

Canada's Prime Minister Wields Excessive Power

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Abstract

This paper was originally written for Dr. Stewart Prest for Political Science 221, *Introduction to Canadian Government*. The assignment asked students to write a critical essay on one of the given prompts. The writing prompt for this paper was to write a critical argument on whether you agree or disagree with the notion that power is overly centralized in the contemporary Canadian state. This paper uses APA citation style.

Introduction

The nature of politics is influenced by those who exercise power. To ensure that power is not abused, most democratic countries divide the notion of supremacy into different institutions. In Canada, the Constitution Act of 1867, determines what roles different bodies play and the amount of power they respectfully hold (Malcolmson, 2016). The objective is to ensure that power is evenly distributed. However, it has been debated that power has been increasingly centralized towards the head of the government, the prime minister. According to an opinion poll, 41.6% of the respondents believed that the prime minister holds more power than other constitutional offices (Clark, 2010). Thus, in this paper, I shall argue that power has been overly centralized in the hands of the prime minister because of the prime minister's ability to control sessions of Parliament, the use of excessive party discipline, and the control over Cabinet appointments.

The PM's Control Over Parliament's Sessions

Canada operates under the principle of 'responsible government' in which the executive is responsible to the House of Commons, the lower chamber of the Parliament. The prime minister, along with the cabinet, must retain the confidence of the House to stay in office (Malcolmson, 2016). This practice is essential to protect the democratic foundation of the Canadian regime, as the executive remains subject to the control of the House, which represents the elected representatives of the people (Aucoin, 2011). Thus, the House ensures that the

prime minister serves in the interest of the people and does not misuse its powers.

Nonetheless, with the increasing powers of the prime minister's ability to control the sessions of the House of Commons, the House faces difficulty in holding the executive accountable. The House is responsible for reviewing and either approving or rejecting government legislation, thus acting as a check to the prime minister's power. However, for the House to fulfil its role, it must be in session. Over time, the prime minister has used its power to summon, prorogue, or dissolve Parliament to advance partisan interests (Aucoin, 2011). Consequently, this leaves the House without any control over the prime minister. For instance, amidst the COVID-19 pandemic, Liberals, under the leadership of Justin Trudeau have suspended all regular House of Commons sittings until late September. Trudeau continues to operate with minimal oversight from the Parliament. Unfortunately, this has severely limited debate, scrutiny, and accountability, all of which are essential roles of the House of Commons (Breakenridge, 2020). Furthermore, Scott Reid, who is a Member of Parliament for Lanark-Frontenac-Kingston, also expressed the same concerns stating that the government is using the crisis as an opportunity to strip away parliamentary oversight. Trudeau has passed legislation, such as the COVID-19 emergency funding, without allowing proper time for the Parliament to review the legislation (Reid, 2020). With the Parliament suspended, a non-confidence motion could not be held, and the prime minister would continue to make decisions on his own, without worrying about scrutiny or losing the confidence of the House. The suspension of Parliament undermines the principle of responsible government and puts the prime minister in a position of great power.

Counterargument: Support of the Members of Parliament (MPs)

Unlike the United States, the head of government in Canada is not elected directly by the people. Instead, citizens vote for the representatives that sit in the House of Commons (Malcolmson, 2016). Thus, MPs have an obligation to respect the notion of democracy, thereby, to represent the interests of their constituencies (Aucoin, 2011). MPs usually try to find the right opportunities to advance political objectives that would help increase their chances of getting re-elected. For instance, if the prime minister introduces a bill which the MPs do not agree with, the MPs could vote against the proposed legislation. In this situation, the prime minister needs the support of the MPs to advance his political agenda. Without support, the proposed legislation would not get passed. Thus, the prime minister's ability to advance his agenda would not completely run through if the MPs do not support (Malcolmson, 2016), and the MPs would then have the upper hand in trying to negotiate terms on the legislation. Correspondingly, this limits the power of the prime minister to advance any partisan interests because essentially without

the support of the MPs, the prime minister cannot move forward (Student, personal communications, May 26, 2020).

Excessive Party Discipline

If the aforementioned points in the counterargument were indeed in practice, if MPs were, in reality, independent voters, they would yield much greater power over the prime minister. Sadly, the reality is that 99.6% of the time, MPs vote in line with their party (Curry, 2020). The prime minister is aware that to advance any political objectives, the support of the MPs is crucial. As a result, we see excessive party discipline in action. The prime minister ensures that the party members vote together following the party line (Aucoin, 2011). Therefore, the prime minister controls the MPs with a tight grip by expelling MPs from caucus, not allowing them to run for re-election, or depriving them of other various opportunities if they decide to vote against the party caucus (Lecomte, 2018). MPs, fearful of these implications, usually comply with the prime minister's proposals. Consequently, this gives the prime minister a tremendous amount of power to advance his political objectives in the House of Commons, as his party members vote in favor of the proposed legislation.

Therefore, the threat of caucus revolt is not a powerful constraint to limit the PM's power, mainly because it is a rare occurrence. As seen, former PM Stephen Harper controlled his Cabinet with a tight grip, seemingly unconcerned about caucus revolt. In 2006, unexpectedly, Harper announced that his government would introduce a motion to declare Quebec "a nation within a united Canada" (Malcolmson, 2016). Michael Chong, Minister of Intergovernmental Affairs, was responsible for decision-making in this policy area. However, Harper did not even notify Chong of the motion (Malcolmson, 2016). Thus, this indicates that Harper was hardly concerned about caucus revolt, and instead, he willingly used his prime ministerial power to overpower the Cabinet's decision-making process.

The Control Over Cabinet Appointments

The prime minister has the power to appoint a vast number of officials, including the Cabinet. The prime minister has the power to decide which individuals will form the Cabinet and what portfolios they will handle. One can say that the Cabinet ministers owe their allegiance to the prime minister, who has the ultimate power to promote or demote them, ask for their resignation, or at times remove them from the Cabinet (Makarenko, 2007). Thus, given the prime minister's power to appoint and dismiss Cabinet ministers, this makes the PM relatively more potent than the Cabinet. Cabinet positions are given to loyalists, who toe the party line and support the PM. Those who decide to go against the PM and vote against the party line are often punished (i.e., dismissed from their Cabinet positions) (Monique, 2002). This was evident in the removal of the President of

the Treasury Board, Jane Philpott and the Minister of Justice and Attorney General of Canada, Jody-Wilson Raybould. Wilson-Raybould testified that Justin Trudeau had pressurized her for political reasons to make a deal with the Montreal engineering firm, SNC Lavalin so that the company would avoid charges of bribery and fraud. Philpot supported her colleague, Wilson-Raybould, throughout this phase. Shortly after, without the say of other Liberal MPs, Trudeau unilaterally decided to remove Philpot and Wilson-Raybould from the party caucus, stating that if they cannot have confidence in the team, they cannot be a part of the team (Connolly, 2019). The prime minister had used its powers to shut down any allegations that would hurt his public image and his political position. It is not surprising to see that as a result of these powers, alongside the fear of being removed from the party caucus, Cabinet ministers usually are supportive and submissive of the prime minister. Ultimately, this provides the prime minister with the power to have the final say on political matters without facing many challenges from the Cabinet ministers.

Conclusion

The prime minister has a lot of responsibilities to carry, which require a significant amount of power to be invested in their hands. Therefore, there must remain a check to the prime minister's power to ensure they are working towards the common good and not merely advancing their partisan interests. Unfortunately, as discussed in this paper, power has increasingly been centralized in the hands of the prime minister through the prime minister's control of Parliament's sessions, excessive party discipline, and the ability to appoint and dismiss Cabinet ministers. These practices pose a threat to the foundational basis of Canada's parliamentary democracy. Where there is too much power, there is almost always potential for abuse.

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