it can help us to see the very real limits and problems of contemporary Canadian politics, of which Harper is more symptom than cause.

Political comparison is instructive when it helps us to dig deep into the structure that animates public life and gives a nation's democracy its defining characteristics. For example, John Ibbitson's 2009 pamphlet *Open and Shut: Why America Has Barack Obama, and Canada Has Stephen Harper* engages in a comparison between prime minister and president in order to better conceptualize the drastic ageing and centralization of the Canadian federal government. For such a brief intervention, Ibbitson's analysis is wide-ranging: the final chapter is devoted to a comparison of Ottawa and Washington, DC. One prominent point he makes is that Canada's "federal public service is notoriously resistant to outside influences. Short-term appointment of experts from outside the public service to senior positions in it, to advise on policy or to help craft new programs, are discouraged. As a result, Canada lacks the sort of public policy intellectuals who exercise so much influence within the U.S."

It is widely acknowledged that Harper's years in government have brought a chill to politics in Canada. But this is only due in part to his own style of maximiz-

Our leader and the Obama charm, page 26

Our leader and the Obama charm continued from page 25

ing control over information, which merely magnifies the limits of an inbred bureaucratic system to which Ibbitson draws our attention. Part of the intractability of US policy stems from the wholesale refashioning of government that occurs with each election. Bureaucrats and partyhacks exchange keys in DC for condos in Capitol Hill and Georgetown that they expect to have for four years only. Those deposed go off to lick their wounds in the relative comfort of think tanks and lobbying firms. By comparison, in Ottawa, one can safely get a mortgage for a house in the Glebe and expect to welcome one's toddlers back home from Queen's or McGill with stories about their hijinks with the Young Liberals or Conservatives. Politics is certainly much bigger than the milieus accompanying party leaders, but to say politics *only* happens beyond this milieu and the governmental apparatus, with which it manoeuvres, has the effect of deflecting attention away from political antagonisms and tactics that originate in the fixity of state power.

The control that one associates with Harper's secrecy is in fact endemic to a system in which the executive and legislative branches of government have come increasingly to be the purview of a single individual. The fact that it is possible for a single person to possess such power even in a minority government only confirms the rot in the system. Much of the power of US presidents comes from the media face time they get: they cannot pass bills or budgets on their own, though they can exert moral and media suasion to help do so. By comparison, a prime minister does not typically have to lobby anyone for votes (neither publics nor the legislature) or worry about mid-term elections. Harper is talented at managing optics and controlling the message—in ways that any current leader has to be—but the issues that many blame his reign for are ones that have long plagued Canadian politics.

Both the Harper and Obama governments are recalibrating their rhetoric after the pieties of global integration, security, and the inherent progress of "civilization" have worn thin.

The reality is that Canadians have become comfortable living with strong leaders and an ossified public service, while elsewhere, as in Australia (and, for that matter, Egypt), the leaders have been reined in through electoral and political reform. The only disquiet we feel is when the great leader has a different outlook from our own, or seems not to have the wisdom or heart of other leaders around the globe; generally, however, Canadians seem not to worry about the rapid decline of democracy in the country over the past several decades.

THE UNITED STATES AND CANADA: SAME OLD, SAME OLD

What else can we learn by comparing our leaders? Commentators in the United States recently began to compare their national experience with Canada's, exploring the deep fissures between the two countries' political processes. For instance, Paul Krugman has compared national banking laws and Bill Moyers has compared health-care systems: in both cases, Canada comes out ahead, though less by design (as the US commentators tend to imagine) than by historical accident (Canadian banking law is hardly as enlightened as business leaders and their public relations personnel want us to believe). On a policy-to-policy basis, there is a difference between Canada and the United States as much as between any two countries: no surprise there.

What about in terms of their general world view? Recall the speech Lester B. Pearson delivered on April 2, 1965 at Philadelphia's Temple University, urging Washington to cease its carpet bombing of Vietnam. The obstinacy of Pearson's position roiled Lyndon Johnson. By comparison, Harper's subservience to the United States parallels Brian Mulroney's

NAFTA-era doctrines. It would be inconceivable, for instance, for Harper to oppose Obama and the US military industry by calling for an immediate end to drone bombing throughout the world. Indeed, much of the technology and expertise behind such weapons are produced on Canadian soil and are subsidized by taxpayers. Both the Harper and Obama governments are recalibrating their rhetoric after the pieties of global integration, security, and the inherent progress of "civilization" have worn thin.

What happens next will be laid at the feet of a Canadian public who have only maintained Harper's authority because he has meddled little with an already politically listless middle class who, despite a declining standard of living with Harper in office, are satisfied to embrace mass consumerism in place of political activism. Harper's lingering presence on Canada's national stage should trigger a myriad of innovative alternatives to his oligarchy and to the Canadian political system as it is currently configured. Instead, in response to the news that in February 2011 Harper unilaterally signed a border security and information-sharing pact with the United States, we hear muted alarm from the op-eds and deafening silence from the general public.

LET THE CORPORATIONS RULE!

A more telling comparison than Obama might be with a provincial leader from the recent past. During the "common sense revolution" in Ontario between 1995 and 2002, Premier Mike Harris privatized virtually all public entities available to his brokers. Harris demonized hospitals, highways, the energy sector, and universities as inefficient and lacking the due oversight of experts. They were then sold off in varying degrees to corporations. Harris, who now sits on the boards of a number of these formerly public organizations, is accumulating millions.

Mulroney's finances are only now being litigated over for these same kinds of transactions. This pattern of privatization has spurred responses to Harper that are both flailing and concise. The Canadian Centre for Policy Alternatives (CCPA), for instance, has compiled *The Harper Record*, a vital compendium that accounts for Harris-like changes intended for nearly every realm of daily life, from child care to nuclear energy. The CCPA is challenging Harper's attempt to remake Canada by economic restructuring and their message is clear: even when we vote Harper out of office, the impact of his tenure will extend far beyond his term in the office of prime minister.

It is not that Obama is better than Harper. Instead, Harper is what you get when you have a political system like Canada's—one run by a changing sequence of oligarchs from roughly the same political class and with roughly the same class commitments and outlook. The surprise of the United States having a "good" leader in comparison to our Nickelback-loving "bad" one might have the virtue of opening our eyes to a bad system most of us not only tolerate, but mistakenly celebrate as standing at some imagined democratic peak that is the envy of the rest of world. Otherwise, comparing leaders is little more than a distraction from the realities of politics, which extend beyond the actions and directives of any single individual—or, if they do not at present, they certainly should.

The surprise of the United States having a "good" leader in comparison to our Nickelback-loving "bad" one might have the virtue of opening our eyes to a bad system most of us not only tolerate, but mistakenly celebrate as standing at some imagined democratic peak that is the envy of the rest of world.

Canada the middle power

continued from page 24

Prime Minister Mulroney, who, by this stage in his tenure, had concluded a free trade agreement, an acid rain agreement, and an Arctic passage agreement with Washington; had hosted the first ever summit on climate change; and had led the international effort to impose sanctions on the apartheid regime in South Africa, among many other things.

Not all the responsibility for Canada's slipping reputation can fairly be laid at the Harper government's door. The interest of Canadian governments in the world has flagged with the budget cuts and national unity crises of the 1990s. But it is the Harper government that claimed that, under its leadership, Canada was back. The claim is more aspirational than factual. There is little that has been strategic or imaginative in current policy and much that has been tactical, unambitious, and disappointing.

Not all the responsibility for Canada's slipping reputation can fairly be laid at the Harper government's door.

Canada's fractured political culture

BY PHILIP RESNICK

Philip Resnick is a professor of political science at the University of British Columbia.

MAJORITY GOVERNMENT RULE

For well over a century, Canada was a country with a very stable political tradition. There were two dominant parties—the Conservatives and the Liberals—that between them easily garnered 75–80 percent of the popular vote in federal elections. Both were brokerage parties, without hard and fast political principles.

Minority governments were not unheard of in Canada, but the norm was majority governments. So why have Canadians, through three successive elections—2004, 2006, 2008—elected Parliaments without a majority government? Why does the political party system with five major contenders today appear to be so fragmented when compared with the not so distant past?

THE ROOTS OF MINORITY GOVERNMENT

The key to the fragmentation of the party system lies in the constitutional debates that dominated the 1980s and 1990s. Pierre Trudeau's patriation of the Canadian Constitution in 1981–82 was carried out against the strong opposition of the Parti Québécois government of Quebec headed by René Lévesque. The Conservative government of Brian Mulroney attempted to remedy this some years later through the Meech Lake Accord, which among other things, recognized Quebec as constituting a distinct society within Canada. That clause provoked considerable opposition in the rest of Canada, ultimately leading to the Accord's failure in 1990.

As a direct consequence of some of these developments, Lucien Bouchard, a leading minister in the Mulroney government, resigned in 1990 and formed a new sovereignty-supporting party, the Bloc Québécois. In the 1993 federal election, this party, which only contested seats in Quebec, won 54 of the 75 seats and 49 percent of the popular vote in that province. Moreover, in the five elections that have followed, the Bloc has consistently won a majority of Quebec's House of Commons seats and, with one exception, a plurality though never an absolute majority of Quebec's votes. In other words, since 1993, Canada has had a binational party system. Outside Quebec, the Liberals, the Conservatives, the NDP, and the Greens are the key contenders today. Within Quebec, the Bloc is the dominant party, with the others competing for the remaining seats and votes.

Stephen Harper's Conservatives were not the Progressive Conservatives of the past. They had a harder edge to them, closer in many ways to American Republicans.

THE DECLINE OF THE ONCE MIGHTY LIBERAL PARTY

All this did not matter in the short run, since the Liberal Party under Jean Chrétien was able to secure a parliamentary majority between 1993 and 2004 by sweeping almost all of Ontario's seats. Eventually, leading figures on the political right, most notably Stephen Harper, were able to engineer a fusion of the Canadian Alliance and Progressive Conservatives in 2003, with Harper as the new Conservative leader. In the 2004 election, the Conservatives were able to offer a more effective challenge to the Liberals, resulting in a minority Parliament. A subsequent scandal involving the funding of federal programs in Quebec did much to undermine confidence in the minority Liberal government, resulting in its defeat in the January 2006 election.

The Conservatives only secured 36 percent of the vote federally in the 2006 election, depriving them of a parliamentary majority. They tried mightily to increase their popularity in the year and a half that followed, helped by the fact that the Liberals had chosen an uncharismatic leader. However, the October 2008 election saw the Conservatives getting 37 percent of the vote and being held once again to minority status. In this instance, the Bloc's domination in Quebec and attack on the Conservatives' cuts to cultural programs had much to do with the electoral outcome. So did an implicit unwillingness of the Canadian electorate outside Quebec to trust them with a parliamentary majority, for fear of what they might do if so empowered.

UNITY ON THE RIGHT

Stephen Harper's Conservatives were not the Progressive Conservatives of the past. They had a harder edge to them, closer in many ways to American Republicans. They contained within their ranks a hard-line fundamentalist wing, with ultra-conservative views on abortion, homosexuality, and the family. They sought closer alignment with the United States, to the detriment of a more multifaceted Canadian foreign policy. In addition, they showed little concern for the environment, for Aboriginal issues, or for the more progressive facets of Canadian social policy.

Where they could, the government showed its true colours. It attempted to

repeal the *Gun Registry Act*, passed by a previous Liberal government, by putting enormous pressure on rural Liberal and NDP members of Parliament. It withdrew government support for events like gay pride parades, cut funding to feminist and other social activist organizations, eviscerated the long form for the census, and gutted agencies like the International Center for Human Rights and Democratic Development, appointing hard-line neo-conservatives to their boards. In short, the government played to their conservative base, while doing little to broaden its support to the two-thirds of Canadians who did not share those values.

The inability of the Conservatives to achieve a parliamentary majority is one part of the story. The decline of the Liberals to an all-time low of 26 percent of popular support in the 2008 election is another. Why might this have occurred? There was the sponsorship scandal and the Gomery Inquiry of 2004–5, which revealed that key Liberal organizers in Quebec had used funds destined for federal promotion in Quebec to line their own pockets. There was a sense that the party had lost its moorings through a succession of weak leaders—Paul Martin, Stéphane Dion, and most recently Michael Ignatieff. (Martin was seen as indecisive, Dion as wooden, and Ignatieff, who had spent decades abroad, as out of touch with ordinary Canadians.) In addition, there was an incipient feeling that the Liberals had overplayed its hand as Canada's long-time governing party and deserved a spell in opposition.

THE FRAGMENTATION OF ELECTORAL POLITICS

Canada's two historically dominant parties, the Conservatives and the Liberals, together secured a little over 60 percent of the popular vote in 2008; 18 percent of the remainder went to the NDP; 10 percent to the Bloc Québécois; and 9 percent to the Greens. More recent public opinion polls show little change in the situation, with neither the Conservatives nor the Liberals approaching majority government territory.

The idea of coalition has not disappeared. Although Ignatieff has ruled out any informal arrangement with the NDP or the Greens prior to a future election, he has left the door open to discussions afterward.

The political impasse has sparked debate on two fronts. The first has been about changing the electoral system to one more closely resembling proportional representation. However, proposals along these lines, when put to electorates in provinces like British Columbia and Ontario, have gone down to defeat. Having failed at the provincial level, electoral reform at the federal level seems all the more improbable.

COALITION GOVERNMENTS: UN-CANADIAN?

A second idea that has garnered support is that of the Liberals and the NDP forming a coalition government. There was a near turn to a coalition of this kind in December 2008, shortly after the federal election of that year and the introduction of a highly polarizing fiscal update by the Conservatives. In the heated debate that surrounded this event, the Conservatives denounced the proposed coalition as illegitimate, replacing the party that had won a plurality of the votes with one that had been soundly thrashed, in alliance with socialists and with Quebec separatists. In the event, the governor general accorded Stephen Harper a prorogation of Parliament. By the time Parliament reconvened in late January, the Conservatives had substantially modified their budget proposals, and the Liberals had a new leader, Michael Ignatieff, who was less supportive of the coalition idea than his immediate predecessor, Stéphane Dion, had been.

The idea of coalition has not disappeared. Although Ignatieff has ruled out any informal arrangement with the NDP or the Greens prior to a future election, he has left the door open to discussions afterward. There have been many voices, within both the Liberal Party and the NDP, calling for some coalition arrangement. The near certainty that the Liberals by themselves will be unable to secure a majority of seats in the next election increases the prospects of such a coalition as one possible future scenario.

A lot would depend on the balance of forces at that point. Should the Liberals and the NDP between them garner more seats than the Conservatives, the possibility of coalition would immediately arise. The recent formation of a coalition between Conservatives and Liberal Democrats in Great Britain strengthens the legitimacy of such an option for Canada, whose parliamentary system is modelled on the British. Moreover, Australia has gone down a similar road in recent months, with a minority Labor government supported by a Green and several independent members of Parliament.

HOW LONG WILL MINORITY GOVERNMENTS LAST: A LONG TIME?

The new norm for Canada seems to be a fragmented party system. Something may come along to alter this, a political crisis of one kind or another, firming up support for one or the other of the Conservative or Liberal parties. An eventual redistribution of seats in the House of Commons may increase representation from the fastest-growing provinces—Ontario, Alberta, and British Columbia—at the expense of slower-growing provinces like Quebec, weakening the spoiler position of the Bloc Québécois.

The Conservatives may yet make a major breakthrough in the outer suburbs of major cities and even in a number of

Canada's fractured political culture, page 34

Manufactured ignorance: Harper, the census, social inequality

BY JANINE BRODIE

Janine Brodie holds a Canada Research Chair in Political Economy and Social Governance at the University of Alberta.

THE LONG-FORM CENSUS: AN UNLIKELY TARGET

If we are to believe our intrepid prime minister, Stephen Harper, and his resolute sidekick, Tony Clement, the long-form census was terminated in the spring of 2010 for the noblest of reasons. The minority Conservative government simply could not condone a mandatory census, which not only threatened ordinary Canadians with fines and jail time for non-compliance but also intruded far too deeply into their private affairs. Why should Canadians be forced to tell government about the number of toilets in their house? To what end? As Industry Minister Clement further explained, "the government of Canada was the heavy. We were the ones who were coercing Canadians ... on behalf of the private sector, other governments and the provinces."

The Harper government stuck to this unlikely story despite mounting evidence that its case against the long-form census had little grounding in reality and in the face of mounting opposition from an uncommonly broad spectrum of detractors. Over several decades, only a handful of Canadians had ever complained about the alleged intrusiveness of the long form, and, in recent memory, only one person had been charged for non-compliance. Moreover, Canada's chief statistician resigned his position, lest anyone conclude that the government's proposed alternative, a voluntary household survey, was a reliable substitute for the long-form census.

The government effectively conceded to this fact when, threatened by a court challenge from francophone Canadians, it abruptly placed a language skills question on the mandatory short form. Apart from this minor concession, however, the Harper government has rebuffed myriad pleas from almost 300 groups, representing virtually every sector of Canadian society, subnational governments, and prominent policy think tanks, to keep the long form.

Without knowledge of their shared plight, vulnerable groups are individualized and left alone to struggle with problems that are too often labelled as personal failings.

IGNORANCE: BAD PUBLIC POLICY

Canadians are rightly baffled about the Harper government's seemingly inexplicable determination to kill the long-form census. Why would any government prefer to govern with unreliable and inadequate data relating to the changing needs and complexion of Canadian society? What would motivate a minority government to turn its back on an uncharacteristically broad coalition of business, governmental, research, and civil society organizations, which is adamant that the scrapping of the long form is a bad idea and bad public policy? The answer to these questions appears to be as unfortunate as it is cynical—a bad idea with respect to good governance might be a good idea with respect to partisan politics and, in particular, the silencing of those who would make equality-based claims in Canadian politics.

The census is a necessary mechanism both to measure our collective progress toward the goal of citizenship equality and to hold our governments accountable for systemic and unacceptable social inequalities. The census enables citizens, civil society organizations, and governments alike to track critical indicators of citizen well-being and social justice across time—among them, disparities among the rich and poor, the differently abled, Aboriginals and other Canadians, men and women, recent immigrants and native-born Canadians, and visible and non-visible minorities. As the 2006 Human Resources and Skills Development Canada (HRSDC) Equity Data Report explains, "The Census is the best source for demographic, social and economic views of Canadians. Also, it is the only reliable data source for women, Aboriginal peoples, and members of visible minorities at the detail we require."

While census data are a necessary ingredient for good social policy, they also have a critical role in breaking down barriers to full citizenship for Canada's most disadvantaged and vulnerable groups. Advances toward citizenship equality have been premised on the capacity of equality-seeking groups to make their case by demonstrating, not the least through reliable census data, that they have been systemically denied full inclusion in Canadian society, and to demand ameliorative action from their government.

The cancellation of the 2011 PALS (Participation and Activity Limitation Survey)—a post-censal survey that collects detailed information on the nature and severity of barriers that confront people with disabilities—also demonstrates that the Harper government is neither interested in identifying these barriers nor empowering disabled Canadians to seek redress. Without knowledge of their shared plight, vulnerable groups are individualized and left alone to struggle with problems that are too often labelled as personal failings. From

a strictly partisan and ideological perspective, then, the termination of the long-form census does make sense if the primary goals are to immobilize equality-seeking groups and conceal growing social inequalities. Prime Minister Harper, an economist by trade, knows this.

There are many reasons why the Harper government does not want us to know how Canadians, in all their variety, have fared through the recent recession and under Conservative stewardship.

GENDER EQUITY AND THE HARPER AGENDA

Harper's determined refusal to bend to public pressure on the census issue is intimately bound up with his government's broader and sustained assault on the very idea of social equity and citizenship equality. The Conservative government has not concealed its disdain for equality seeking as an aspiration for political activism and policy making. Harper's anti-equity campaign initially targeted the gender equity agenda, which was launched by the Royal Commission on the Status of Women 40 years ago. Since 2006, Canadians have been told in one way or another that gender equality has been achieved: to quote Bev Oda, the first in a revolving door of Harper's Ministers Responsible for the Status of Women, "this government does fundamentally believe that all women are equal."

Thus, the word equality was purged from the Status of Women mandate and website, its Independent Policy Program was abruptly terminated, and most of its regional offices were closed. Over 100 women's programs were eliminated, as was the Court Challenges Program, which provided funding for all disadvantaged groups to challenge discrimination in federal legislation. Next on the agenda was the defunding of the broad network of equity-seeking groups that have advanced equality claims in Canada.

DEFUNDING NGOs

In the last five years, Canada's equity infrastructure has been quietly and systematically razed. The list of front-line organizations that have been felled or severely debilitated by the budgetary axe is as stunning as it is reprehensible—among them are the National Action Committee on the Status of Women, National Association of Women and the Law, Canadian Research Institute for the Advancement of Women, Centre for Equality Rights in Accommodation, Conseil d'intervention pour l'accès des femmes au travail, MATCH International, International Planned Parenthood Federation, KAIROS, Ontario Association of Interval and Transition Houses, and many more organizations that have advanced the claims of the vulnerable and disadvantaged for decades.

In addition to the defunding of NGOs, the Harper government also has taken direct aim at the promise of equity. Shortly after the 2006 federal election, for example, it decided not to abide by the recommendations of the Pay Equity Working Group. Subsequently, it resisted reclassification of positions that promised to reduce gender disparities in income and status in the federal public service. The Harper government also aspires to deny public sector workers access to the Canadian Human Rights Commission (CHRC) to resolve pay equity claims. In July 2010, it launched an internal review of the *Public Service Employment Act*, months prior to a scheduled parliamentary review.

This internal review was apparently triggered by a single complainant who claimed she was denied employment because a position was reserved for qualified applicants from one of the four equity groups designated in the Act. The Senate Standing Committee on Human Rights has twice reported (2007, 2010) that the federal civil service is failing to meet its equity objectives. Minister Jason Kenney, however, has wrongly implied on several occasions that employment equity policies are in conflict with civil service merit principles. In early 2010, moreover, the Harper government closed CHRC offices in Vancouver, Toronto, and Halifax. These three offices, located in cities that host the vast majority of racialized people and recent immigrants to Canada, accounted for three-quarters of all signed complaints to the commission in 2008.

BENCHMARKING OTTAWA'S PERFORMANCE

There are many reasons why the Harper government does not want us to know how Canadians, in all their variety, have fared through the recent recession and under Conservative stewardship. The 2006 census, conducted in comparatively good economic times, revealed a number of disturbing trends that speak directly to the social equity issues—a growing income gap between rich and poor Canadians, the stagnation of the working wage, stubbornly high levels of child poverty, growing income disparities between racialized and non-racialized Canadians as well as Aboriginal and other Canadians, and ongoing pressures on Canadian families to meet their child-care needs, to name a few examples.

To be clear, the Harper government continues to rely upon, indeed flaunt, Statistics Canada data to demonstrate its sound economic management, especially in comparison with other Organisation for Economic Co-operation and Development (OECD) countries. The cancellation of the long-form census, in contrast, promises to conceal Canada's deteriorating position on many different social indices. We already know that Canada fell from 7th place in 2004 to 25th place in 2009 on the World Economic Forum Gender Gap Index. In 2010, the OECD reported that Canada

Manufactured ignorance, page 34

Conquering the urban nation

BY SIMON BLACK
AND ROGER KEIL

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THE SAME OLD SAME OLD

When Rob Ford was elected mayor of Toronto on October 25, 2010, the tables were turned on the Canadian urban political landscape. Until that time, it was inconceivable that a conservative populist would be able to engage the imagination of an urban electorate in this country. In fact, none of the big Canadian cities, regardless of whether there were parties at the local level or not, were governed by a Conservative mayor after Toronto's Mel Lastman resigned in 2003. Ford overcame this spell by beating out former Liberal provincial minister George Smitherman and NDP stalwart Joe Pantalone to win by a landslide.

Raised in a political family (his father was an Ontario Tory cabinet minister), Ford mirrors the profile of many ministers in former Ontario Premier Mike Harris's administration, which was replete with small business persons and dynastic Tories. After the Harris government amalgamated Toronto in 1998 and bled the "megacity" dry through downloading and devolution, it was common wisdom that no Conservative was electable south of Steeles Avenue. In fact, when Stephen Harper won his first minority government, he held no seats in any of Canada's big three cities, a situation that did not improve in his repeat in 2008. His program had little urban content to offer beyond a perfunctory reference to security, often a stand-in for conservative urban programmatics.

The lack of attention to urban issues is perplexing. Canada is, of course, now an urban country. Eighty percent of the country's population lives in urban areas. One in three lives in the three largest cities, Montreal, Toronto, and Vancouver. In the urbanized stretch along the US–Canadian border, rapid urbanization, strain on social services, environmental stresses, and infrastructure deficits are the daily fare of political decision-makers. The Conservative government seemed aloof to those issues at best and inimical for the most part.

> Under Harper's undoing of most of the New Deal, cities have remained subject to a structural fiscal crisis. The legacies of downloading and devolution have left municipalities cash-strapped and largely reliant on property taxes as a source of fiscal income.

CANADA'S URBAN CRISIS

Yet Conservative antipathy to the urban is not surprising given Harper's Machiavellian focus on maintaining a grip on power. In many respects, the anti-urban bias of the ruling government is bad for the economic performance of the country. Gridlocked highways and underserviced urban infrastructure dent the competitiveness of Canadian cities in a global economy where urban agglomerations have become central nodes of capital accumulation. Harper could lubricate the flows of capital and labour with significant state investment, but his dogmatic brand of neoliberalism in which less government equals more freedom eschews a more pragmatic variety of state investment, which sees such investment as key to increased global competitiveness and economic growth.

However, in true Machiavellian style, such concerns are less important in Harper's shrewd electoral calculations than pandering to particular factions of capital, which, like the oil and gas sector, provide political and financial support. The Conservatives were elected with an anti-urban coalition, not a surprise given that "red" urban Tories had been largely marginalized in a post-Reform Conservative Party of Canada with its power base in rural, small-town, and suburban areas, mostly in the West. Harper's electoral strategy was not reliant on winning seats in major cities but did retain support in urban Alberta, where resource-led growth dominates the economy. Since elected, Harper's attention to the urban has been limited to massive support for mega-events such as the G20, though arguably the G20 publicity disaster may have been counterproductive to the Tories' staged performative strategy.

THIRD-WAY NEOLIBERALISM

Undoubtedly, Harper's principal urban legacy thus far has been undoing the New Deal for Cities and with it, the Paul Martin Liberal's limited progress on urban issues (including a Cities Secretariat in the Privy Council Office). While the full rebate of GST paid by municipalities and a transfer share of the federal gas tax remain, the New Deal established a federal presence in urban Canada. This opened a window of opportunity for cities and provinces to build a pan-Canadian urban strategy around associational governance, an innovation agenda, social and physical infrastructure renewal, and human capital development. However limited in its potential to rebuild social citizenship, based on principles of universality and social justice, this third-way neoliberalism represented a more progressive vision than Harper's anti-urban politics. The New Deal for Cities also opened space for

new claims making by civil society groups organized around urban issues such as homelessness, affordable housing, and poverty reduction.

Under Harper's undoing of most of the New Deal, cities have remained subject to a structural fiscal crisis. The legacies of downloading and devolution have left municipalities cash-strapped and largely reliant on property taxes as a source of fiscal income. As the recent election in Toronto demonstrated, governments that try to break out of the neoliberal straitjacket by introducing new taxes can face tax revolts and a right-wing backlash, which plays into Harper's politics and builds a populist urban base the federal Conservatives could capitalize on come election time.

In this, Harper's anti-urbanism is itself an urban political strategy. The fiscal crises of municipalities provide the political environment in which neoliberal common sense can flourish. Ideas that occupied the fringes of urban political discourse move to the centre as contracting out garbage collection, introducing user fees, privatizing facilities, and expanding for-profit daycare centres with public subsidies, etc. become reasonable responses to strained budgets and a frustrated citizenry.

Harper's urban neglect has been particularly pronounced in the area of social policy, yet, apart from the New Deal aberration, this approach is as much a continuation of the federal Liberal legacies of the 1990s as it is a new path. Federal withdrawal from the social field has been highly problematic for Canadian cities. Cities and provinces are trying to contain these pressures through a rollout of targeted social services, investments in human capital development, and poverty management strategies. With socio-spatial polarization, increased inequality, intensifying poverty, homelessness, and the expansion of precarious employment, the fiscal burden on municipalities is tremendous.

MAKING MATTERS WORSE

Harper has further exacerbated these problems, not only by killing the New Deal, but also by attacking progressive urban initiatives like Vancouver's safe injection site, which sought to popularize a harm-reduction approach to drug use and public health. In the area of child care, the Martin Liberal's Foundations program saw cities playing a key role in service design and delivery in a national early-childhood program. Harper cancelled the initiative in 2006, introduced the universal child care benefit to replace it, and cut out cities altogether. In addition, Harper's campaign against the Status of Women Canada has had direct urban consequences, closing 12 of 16 regional offices and cutting funds to women's NGOs, which both advocate and provide services such as rape crisis centres. On crime, Harper ignored the big-city mayors' call for a ban on handguns (led by Toronto's then mayor David Miller), while the government's recent sentencing reforms stand to negatively affect marginalized populations.

If Harper can lose his rural and Western bias and steal a page from Rob Ford's book, he could form a majority.

Cities had a central place in the stimulus program, which was acknowledged by Harper in a speech to the Federation of Canadian Municipalities. However, the premature end to stimulus spending and the introduction of austerity measures signals that the federal–urban partnership was a one-off necessity and not the resurrection of the New Deal.

Philosophically, Harper is committed to "open federalism" and a respect for the constitutional jurisdiction that provinces have over cities. "Open federalism" facilitates the neoliberal project through place-based competition (province vs. province and city-region vs. city-region). While the Harper government may address certain urban issues of federal jurisdiction, such as immigration settlement, it will do so in ways that see limited federal intervention into provincial/municipal spheres of governance. We can be sure that, unlike the New Deal, under Harper's watch there will be no exercise of the federal spending power to benefit cities. Harper has stated publicly, "Ottawa has stuck its nose into provincial and local matters into areas where they didn't have much expertise" (Prime Minister Harper, Federation of Canadian Municipalities, June 2, 2006).

HARPER'S ELECTORAL GAMBLE

So what does the Ford victory in Toronto mean for Harper? Mike Harris and his former (and Harper's current) Finance Minister (and Ford "family friend") Jim Flaherty were among the 5,000 or so revellers who feted the new Toronto mayor on election night. If Harper can lose his rural and Western bias and steal a page from Rob Ford's book, he could form a majority. Especially if gains are made in suburban Ontario, in the soft edge of Toronto—both in the older suburbs and the 905 exurban regions around the city—as well as in suburban Quebec. In the 905 regions, the signs already point in this direction since Julian Fantino, a law-and-order conservative and former police chief in both Toronto and Ontario, won a prized Liberal stronghold in Vaughan, "the city above Toronto."

As for the city itself, the futility of past Conservative campaigns seems to make way for new hope for the provincial and federal Conservatives in the wake of the Ford electoral juggernaut. While Rob Ford's brother Doug has just been elected city councillor in Ford's old district, one of Ford's former mayoral competitors, Rocco Rossi, has already signed up with PC leader Tim Hudak's team in the Toronto riding of Eglinton-Lawrence for Ontario's forthcoming election campaign. Looking more closely at Ford's emerging administration after a little more than 100 days betrays some uncanny similarities with the way Harper

Conquering the urban nation, page 34

Conquering the urban nation continued from page 33

does things in Ottawa. While Ford pretends to want to run Toronto in executive style like long-time conservative mayor Hazel McCallion's Mississauga, his brother Doug fantasizes about the Chicago model of strong mayoral politics.

HARDBALL POLITICS: PLAYING FOR KEEPS

In true Harperian style, the big and potentially most controversial files, such as the subway extension instead of the light-rail-oriented Transit City plan or the proposal to privatize garbage collection, are handled on a short leash directly by the Ford brothers. In addition, reminiscent of how the Ottawa press corps has dealt with the prime minister, many pundits have played the role of embedded journalists in a war against all things Miller and all things progressive. With Sue-Ann Levy of the Toronto Sun leading the charge, other influential writers like Royson James have all but abdicated their fourth-estate prerogative of critical interrogation of power.

In true Harperian style, the big and potentially most controversial files, such as the subway extension instead of the light-rail-oriented Transit City plan or the proposal to privatize garbage collection, are handled on a short leash directly by the Ford brothers.

Harper has played high-stakes poker throughout most of his two terms as minority leader of Canada. He may soon be able to see a payoff when he carries the Conservative standard down Yonge Street. Yet, things may all turn out differently.

The Harper-Hudak-Ford triumvirate may be just a Conservative pipe dream. We could, instead, end up with another and perhaps weaker Harper majority, a failed run to conquer Queen's Park by Hudak, and a lame-duck Mayor Ford who might stumble over a botched transit proposal, intentional union-busting privatization plans, and make-rich programs for his friends in private business. Harper could lose his gamble for the urban voter and drag his provincial and municipal counterparts down with him. The fate of this scenario is highly dependent on whether the Liberals will (re)articulate an urban vision that moves beyond narrow anti-tax sentiments to address Canada's urban crisis, and whether a fickle electorate will buy into a more progressive urbanity than that symbolized by the politics of Ford and Harper.

Canada's fractured political culture continued from page 29

urban seats, where they have been honing their appeal to ethnic voters. Or the Liberals may eventually begin to regain some of the support they have bled to the NDP or the Greens. However, all this is for the future. As long as the Bloc Québécois can successfully mobilize Quebec nationalist support, minority Parliaments will remain the norm in our multinational federation. Canadians who are centre or left-of-centre in their inclinations will, for the time being, have to continue to rely on the Bloc to shield them from the full impact of a potential majority Conservative government.

Manufactured ignorance continued from page 31

ranked 27th out of 30 OECD countries with respect to gender pay gaps. Similarly, Canada has plunged from 4th to 9th place among 14 comparable OECD countries on the UN Human Development Index. Canada now ranks dead last among 25 OECD countries with respect to early child care and development. This year, moreover, the UN Human Rights Council urged Ottawa to address the growing disparities between minority groups and their mainstream counterparts in education, employment, income, housing, and political participation.

There is little doubt that the strategists in the Prime Minister's Office had already suspected that the 2011 long-form census would reveal to all Canadians and the world an increasingly frayed and inequitable social fabric. Canadians have a right to know whether social disparities are growing and among which groups. Like the proverbial three monkeys that can neither see, hear, nor say evil, the cancellation of the long-form census is a cynical partisan ploy that seeks to entrench a climate of indifference to social inequalities and to effective social policies to combat them. This is a manufactured ignorance in the making, which, if met with silence and without solidarity, diminishes us all.

The revolution of the night watchman

BY ERROL MENDES

Errol Mendes is a professor in the Faculty of Law at the University of Ottawa and a former senior adviser of the Privy Council of Canada.

WOOING QUEBEC: JUST FOLLOW THE MONEY

In the 2006 federal election, in an effort to gain more Quebec seats, Stephen Harper campaigned in that province with the promise to "limit the spending power that the Liberals have so badly abused." Once elected, Prime Minister Harper did not immediately follow up on this promise; however, this campaigning in the federal election opened the door for Quebec Premier Jean Charest, after the rise of Prime Minister Harper, to call for the creation of a Charter to limit the federal spending power.

In contrast, after the February 2007 federal budget and the subsequent provincial election in Quebec, the Conservative government in Ottawa seemed unconcerned about whether federal tax dollars going into equalization payments to Quebec were properly used or not. Finance Minister Jim Flaherty gave Quebec an additional $2.3 billion in equalization payments for the 2007–8 fiscal year, including $700 million in equalization adjustment. These payments did not have conditions or other strings attached to them, in contrast to what Harper called the "outrageous spending power" of the Liberals. Equalization payments are primarily intended under s. 36(2) of the *Constitution Act, 1982* to "ensure that provincial governments have sufficient revenues to provide reasonable comparable levels of public services at reasonably comparable levels of taxation."

HANDS-OFF EQUALIZATION PAYMENTS

To the astonishment of many, including large parts of the electorate in Quebec, Premier Charest committed these funds to a tax cut if he won re-election, rather than investment in the critical needs of the social services in the province, such as higher education and health care. Such federal acquiescence in the abuse of equalization payments has the potential to turn the federal government into a postal service for the transfer of federal funds. One Quebec commentator suggested that this seemed a variation of bribing the electorate with their own money. It was an attempt to bribe them with other people's (in this case, other provinces') money.

> The night watchman promotes a minimal role for the state in a free society, which is protecting the liberty of citizens.

Indeed, the Harper government's real agenda may be a slow suffocation of the spending power by making sure that there is not very much money to spend. Proof of this agenda comes from one of Harper's main ideological mentors. Tom Flanagan, who was the Conservative Party's campaign chair for the 2004 election and former chief of staff to Harper, is reported as stating that tightening the screws on the federal government would leave more money in the taxpayer's pocket and make it harder for the federal government to spend.

DESTROY THE OPPOSITION POLITICS

This silent or hidden agenda has been accomplished through three Conservatives budgets. At the same time, the Conservatives are among the most profligate spenders in recent years. This spending has been in key areas that are crucial to what I call the revolution of the night watchman. Harper has imported this revolution from the United States and the hard-right, Republican "destroy the enemy" politics. The night watchman part is a legacy of the 19th century—what some term "minarchist libertarianism." Theorists include Herbert Spencer, Friedrick Hayek, Ayn Rand, and modern-day promoters Robert Nozick and Milton Friedman.

The night watchman promotes a minimal role for the state in a free society, which is protecting the liberty of citizens. This would include being seen as rigorously protecting citizens from crime (even if the crime rate is falling—in order to keep voters fearful of crime), and being seen as protecting the citizens from foreign aggression (even if there are no real discernible threats). In this fashion, Harper's focus on mandatory minimum sentences may seem irrational in light of the falling crime rate and warehouse prisons may seem to hold the potential to become massive schools for crime, but the legislation is very rational in the context of creating the minimal state. In a similar fashion, spending on unnecessary fighter jets also seems irrational. However, it is a critical step on the path to the minimal state where the federal treasury has little capacity beyond the cherished areas of the night watchman.

THE LONG ARM OF THE REVOLUTION SO FAR

The revolution may be substantially accomplished due to the following actions by the Harper night watchman:

1. Massive military spending—including the possibly unnecessary fighter jets, whose real costs could spiral up to almost $30 billion, according to the Parliamentary Budget Office. This is almost double the estimate provided by the Harper government.

The revolution of the night watchman, page 36

The revolution of the night watchman continued from page 35

2. Crime and justice initiatives that will result in major expenditures on prison expansions, new prisons, and the hiring of thousands of new personnel to staff these warehouses of prisoners. The Parliamentary Budget Officer estimated that these mega-prisons could cost from $10 to $13 billion over five years.
3. Wedge politics tax measures designed to bring more of the electorate into the camp of the night watchman. Wedge politics spending deliberately undermines national programs that could be funded by the federal spending power. The classic example is the "universal child care" program. The $100 per month benefit offers a totally illusory choice to parents in child care; in reality, the payment prevents a national daycare program from being financially feasible. Other examples are the children's fitness tax credit and the tax-free savings account introduced in the 2008 budget.
4. Perhaps the most devastating action to those who oppose the revolution of the night watchman was the reduction of GST—one of the most important sources of revenue for the federal spending power—from 7 percent to 5 percent. The 2 percent GST cut will reduce the federal purse by over $76 billion in lost revenue between 2008 and 2013—the budgetary amounts and period that would be needed to establish many shared-cost programs such as the national daycare program.
5. In addition, the most recent cuts to the corporate tax rate—even though compared with those of the United States and Europe, Canada's corporate tax rates were among the lowest—has meant that the empty federal coffers will be a permanent obstacle to future, national cost-shared programs with the provinces such as daycare or pharmacare. The rates are planned to be reduced to 15 percent from 19 percent in 2011. This again would result in a cumulative loss of $60 billion in federal revenues.

> The first step is to eliminate … opposition to the minimalist state agenda.

Under Harper's night watchman revolution, the Canadian budget has fallen from a surplus of $13 billion in 2007 to an estimated deficit of $39.5 billion for this fiscal year. While much of this deficit was stimulus spending to offset the impact of the global economic crisis, the restraining power on federal spending plays magnificently into the Canadian night watchman's agenda.

Flanagan has been quoted as stating that through this dismantling of federal revenue capacity, the Harper Conservatives have "gradually re-engineered the system. I'm quite impressed with it. ... They're boxing in the ability of the federal government to come up with new program ideas. ... The federal government is now more constrained, the provinces have more revenue, and conservatives should be happy." Flanagan seems particularly proud that the Harper government has achieved this killing of the federal spending power quietly and without any backlash.

GOVERNMENT ON A CHOKE CHAIN AND THE NEW POLITICAL LANDSCAPE

This quiet death of the federal spending power also places opposition parties in a straitjacket regarding any promises to resurrect federal spending in areas of joint or provincial jurisdiction such as pharmacare, child care, or spending to improve the conditions in First Nations communities (for instance, the Kelowna Accord). This realization has forced the Liberal opposition to take a stand on corporate tax rates and even propose to raise them to pre-night watchman levels.

While Canadians have indeed been bribed with their own money in the areas described above, the night watchman revolution has been camouflaged while Harper has sought to create a greater voting bloc in the goal of attaining the majority, which will finally complete the revolution. The first step is to eliminate the main opposition to the minimalist state agenda; then the Liberal Party of Canada through vicious attack ads, and finally, public funding for all parties. When completed, Canadians may have a completely different country from the one their ancestors contemplated.

A distinguishing feature of Canada since its inception as a federal state has been the concern that while the autonomy of different levels of government is a fundamental principle, the unifying role of federal government to promote a common citizenship is also of paramount importance. This role of the federal government and Parliament—that citizenship means caring about the quality of life and social opportunities of Canadians wherever they may reside in this vast country—became critical in the aftermath of the Great Depression and the period after the Second World War. These fundamental principles and exigencies of Canadian federalism were supposed to bind the country as much as the national railway and other symbols of nationhood. The ability of national governments to utilize a spending power is not foreign to federations around the world. The idea that drives this national ethic of sharing and caring is that, without a social union of citizens, the sustainability of a political and economic union is endangered, as we see in trouble spots around the world. The Harper night watchman assault on the spending power not only could well result in the formal surrender of the federal government's ability to reinforce the social union for new nationwide shared-cost programs; it could also undermine perhaps the most treasured social union achievement of Canada—the universally administered and accessible health-care system.

The Harper government's communication strategy: The message, the message, the message

REVOLUTION BY STEALTH

If the hallmark of revolution is fundamental change in political values or governing institutions, then the Harper government's communication strategy can reasonably be characterized as revolution by stealth or incremental revolution.

In their drive to rid Ottawa of what they regard as a pervasive Liberal/liberal culture, the Harper team has also, perhaps as a side effect, undermined long-established parliamentary practices and advanced the trend toward executive dominance in Canada, weakening the checks and balances in the system. As self-defined outsiders, who felt disrespected in Ottawa, the key people in the Prime Minister's Office apparently feel no allegiance to understandings they had never been party to.

A key element in the strategy for change has been effective control of government messaging. While certainly aimed at retaining and consolidating Conservative party control of the federal government, the communication strategy also reflects longer-term objectives. These appear to include: (1) cleansing federal institutions of what Conservatives regard as deeply embedded Liberal/liberal values; (2) eroding the Pearsonian consensus that underlies the Canadian welfare state; and (3) attacking the independence of government institutions that threaten the imperial (or presidential) prime minister. There is nothing very secret about the overall strategy and it helps make sense of what appear to be tactical lapses when viewed through an electoral lens.

TACTICS: REIGNING IN GOVERNMENT AGENCIES

Policies and practices that seem to make no sense in tactical terms may reflect the longer-term agenda. The most obvious example is the decision to make the long-form census voluntary. Commentators have variously interpreted this action as a gesture to the Conservative party's libertarian wing or as a plot to dilute the data needed for an effective welfare state. It seems more likely that it was designed to undermine the independent status of Statistics Canada, independent by convention and not by law.

BY FRED FLETCHER

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Policies and practices that seem to make no sense in tactical terms may reflect the longer-term agenda.

From this perspective, the decision was part of a campaign to control government messaging by weakening the independence of government agencies that provide information or oversight independent of the government of the day. In its edition of January 15, 2011, the *Toronto Star* identified eight agency heads replaced by the Harper government. Others, like the chief electoral officer, were the subject of public attacks, a violation of the convention that public servants were not to be criticized for partisan ends. Any official who came to office when Liberal governments were in power seemed to be suspect, regardless of credentials.

The Harper communication strategy is novel not only in substance but also in tone and process. The tone is ultra-partisan, displaying in particular a distrust of the Liberal Party. The process involves several key elements: very tight central control of government information (exemplified by the Message Event Proposal system, instituted in 2007); a general failure to distinguish government and party-related messages; attempts to intimidate independent watchdog agencies; interference with the access-to-information system; and extensive use of centrally drafted "talking points" for both government and party messaging, including orchestrated interventions by party supporters on call-in shows and online commentary sites. The highly partisan tone and the questioning of the motives of party leaders in a variety of forms, including recent pre-writ advertising, also pushes the conventional boundaries of political discourse. The Harper team apparently sees no reason to treat opposition MPs as "honourable members," as *Globe and Mail* public affairs columnist Lawrence Martin put it recently, regardless of parliamentary tradition.

PUSHING BOUNDARIES: REDEFINING POLITICAL CULTURE

In pursuit of both short-term tactical advantage and longer-term change, the Harper government has repeatedly overridden established conventions of the Canadian parliamentary system. Like other Westminster parliamentary systems, the Canadian variant does not have written rules on such fundamental issues as the formation of governments after an election, nor on some aspects of when Parliament may be prorogued or dissolved and an election called. As Peter Russell, quoted in *Walrus* (March 2011,

The message, page 38

 continued from page 37

p. 30), has put it, "these matters are supposedly governed by unwritten constitutional conventions based on political consensus—a consensus that has broken down in Canada."

The consensus that supports these conventions, as well as others that establish limits of acceptable political discourse, is not so much a public consensus as an understanding among key political actors that accepting some limits on political action is necessary for the functioning and long-term survival of the system. When one actor in the system violates these understandings, the only effective sanction is loss of public support. To put it another way, when conventions are involved, a government can do whatever it can get away with.

From this perspective, an effective communication strategy is an important part of the process of structural change. If there is little or no public outrage, a convention abrogated will be a convention abandoned. In the contest for public support, the Harper government has won more times than it has lost.

DEMONIZING COALITION GOVERNMENTS

The one clear win for the Harper government's communication strategy is the demonization of coalition governments, having successfully exploited the ill-advised Liberal–NDP coalition (with BQ support) proposal in 2008. Conservative ads and spokespersons denounced the coalition as a plot to overthrow the duly elected government. Although public opinion seems uncertain about coalitions, the Conservative strategy has at least made many voters nervous about them.

While the specific concern about coalitions may not last, given that most of the 55 parliamentary systems in the world are often governed by formal coalitions or party alliances, the shift in how the public views parliamentary government may have more staying power.

In response to the coalition in the United Kingdom, the Conservative talking points have put forward a new convention: that only the "winning party" can legitimately lead a coalition. Prime Minister Harper himself has used this winner–loser locution several times. By winner, he seems to mean the party that wins the most seats in the House of Commons, since the Conservative received only 38 percent of the popular vote in 2008. The argument appears to be that the only way for a coalition or alliance of other parties to form a government, even with the confidence of the House, would be to overturn what the Conservative communication machine presented as the expressed will of the voters. The effectiveness of this strategy is supported in part by an Ipsos Reid poll for the Dominion Institute, released in December 2008, in which 51 percent of a national sample believe that the prime minister is directly elected by the voters. This finding was interpreted as demonstrating public ignorance of the parliamentary system, but it can also be seen as a reflection of what voters thought they were doing when they cast their ballots, an indication of a movement toward executive dominance.

[T]he online-organized public outcry may have ensured that prorogation in the face of a united opposition in the House of Commons will not be so easy in future.

EXECUTIVE DOMINANCE

The effect of Harper's institutional creep is to turn the House of Commons into an electoral college and the gaining of a plurality of seats into a mandate to form a government. It is part of the general trend over the past several governments toward executive dominance—an emerging presidential system without most of the checks and balances. The convention in Westminster parliaments is that the government must have the support of a majority in the House, regardless of party label.

The prorogation of Parliament in 2008, with an implied threat of a public attack on the governor general if the adjournment was not granted, may have been a desperate tactical gamble but, like the attacks on parliamentary oversight of government, it reflected a kind of contempt for Parliament. In this case, however, the online-organized public outcry may have ensured that prorogation in the face of a united opposition in the House of Commons will not be so easy in future.

LOST CONFIDENCE: A TURNING POINT

Nevertheless, the Conservative party actually made gains in 2008, despite the fact that the prime minister had violated the spirit of his fixed-date election legislation, advancing the argument that an election was required because the House of Commons had become dysfunctional. This was a dramatic reversal of the central tenet of responsible government. The election was called not because the House had lost confidence in the government but because the government had lost confidence in the House. This argument was not, it seems, decisively rejected by voters.

The prime minister took this view, he now says, not only because the government's legislation was not being passed as quickly as he wanted, but also because the level of rancour in Parliament was at a high level. In most minority situations, the government reaches out to the opposition parties and seeks to find enough common ground to get legislation passed. This has been done

The message, page 43

Politics of immigration and the controversial refugee reforms

BY LIETTE GILBERT

Liette Gilbert is a professor in the Faculty of Environmental Studies at York University.

STRICTER MIGRATION ENFORCEMENT

Conservatives have stepped up immigration enforcement and refugee admissibility by "playing tough" on the alleged abuse of Canadian generosity. Stephen Harper's government has restricted programs, reformed laws, and introduced stricter control schemes and penalties for infringements to immigration and refugee laws. Legislative changes have given greater discretionary powers to the minister and officers of citizenship, immigration, and multiculturalism to select, limit, and fast-track new immigration applications for those deemed desirable migrants—and consequently to hinder and deny consideration for undesirable others.

New visa requirements, lifts on the removal moratorium, workplace raids, cuts to service organizations and family reunification programs, and anti-smuggling legislation that penalizes the smuggled rather than smugglers have been among the most recent priorities of the Harper government. Conservatives also defended policies justifying security certificates and rendition to torture. Temporary migrant programs have been extended from agriculture to the construction and tourism sectors. Canada, in its increasing self-indulgent generosity, now welcomes about four times more temporary residents than permanent residents. These measures and trends have squeezed particular migrants out of the legal and permanent provisions of immigration laws as they have been rendered inadmissible and "illegal." Bill C-11, also known as the *Balanced Refugee Reform Act*, now officially extends the discourses of illegality and criminality to refugee claimants by legislating the discretionary power of the minister to develop a list of designated "(un)safe" countries of origin dictating the (in) admissibility and meanings of desirable and undesirable refugees.

Who, after years of public discourse about the broken refugee system, would not favour a faster and fairer determination process?

THE REFUGEE REFORM ACT

In recent years, Canada's refugee system has balanced an international reputation for generosity with a national discourse of "broken system." The *Balanced Refugee Reform Act* of 2010 is characterized by a dualistic and moralistic discourse opposing generosity and illegality. Despite the numerous critiques of immigration and refugee advocates, the Act was accepted as a compromise by many sides of the political spectrum, opposition parties included. Who, after years of public discourse about the broken refugee system, would not favour a faster and fairer determination process?

The positive changes in the Act are mostly limited to repairing the current procedural inefficiencies and structural apathy. Such is the case for the overdue implementation of the Appeal Division by 2012—initially part of the 2001 *Immigration and Refugee Protection Act* that was never delivered. Newly appointed public servants are slowly tackling the estimated backlog of 60,000 applications. A timid budgetary increase (the first in ten years) and a small expansion of resettled refugees (predominantly associated with private sponsorships) are cause for brief excitement. Timelines expediting the refugee determination process have been (unrealistically) shortened, but rights to representation and appeal provisions on humanitarian and compassionate grounds have been seriously eroded.

The Minister of Citizenship, Immigration, and Multiculturalism, Jason Kenney, proudly spoke of the achieved amendments on procedural reforms as the result of the "remarkable spirit of cooperation," which led to the legislation. Refugee advocates, however, deplored the sparse consultation and its associated non-disclosure condition. In spite of the critiques, the Act appears to assuage both public opinion and political powers, bolstering the urgency for expeditious and fair policy reform. However, the most serious and unpredictable provision of the Act remains the unprecedented concentration of discretionary power in the hands of the Minister of Citizenship, Immigration, and Multiculturalism—especially in light of the current minister's hortatory language and prejudicial rhetoric about bogus refugee claimants.

BOGUS REFUGEE CLAIMANTS

Prime Minister Harper and Minister Kenney have unfailingly and openly condemned so-called bogus refugee claimants. From US war resisters to Mexican and Roma refugee claimants, Harper and Kenney have reiterated the presumption that alleged "bogus refugee claimants" enter the country "illegally," "jump the immigration queue," and clog up the system by adding to the alarming backlog. Kenney repeatedly associated "real" refugee claimants as being overseas in refugee camps while labelling claimants at port of entry as "fake," and consequently less worthy or even unworthy of protection. Kenney unambiguously suggested that port-of-entry refugee

Politics of immigration, page 40

Politics of immigration continued from page 39

claimants are fraudulent and opportunistic asylum seekers. He then indiscriminately enacted travel visa requirements on Mexico and the Czech Republic in order to deter "bogus" refugee applications.

Harper defended his minister's visa requirements and the need to maintain such measures until refugee reform fully becomes law. Their rhetoric is, however, denounced by immigration and refugee advocates as political interference and as prejudicial to the Immigration and Refugee Board of Canada, the independent administrative tribunal that high-placed officials would normally be expected to defend rather than undermine. For many, the imposition of visa requirements was seen simply as a national embarrassment that revealed the Conservatives' "tough generosity."

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IS THE REFUGEE SYSTEM BROKEN?

Harper and Kenney have both mastered the neoliberal doublespeak, switching from pre-emptively identifying bona fide refugees and criminalizing the others, to claiming that the Canadian refugee determination system is generous yet broken. They contend that the system has been rendered inefficient by the Canadian legislative system, pointing particularly to the 1982 Canadian *Charter of Rights and Freedoms* and the 1985 *Singh v. Minister of Employment and Immigration* landmark decision by the Supreme Court. Paradoxically, it was the *Singh* decision that led to the creation of the current Immigration and Refugee Board and entitled refugee claimants to an oral hearing in accordance with international law. In other words, the *Singh* decision ensured the right of refugee claimants in Canada to life, liberty, and security of the person.

Conservative politicians, especially those with roots in the defunct extreme-right Reform Party and its successor, the Canadian Alliance with Harper and Kenney leading the crusade—have consistently cried their dislike of the 1985 court decision. For them, the extension of the protection of the *Charter of Rights and Freedoms* to refugee claimants resulted in excessive provisions and delays. Hence, following the events of 9/11, Kenney advocated overriding the *Singh* decision and detaining all undocumented arrivals until their identity was verified. Already then, Kenney defended the need for a refugee system that assists "legitimate" refugees rather than the assumed lawbreakers and queue-jumpers.

As they did in the United States, the events of September 2001 provided an astonishing opportunity and justification for conservatives in Canada to conflate immigrant/refugee control and security/risk management. Under this new regime of control, immigration and refugee regulation has been more exclusionist—that is more preoccupied with defining who should be allowed into Canada by keeping out those deemed "undesirable."

THE REFUGEE CLAIMANT U-TURN

Nowhere is that exclusionary shift more apparent than in the *Balanced Refugee Reform Act*. The problem with ministerial power to determine allegedly "safe" countries is that such an approach infringes on international law that requires individual (rather than collective/national) assessment of protection needs. By moralizing the politics of risk, in the name of national security, fiscal responsibility, and accountability to stand up to the abuse of Canadian generosity, the Conservatives directly curtail the rights of refugee claimants from alleged "safe" countries by attempting to dissociate refugee rights from the most basic human rights. No matter how much procedural reform is proposed, by questioning the legitimacy of refugee claimants, deterring claims through visa requirements, and designating safe countries, thus pre-empting due process, Kenney and Harper have eroded human rights provisions in the immigration and refugee system.

Therefore, what is presented as "balanced" reform is actually quite fundamentally biased—Harper and Kenney will have more discretionary power while allegedly "safe" refugee claimants will have fewer rights. Although discretionary authority has always been part of the immigration and refugee control regime, this additional discretion inevitably exerts further political tension on a system already subject to neoliberal market efficiencies and exclusionist policies. In the unstable context of a minority government, it might be politically less hazardous to blame a few refugees for breaking the system than it is to mend the system. This is particularly so when the rhetorical spin benefits from a vigorous narrative in the United States of security and the criminalization of immigrants.

Moreover, in the current political context, where none of the parties dare to take a strong position on immigration/refugee policies, the targeting of "illegals" and "bogus" claimants as undesirables that place national institutions and economies at risk, justifies a wide range of punitive and pre-emptive actions to mend the "broken system." Ultimately, such a restrictive approach does not make Canada any safer; it just creates vulnerability, unpredictability, and insecurity, which can later be used to opportunely construct an immigration and refugee crisis.

Tough on crime, big on prisons

CRIME RATES ARE FALLING

In order to win support for the "tough on crime" agenda, the Conservatives have to ensure that fear of crime does not wane. However, the rate of violent and non-violent crime has been falling in Canada since the early 1990s.

Stockwell Day, the Minister of Public Safety, announced that unreported crime was rising; however, he could not explain how he had discovered the numbers on unreported crimes.

A Conservative party supporter, who had worked as an adviser to Stockwell Day, recently produced a study that questioned the validity of Statistics Canada's findings that crime rates were falling. Leading criminologists immediately denounced the methodology of this study.

THE US MODEL

Harper has followed the example of the United States. He has learned that if you wish to pretend to be tough on crime, it is not necessary to have the facts or do proper studies. It is only necessary to keep promoting the idea that there is a terrible crime problem and that people should be scared. This is the soil in which the United States managed to grow a prison population of over two million and achieve first place in the "world highest rate of incarceration" contest. This achievement seems to impress Stephen Harper, who follows all the latest ideas developed by the "tough on crime" leaders south of the border.

The fact is that states such as California are facing bankruptcy. They are realizing that they cannot afford to imprison so many of their citizens and are finding ways to release prisoners and abandon some "tough on crime" policies. By contrast, Harper plans to produce more prisons and more prisoners to fill them.

Learn more about *Canada Watch* and the Robarts Centre for Canadian Studies at **www.yorku.ca/robarts**

BY ROBERT KELLERMAN

Robert Kellerman practised criminal law in Toronto. He is a co-founder of the Law Union of Ontario and is well known for his work as a social justice lawyer.

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SENTENCING REFORM BEFORE THE CONSERVATIVES

In Canada, the federal government writes criminal law. The former Liberal government had made major changes to the criminal law aimed at both adults and youth. These changes placed a great emphasis on reducing the use of incarceration and the use of incarceration reflected more enlightened views about what works and what doesn't work in terms of deterring crime and reforming behaviour.

IMPLEMENTING THE "TOUGH ON CRIME" AGENDA

The Conservatives have passed many pieces of "tough on crime" legislation. Some of this legislation will have a serious impact on the number of people that will be imprisoned and on the length of sentences that will be served. Some of the changes in the law are clearly cosmetic, intended to allow the Conservatives to look tough.

However, slowly but surely the law is being changed to undo what the Liberals had tried to do in terms of reducing the use of imprisonment. The result will be thousands of people unnecessarily imprisoned and subjected to the cruelty of the so-called correctional facilities, or penitentiaries.

Here are some examples of "tough on crime" legislation.

Conditional Sentences

The conditional sentence was introduced by the Liberal government in 1992 in order to provide a sentence that was more severe than probation, but less severe than imprisonment. An offender sentenced to a conditional sentence serves the sentence in the community unless he or she breaches one of the conditions imposed by the court. The conditions can be very strict and usually contain a period of house arrest as well as a community service order, curfews, treatment, etc. A breach of any condition can lead to the judge ordering that the offender serve the remainder of the sentence in custody.

The Harper government has moved to restrict the availability of this type of sentence by creating a long list of offences where the conditional sentences are not an option for the sentencing judge.

What Is Accomplished by These Amendments?

The clear motive behind the changes was to cut off the possibility of people avoiding imprisonment. Another motive, though, was to tie the hands of the judges. The Harper government does not trust most of them. In their view, the judges are "soft on crime." The simple solution is to remove the discretion of the judges so that they are forced to sentence people to imprisonment even when they feel it is inappropriate to do so.

Tough on crime, big on prisons, page 42

Tough on crime, big on prisons continued from page 41

The explanation provided by the government for severely restricting the availability of the conditional sentence is that these offences "deserve jail"—end of story. The effect of this change is that more people will be sentenced to imprisonment and the prisons will be more crowded.

In the parliamentary hearings concerning minimum sentences, they heard submissions from numerous experts that questioned the wisdom of such measures, and they ignored them. The Conservatives have either increased minimum sentences or created new ones with respect to 19 different offences.

Mandatory Minimum Sentences

More than 40 offences now carry a minimum penalty, and minimum penalties mean more people go to jail. They remove the discretion of judges to determine the appropriate penalties.

The rationale for mandatory minimum sentences has usually been that the minimum sentence is necessary to deter those who might contemplate committing the offence. Criminologists have done a great deal of work investigating the question of when deterrence works, when it does not, and whether increasing penalties for particular types of offences will make any difference in terms of deterrence. In general, mandatory sentences do not deter.

It is clear that the results of these studies are not of interest to the Harper government. In the parliamentary hearings concerning minimum sentences, they heard submissions from numerous experts that questioned the wisdom of such measures, and they ignored them. The Conservatives have either increased minimum sentences or created new ones with respect to 19 different offences.

The "Truth in Sentencing" Act —The Removal of "Two for One" in Sentencing

It has been standard practice for judges to grant two days' credit for each day of pre-trial custody served by an offender. Borrowing language from the "tough on crime" movement in the United States, the Conservatives moved to eliminate this long-standing sentencing practice.

There was no lack of transparency in this sentencing practice. The judges were not doing this in secret and case law clearly articulated the rationale. The Supreme Court of Canada had endorsed the practice as a way of achieving fairness in sentencing. The practice was developed to avoid unfairness caused by the laws governing parole and the oppressive conditions faced by those detained in lock-ups awaiting trial.

The government chose not to understand this rationale, and the Conservatives once again passed legislation that removed the discretion of judges to sentence properly. A more honest title for this act would have been the "Eliminating Fairness in Sentencing Act."

Abolition of the Faint Hope Clause

In February of this year, the Conservatives passed legislation designed to abolish the "faint hope clause." The aptly named clause provided only a very faint hope to a person convicted of murder that his or her parole eligibility date might be moved forward.

Offenders convicted of first-degree murder are sentenced to life and cannot apply for parole until they have served 25 years. Offenders convicted of second-degree murder also are sentenced to life and may have their parole eligibility date set at any number between 10 and 25 years. The law allowed prisoners to apply only after they had already served 15 years.

The application for parole is first screened by a judge who decides whether there is some reasonable prospect that a jury would look favourably on the application. If the judge allows the application to go forward, a jury then has to be satisfied that the prisoner deserves an opportunity to apply to the parole board. It should be clear that prisoners like Paul Bernardo or Clifford Olson could never dream of using this section, as no judge or jury would possibly look favourably on their application.

The government has removed the hope of all prisoners. This is an example of the Conservatives trying to look tough but accomplishing nothing except to deny the possibility that a few individuals, having already served 15 years, might get the opportunity to persuade a judge, then a jury, and then the parole board that they were a changed individual. Even if granted parole, they would be supervised for the rest of their lives.

WHY THE OPPOSITION PARTIES HAVE FAILED

The Liberal Party, when last in power, had begun to reform the law in order to rely less on imprisonment. Unfortunately, they and the other parties have been running scared from the Conservative Party's attacks, which paint them as "soft on crime."

The problem for the opposition has been their refusal to unite in opposition to the Conservatives' "crime story." They have not dared to unite in a vote against the crime bills for fear of triggering an election. They have thus taken turns supporting the "tough on crime" bills, while allowing the other opposition par-

ties to oppose the bills and somehow satisfy their more enlightened followers that they still have a few principles.

The Conservative "tough on crime" agenda has run into trouble with the provinces that have already spent billions building more correctional facilities to imprison the growing numbers of prisoners. In the federal–provincial division of powers, the provinces are obliged to imprison all those who are sentenced to less than two years. The provinces are pushing the federal government to pick up some of the tab for the growing prison population produced by the "tough on crime" legislation.

The provinces are pushing the federal government to pick up some of the tab for the growing prison population produced by the "tough on crime" legislation.

CRIME IS A SOCIAL PROBLEM

Alternative strategies for dealing with the roots of crime, such as poverty reduction, education, job opportunities, treatment for mental health problems, treatment for alcohol and drug addictions, early childhood education, and after-school programs, are dismissed by the Conservatives as "bleeding-heart-liberal, soft on crime" solutions. However, it is telling that Conservative senator Hugh Segal wrote an opinion piece in the *Toronto Star* (February 20, 2011) in which he argued "to be tough on crime we must be tough on the causes of crime." He identified poverty as the key cause of crime and advocated a guaranteed annual income as a solution to poverty. It may be a sign that some red Tories are prepared to break ranks with Harper and to speak out against Harper's agenda.

MORE PRISONS, MORE INMATES

Still, the federal Conservatives seem determined to build more prisons regardless of the cost, even when faced with a massive debt. They refuse to reveal the projected costs to the opposition, but the Parliamentary Budget Officer estimates a price tag of $10 to $13 billion.

Recently, there have been encouraging signs that the Liberals will be prepared to fight against the "tough on crime" agenda in the next election. Should the opposition parties join hands in this effort, they may discover that they can all benefit by helping the Canadian public to see the destructive nature of the "tough on crime" agenda. Perhaps then a discussion about real solutions to criminal behaviour can begin.

The message continued from page 38

so rarely in the past five years that it is news when it does happen. This failure to initiate negotiations with the opposition can be explained, perhaps, by the longer-term goal of changing the political culture, which would be diluted by compromise and confidence in the government's capacity to control public discourse.

The government has relied on its capacity to set the agenda for public discussion and to influence the terms in which even media criticism has been framed. Only time will tell whether or not the goals of supplanting the Liberals as the natural governing party and recalibrating Canadian political culture to a more right-wing value system will succeed. A Focus Canada poll, reported by Jeffrey Simpson in the *Globe and Mail* on February 4, 2011, found the welfare state consensus holding across a wide range of specific values and policies, though a slight majority were satisfied with the general direction of government policy.

The unravelling of some key elements of Canadian parliamentary democracy may require more than a change of heart or a change of government to fix.

Since the hostile takeover of the Progressive Conservative Party, Canadian political discourse has been marked by a notable disrespect not only for opponents and the long-standing welfare state consensus, but also for the very institutions of democratic government in Canada. The past chicanery of the Liberal Party notwithstanding, the Harper revolution threatens more than political discourse.

A DEMOCRATIC AUDIT

The unravelling of some key elements of Canadian parliamentary democracy may require more than a change of heart or a change of government to fix. When a convention is violated and the public acquiesces, the convention itself may well have changed. Where there is a strong public backlash, a subsequent government may be motivated to enshrine the rule in law or regulation. Once abrogated, it is unlikely that a convention will be complied with in the absence of a legal sanction. The developments briefly outlined here make the case for a democratic audit to review the entire range of Canadian institutions and practices and to consider formalizing key elements of the system.

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