

The Right to Refuse Cabinet Advice as a Democratic Reform¹

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Prepared for delivery at the 2018 Canadian Political Science Association
Conference in Regina, SK

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¹ Note: This is a slightly different title than that in the 2018 CPSA program.

Abstract

Recent years have seen a rise in interest and concern over the centralization of power in the Canadian Prime Minister's Office. Politicians, journalists, and academics alike have decried the "elected" or "friendly" dictatorship into which the office of First Minister has transformed. This paper will review several of the solutions on offer before proposing and defending an alternative solution, namely strengthening the Crown's right to refuse advice of First Ministers, under particular circumstances. This solution will be presented via the Constitutional Traditionalism of Eugene Forsey and John Farthing, two Canadian political thinkers whose arguments have been, I suggest, vindicated by recent experience. The final section will reflect on, and hopefully clarify, the tension between strengthening the power of unelected Governors General and the project of democratic reform. It will do this by reviewing some of the relevant literature on the potential conflict between the logic of electoral competition and the logic of good governance, including, but not limited to the work of Fukuyama (2014), Zakaria (1997, 2007), and Achen & Bartels (2016). I will conclude by suggesting that a proper conception of democratic reform in a Westminster system must not be reduced to merely increasing voter input, but must balance responsiveness to voters with the ability of the House of Commons to hold the Prime Minister and Cabinet to account.

Though not a completely new phenomenon, recent years have seen growing concern over the centralization of power in the Canadian Prime Minister's Office. Politicians, journalists, and academics alike have decried the "elected" or "friendly" dictatorship the office of First Minister has become. The publication of Savoie's *Governing From the Centre* in 1999 brought the issue to our attention, from which it has never withdrawn. A common and cross-partisan complaint about the state of Canadian politics today is that the Prime Minister has too much power and is not sufficiently held accountable to parliament or to the Canadian public for his or her actions. Jeffrey Simpson's 2001 *The Friendly Dictatorship* made similar arguments in a more accessible format, and Michael Harris's 2014 *Party of One*, despite its polemical style and sanitized history of the pre-Harper years, further raises concerns over the lack of accountability of the PM. Elizabeth May has described our system as an "elected dictatorship....a mockery of the foundational principle in our system of government of the supremacy of parliament" (Campbell 2013). She later clarified in a 2015 federal leaders debate that her remark was not directed at a single political party or Prime Minister, but at our institutions themselves.² Within the Conservative Party Brent Rathgeber and Michael Chong have emerged as two critics of increasing centralization. Rathgeber left the party in protest and described his frustration in *Irresponsible Government: The Decline of Responsible Government in Canada* (2014); Chong attempted reform from within, first with his private member's bill – the Reform Act – and eventually by running for party leadership.

This, admittedly incomplete, overview is sufficient to illustrate the widespread concern with this problem.³ Many of the policy issues currently debated under the "democratic reform"

² This occurred during the Macleans Magazine hosted debate on August 6th, 2015. The transcript is available in "Tale of the tape: Read a full transcript of Maclean's Debate," (2015, August 7). *Macleans*. Retrieved from <https://www.macleans.ca/politics/ottawa/tale-of-the-tape-read-a-full-transcript-of-macleans-debate/>.

³ A recent work that challenges this set of concerns is Brodie (2018).

moniker can be traced back to this fundamental issue, including senate reform and electoral reform. This paper will review several of the solutions on offer before proposing and defending an alternative solution, namely strengthening the Crown's right to refuse advice of First Ministers under specified conditions. The final section will clarify the apparent tension between strengthening the power of *unelected* Governors General and the underlying goal of *democratic* reform.

Some Recent Proposals⁴

Fixed Election Dates

Two recent policy proposals designed to restore power to the people are fixed election dates and electoral system reform. Fixing election dates removes a key partisan tool from sitting Prime Ministers, namely the ability to call snap elections when prospects for electoral success are at their best. This has been done by Prime Ministers in Liberal as well as Conservative governments, and it is hardly surprising that the fixed election date amendment to the *Canada Elections Act* was supported by all parties in 2007. However, fixing election dates in a parliamentary system is easier said than done. When a government either loses confidence or is defeated before the set date, there is usually no choice but to dissolve parliament and go to the polls. Moreover, the 2008 election proved that even a loss of confidence is not required, so long as the Governor General approves the request for dissolution.⁵

⁴ This section is by no means meant as an exhaustive account or evaluation of these proposals. It indicates what I take to be the central difficulties they must overcome in order to achieve their goals, under the recognition that much more would need to be said to give these suggestions any finality.

⁵ Peter H. Russell argues in favour of fixed election dates' ability to cut back on snap elections in *Two Cheers for Minority Government* (2008: 134-142). Aucoin, Jarvis, and Turnbull offer a more sceptical account in *Democratizing the Constitution* (2011: 130-132, 218-221).

This loophole, which was required in order to avoid amending the constitution, rendered the law effectively useless. Moreover, it is not clear how even removing that loophole through constitutional change would solve the problem. Prohibiting the Governor General from dissolving parliament until a given date raises the possibility of deadlocked or moribund legislatures in which no party or coalition is able to form government. It seems that there must be at least some instances in which the Governor General must have the ability to call an election. It is for this reason that Hamish Telford writes that,

Fixed election dates are not necessarily compatible with Canada’s system of responsible government. It is difficult to set an election date when the life of the government is dependent on maintaining the confidence of Parliament (Telford 2015: 56).⁶

Governments require the confidence of the House of Commons, and when confidence is either lost or unattainable in the first place, dissolution and new elections are a proper and legitimate procedure in Westminster systems. So, while proponents of fixed election dates rightly diagnose the problem as the partisan and improper use of the executive authority to request dissolution, it seems impossible to effectively fix election dates within our parliamentary system.

Electoral Reform

After the failure of fixed election dates in solving the problem, many have looked to electoral reform to either constrain Prime Ministerial power, produce more representative legislatures, or both. The primary driver in calls for electoral reform has been the distortive effect of the Single-Member Plurality (SMP) voting system. Scholars and activists/politicians alike describe the distortive effect of SMP with such terms as “false majority,” which implies

⁶ The Legislative Summary for Bill C-16, “An Act to Amend the Canada Elections Act,” lists in more detail the specific institutional difficulties of fixed election dates in Westminster systems. Retrieved from https://lop.parl.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?source=library_prb&ls=C16&Parl=39&Ses=1&Language=E.

inherently unrepresentative and potentially undemocratic election results. For example, the Broadbent Institute's report to the House of Commons Electoral Reform Committee suggested that proportional electoral systems provide "a better...fit to the values of a population," and as such produce parliaments that are more representative of the voters (Broadbent Institute 2016: 6). Similarly, Elizabeth May, in some of her speeches in the House of Commons, has tied proportional representation to democracy itself. Her speech on Feb. 9, 2017, for example: "We need the kind of Parliament that reflects how Canadians actually voted. That is the heart of democracy."⁷

There is, however, another alleged benefit of proportional electoral systems, namely the reduced tendency to produce majority parliaments, of either the true or false variety. Peter Russell (2008) explores this effect in the context of excessive Prime Ministerial power. A majority government, writes Russell, allows a sitting PM to effectively ignore parliament and impose his legislative will on the country. Though Russell is especially concerned about this in the context of "false" majority governments, in which a party with roughly 40% of the popular vote can ignore the majority of voters, what he calls "Prime Ministerial Government" is still a problem in "true" majority governments. Better governance is achieved, he suggests, when policy must be debated in parliament, or at the very least negotiated between multiple parties (Russell 2008: 128-130). In other words, minority government is a solution to the problem of excessive Prime Ministerial power, and proportional representation is a means to that end. In his submission to the House of Commons Electoral Reform Committee, Russell wrote that "The Prime Minister's office which, as research published by the International Political Science [sic] has shown, has made Canada the world's most centralized parliamentary democracy, will not go

⁷ This can be found on her website. Retrieved from <http://elizabethmaymp.ca/parliament/2017/02/09/parliament-speech-on-the-governments-commitments-regarding-electoral-reform/>.

away when no party has a majority. However, in a minority parliament there is likely to be a diminution of its officials' capacity to interfere with parliamentary activities" (Russell 2016: 3-4).

It is not the purpose of this paper to directly engage the arguments for or against proportional representation, except to say that if even Russell is correct about the merits of minority governments, the ability of Prime Ministers to dissolve and prorogue parliament for partisan and improper reasons remains unscathed. There are distinct and unrelated features of excessive Prime Ministerial power. The ability to control the House of Commons under majority situations, thanks to increasing amounts of party discipline, is the target of Russell's argument, the solution to which is minority government. However, the ability of the Prime Minister to dissolve and prorogue parliament at will is arguably more concerning *objectively*, as a matter of parliamentary integrity, and *subjectively*, as a matter of public concern and outcry.⁸

Codified Conventions

Aucoin, Jarvis, and Turnbull (2011) present a set of reforms that addresses this second, more fundamental aspect of excessive Prime Ministerial power in a way that recognizes and circumvents the inability of fixed election dates to proscribe executive abuse. They suggest that the problem stems from the nature of unwritten conventions themselves. Lack of clarity regarding what exactly is permitted combined with partisan interest in gaming the system have allowed Prime Ministers to abuse their power, and neither the Governor General nor the House of Commons has proved able to provide an effective check (*Ibid.*: 57). The thrust of many of their reforms is to enshrine in writing much of what is currently unwritten and therefore open to

⁸ See, for example, Wherry (2010) and Stechyson (2013).

abuse, either through constitutional reform itself or a Cabinet manual in the style of New Zealand.

This approach avoids the problems associated with fixed election dates while remaining attuned to the easily-abused powers of proroguing, dissolving, or summoning parliament.⁹ The authors are certainly correct in their claims that as things stand it is too easy for a Prime Minister to abuse these powers. Counting on electoral constraints alone to generate compliance with conventions has proved insufficient. The proposal of this paper bears some similarities to theirs, though in important aspects fundamental differences remain.

The Constitutional Traditionalist Solution

My proposal is closest to Aucoin et al. in both diagnosis and solution. The aspect of Prime Ministerial power it addresses is the ability to dissolve, prorogue, and summon the House of Commons at will, because this cuts to the heart of what it means for a government to be responsible to Parliament. This approach differs markedly from Aucoin et al, in two ways. First, it keeps our conventions unwritten and uncodified. Second, it rejects their claim that granting more discretion to Governors General is inherently undemocratic.¹⁰

Finally, the above solutions all involve additions or reforms to our Parliamentary structure. Some, like fixed election dates and codifying conventions, involve fundamental transformations in the practice of responsible government, while electoral reform need not imply such a drastic change. However, there is a tradition of scholarly reflection according to which

⁹ The authors do raise the prospect of fixed election dates but recognize the difficulty in formulating such a law that would be impervious to abuse (Aucoin, Jarvis, and Turnbull 2011: 218-221, 225-226).

¹⁰ See, for example, the following passage:

“The claim that the Governor General has discretion – albeit limited by convention – hardly supports the understanding of responsible government as a structure with *democratic* constitutional constraints on the Prime Minister and Government” (*Ibid.*: 59-60).

our constitution *already* contains the tools required to constrain executive abuse. This tradition, to which this paper belongs, has been called High Toryism (Dart 2017) and Red Toryism (Horowitz 1965), among other things. For simplicity's sake, I will refer to it here as Constitutional Traditionalism, since the primary goal is a return to an earlier understanding of the constitution. The work of Eugene Forsey and John Farthing will be discussed here in order to demonstrate how Constitutional Traditionalism understands the problem of Prime Ministerial abuse and what its solution to it is.

In brief, the Constitutional Traditionalist solution is to rely on the reserve powers of the Crown, specifically the power to refuse Cabinet advice. This is particularly relevant in the wake of BC Lieutenant-Governor Judith Guichon's denial of Christy Clark's request for dissolution in June 2017. The opposite view, what Eugene Forsey calls the rubber stamp theory and what Farthing identifies with those he calls "pure-Canada cultists" (Farthing 1974: 31-32), is that representatives of the crown must accept any and all advice of First Ministers. Since 1926 this has been the dominant view in Canada, so much so that the possibility of Guichon refusing Clark's advice was recently referred to as a constitutional crisis (Morcos 2017; Hunter 2018).

John Farthing v. the Canada Cultists

The extent to which John Farthing is known is primarily due to his polemical tract *Freedom Wears a Crown*. The unabashedly monarchist arguments of the book are sure to be unpalatable to many contemporary readers, though I hope to show that it points the way to a pragmatic defense of reserve powers that can stand apart from his more metaphysical claims. He opposes those who want to leave behind Canada's British traditions in favour of "a later political doctrine which affirms that the democratic movement must whittle away the powers of the

Crown” (Farthing 1957: 13).¹¹ He maintains that when the crown is rendered purely symbolic true parliamentary government is destroyed:

[T]he present denial of constitutional democracy among us, and with it all of real parliamentary government, is the result of our having failed to see that the crown is not merely a far-off institution, having vaguely to do with the Commonwealth of which we are a member, but holds a place of primary significance in our own established order of democratic government (Ibid.: 27).

I want to suggest that Farthing’s point of view is relevant to current debates. He laments parliament’s inability to hold cabinet to account, but also challenges the popular assumption that more democracy – i.e. more electoral accountability – is the solution. Paradoxically, he suggests that it might actually be the problem.

He makes a distinction between demagoguery – which is related to will, necessity, and power – and true democracy – related to reason and freedom (Ibid.: 76). A simple appeal to the will of the majority implies two things.

The first is the victory of will over reasoned argument. Farthing construes counting heads as a form of might/numbers makes right, and contrasts this method to courtrooms in which matters of importance are decided, in theory, by arguments rather than numbers (Ibid.: 56).

Second, it implies that whatever the people decide is good – or at least, ought to be pursued. This follows from the prioritizing of the will of the majority without reference to anything beyond itself (Ibid.: 45, 59, 75, 174).

Will, power, and strength, which are what the appeal to the majority entails, are thus aspects of demagoguery, not democracy, for Farthing. True democracy must appeal to people’s reason and argumentation and be guided by a national ideal rather than the strength of numbers –

¹¹ As an aside, as long as politicians and activists push for either the reformulation of Canada’s relationship to the British monarchy or complete independence from it, Farthing’s work is relevant, if even as a foil for today’s republican arguments.

i.e. will – alone. In a rare favourable reference to American political ideals, he writes that “democracy is not the doctrine that affirms the supremacy of the people’s will. It is the doctrine that roots the life of a people whether *in the liberty of each*, as in the American, or *in the freedom of each*, as in the British Constitution” (Ibid.: 33). These arguments concerning the rule of reason or ideals lead into his more specifically monarchist claim, which is that the Monarch is the instantiation or personalization of Canadian ideals (Ibid.: 128). We will return to this theme below in the discussion of Farthing’s arguments for strong reserve powers.

Farthing draws a related distinction between Republicanism and Royalism; Republicanism entails the supremacy of law and an essentially asocial human nature, while Royalism entails rule by men and a less pessimistic theory of human nature. The American constitution, for Farthing a pristine example of Republicanism, assumes that men are wholly depraved, that they cannot be trusted, and must therefore be ruled by law at all times. Farthing puts great stock in the role of the social contract teachings of Hobbes, Locke, and Rousseau in the development of Republicanism, such that it gives men no obligation to obey the law if it conflicts with their natural liberty (Ibid.: 123-124). This effectively weakens the power of law to maintain order.

Royalism, by contrast, assumes a limited proneness to evil such that man “need not always fail and he can be strengthened by means other than those which the law affords” (Ibid.: 121). Men are thus naturally social, being born and socialized into natural loyalties to family, nation, and crown (Ibid.: 124). This means that the obligation to follow law is natural rather than contractual, which gives it a stronger force.

Moreover, Farthing’s cautiously optimistic view of the human propensity to evil allows for a greater scope of personal responsibility in governing social and political behavior (Ibid.:

125-126). For example, cabinet members are expected to act honourably, and if not they can be removed by Parliament, which can in turn be removed by the electorate (Ibid.). This cannot be precisely specified by law, because what is honourable in one situation might not be honourable in another, hence the British Royalist reliance on precedent and unwritten conventions, which are always loosely defined and pertain to things impossible to delimit or circumscribe in advance.

Farthing's defense of Monarchy is based on its rootedness in human nature. The King-in-Parliament is the politico-theoretical ideal which best takes into account man's natural sociability and proneness to evil as well as good. True democracy, as distinguished from demagoguery, is guided by this ideal rather than whatever happens to be supported by the greatest number of votes.

However, we need not accept the more metaphysical or Monarchical of Farthing's claims in order to see a reasonably pragmatic defense of reserve powers. He explains the importance of the Cabinet's responsibility to Parliament instead of directly to the voters:

Since cabinet meetings should be secret, it is for that reason imperative to responsible government that a Cabinet be accountable to Parliament and that its sense of responsibility should not exhaust itself in appeals to the people at five-year intervals, or at such intervening times as it deems most propitious for its own re-election to power (Ibid.: 68).

Here we see a moderation of Cabinet's direct accountability to the people for the implied reason that the voters themselves might not be the best judges of the performance of a cabinet. This follows from two principles that can be extracted from the metaphysical speculations above – both of which are not too far removed from contemporary views. The first is that majority opinion by itself is no sure guide to truth or the common good. Second, individual discretion may sometimes be required, paradoxically, to uphold the force of law. An appeal to the people, democratic though it may sound, can in some circumstances violate these two principles.

This can be seen by analogy with the judiciary. Farthing makes this comparison pre-1982, though if anything his point is strengthened by the existence of the Charter, which can be described as an expression of the importance of overruling majority opinion when it violates a national ideal, such as inalienable human rights. The Charter of Rights and Freedoms is our recognition that popular opinion can sometimes go wrong, and that the discretion of judges as interpreters of the law should sometimes overrule a majority.

So whereas legislative limits are decided by unelected judges, Farthing would see the limitations on executive power reside in the unelected Governor General, and for much the same reason. The democratic element in Westminster systems lies in the power of the elected legislature to give or withhold confidence from the political executive. The rubber stamp theory makes this more difficult, by giving the Prime Minister an alternative means of authorization. Farthing at one point refers to the Governor General as “the guardian of responsible government” (*Ibid.*: 54), which is telling. Responsible government is not to be confused with endless appeals to the voters, since it is not the voters to whom the executive is directly responsible, but parliament. Anything that diminishes the executive’s responsibility to parliament is antithetical to responsible government, and it follows that whatever ensures that parliament is able to perform its proper duty strengthens responsible government. Whenever Prime Ministers try to evade parliamentary responsibility, for example by partisan prorogations or dissolutions, it stands to the Governor General to refuse such advice, and in so doing, strengthen the checks on executive power.

Eugene Forsey v. the Rubber Stamp Theory

One of Farthing's students at McGill was Eugene Forsey, who called him "a genius....in both economics and political philosophy," and described *Freedom Wears a Crown* as a "masterpiece" (Forsey 1990: 24). Forsey's reflections on the constitutionality of refusing cabinet advice take much of Farthing's pragmatic lessons while disentangling them from his more controversial metaphysical suggestions. "The Crown and the Constitution," first published in 1953, begins by relating the two arguments against the Crown's power to refuse Cabinet advice: "Many people will object that there is no reserve power; that the Crown is just a rubber stamp for the Cabinet, or that if it isn't it ought to be" (Forsey 1974: 34).

Against the first objection Forsey replies that there obviously is such a power because it has been exercised in the past. He could point to over 50 such cases of denied requests; the only post-Confederation Canadian case was the infamous King-Byng affair of 1926, though there were six pre-confederation refusals between 1858 and 1903 (*Ibid.*: 34-35). We can now add the 2017 British Columbia case.

The response to the second, normative, objection is more instructive for the present argument. If his first argument could be called the argument from precedence, his second can be called the argument from parliamentary or democratic integrity. It is important to stress that the effect of strong reserve powers is the integrity of our democratic institutions; more about this will be said later.

Forsey illustrates the usefulness of the Crown's right to refuse in a number of situations, in each of which advising dissolution can be used for partisan purposes and to avoid responsibility to parliament. Two such situations are worth exploring here, since even though Forsey intended them as thought experiments they bear noteworthy similarities to recent Canadian experience. He raises the possibility of a Prime Minister, upon winning a minority of

seats in a general election and being defeated by the other parties, requesting dissolution and a new election rather than allowing another party to form government. Suppose the second election produces a similar result, and another dissolution is requested, and so on. “Is the Governor-General,” Forsey rhetorically asks, “bound to acquiesce in the game of constitutional ping-pong from electorate to Parliament, from Parliament to electorate again, back and forth interminably” (*Ibid.*: 40)? The effect of this would be to give a Prime Minister the unfair advantage of being able to appeal to either Parliament or the electorate, based on whichever group he thinks has the best chance of supporting him. Doing so fails to hold Cabinet responsible to parliament by giving it the option of another judge when preferred; it is a “‘heads I win, tails you lose’ theory of the constitution....[that] bears not the faintest resemblance to Parliamentary government,” writes Forsey (*Ibid.*: 41). Another effect of this that Forsey might not have foreseen in 1953 is the undue influence multiple elections gives to financial interests. Elections cost money, and it is conceivable that political parties with a large or wealthy donor base will have an increasing advantage in each successive election.

This is a plausible explanation of Christy Clark’s actions following the 2017 BC election. After winning a slim plurality of seats and being defeated in the legislature by the Greens and NDP, she asked Guichon for another election. Her request was denied, and there is no telling what would have happened if a second election resulted in another slim minority, but suffice to say that Forsey’s example was sufficiently realistic, in particular the possibility of appealing to either the legislature or the voters whenever convenient.

In another hypothetical situation, Forsey supposes that a government facing criticism and a vote of non-confidence might request a dissolution before the parliamentary vote can be taken. In so doing, the ability of parliament to judge a government and possibly withhold confidence is

denied. However, according to the rubber stamp theory, such a dissolution would have to be granted; this leads to Forsey's judgement that the rubber stamp theory enables a Cabinet to defy both Parliament and the electors (Ibid.: 43).

This is quite similar to Stephen Harper's requested prorogation in 2008. Fearing defeat by an upcoming non-confidence motion supported by the opposition parties, Harper asked for and received a prorogation in order to convince the public of the illegitimacy of coalition governments before allowing the motion to come to a vote. This strategy has the same "heads I win, tails you lose" quality as Forsey's example. If Harper was unable to prevent the House of Commons from removing confidence he would simply appeal to the people instead, such that the extent of his responsibility to Parliament was limited.

Forsey's conclusion from these thought experiments – though we have seen that they resemble real situations – is that the rubber stamp theory, by placing inordinate power in the Prime Minister, reduces rather than increases the level of our democracy. An "appeal to the people," he writes, "is not necessarily democratic. It may be merely demagogic, pseudo-democratic, or even anti-democratic" (Ibid.: 44). It naturally follows that "[t]he reserve power is, indeed, under our constitution, an absolutely essential safeguard of our democracy" (Ibid.: 48).

We can further cash out Forsey's argument in the following manner. First Ministers sometimes offer advice that has the effect of limiting the ability of Parliament to hold the government to account. Alternatively, they can advise things that are directly contrary to the expressed will of the people, such as making Governor-in-Council appointments after losing the confidence of Parliament. When advice of either type is given, the only way to protect the will of the people is to deny such requests. Bearing in mind that the democratic element of Westminster systems consists in the government being held responsible to Parliament rather than

in control of it, any advice that has the effect of limiting Parliament's ability to hold the government to account can be said to minimize the democratic constraints on executive power. The corollary is that insofar as the reserve power protects Parliament's ability to hold the executive branch to account it is an important component of our democracy.

We can summarize the Constitutional Traditionalist democratic reform proposal as follows: Governors General should exercise their right to refuse requests from First Ministers when such requests would allow them to evade their proper responsibility to parliament.¹² The paradox of this solution is that an unelected official is being counted on to preserve the power of parliament and strengthen our elected representatives. To close it may be helpful to frame this solution in a way that reconciles its apparent undemocratic quality with the goal of democratic reform.

Liberal Democratic Reform

This proposal includes the counter-intuitive claim that increasing voter input is not always necessarily good or even truly democratic. The link between electoral democracy and good governance has been challenged in recent years by Jason Brennan, Achen and Bartels, Yascha Mounk, and others (Brennan 2016; Achen and Bartels 2016; Mounk 2018). Similarly, Fareed Zakaria's 2007 essay entitled "The Rise of Illiberal Democracy" clarified the relationship between elections and what is distinctly "liberal" in our conception of democracy (Zakaria 2007). He suggests that liberal democracy includes the two distinct conceptions of "constitutional liberalism" and electoral representation, and further argues that it is really the

¹² For the purposes of this paper I restrict myself to stating this general principle, recognizing that it is by no means clear which requests or situations this includes. The details and specifications, though important, are the proper task of another paper.

former that is essential to healthy politics, even when the latter is not present. This accords with the common sense observation that majorities can support just or unjust, liberal or illiberal, policies or politicians.¹³

If this is true, then what is commonly called simply Democratic Reform should more properly be called *Liberal* Democratic Reform. Conceiving of the project this way clarifies the goal: not simply increased voter input, per se, but the goods associated with constitutional liberalism, including limited government, separation of powers, the rule of law, minority rights, and so on. Though turning down requests by First Ministers does not easily fit the minimalist conception of democratic reform, insofar as it places important decisions in the hands of an unelected Governor General, it does fit nicely within the broader conception of *liberal* democratic reform, insofar as it strengthens Parliament's ability to hold the executive to account. Removing the option of conveniently-timed prorogations and dissolutions tilts the balance of power in the direction of the House of Commons. This would not only strengthen the constitutional liberal aspect of our politics, but would also help to restore the proper balance between responsiveness to voters and Cabinet's direct responsibility to Parliament.

¹³ Yascha Mounk has more recently made the same conceptual distinction between "rights" and "democracy" (Mounk 2018: 23-132).

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