

Prime minister dancing with the law

BehelsMichael . Prince Albert Daily Herald ; Prince Albert, Sask. [Prince Albert, Sask]06 Sep 2008: 4.

[ProQuest document link](#)

ABSTRACT (ENGLISH)

[...]the unintended consequence of Bill C-16 was to transfer the power to provoke an election to the leader of the opposition. If she does - Patrick Monahan, a constitutional expert, contended somewhat questionably in the Globe and Mail last weekend that she can't refuse - will the governor general be supporting, and inadvertently approving, Prime Minister Harper's flagrant violation of the law? [...]our manipulative and impatient prime minister has placed the Queen's representative in Canada in a very sticky wicket.

FULL TEXT

Is the Canadian prime minister above the law? Will the governor general support the PM's lawbreaking?

Impatient with the Liberal opposition's refusal to defeat his government, Prime Minister Stephen Harper has decided to flout his own law in a very crass and self-serving way. Bill C-16, an act to amend the Canada Elections Act, fulfilled one of Harper's election promises. He was still angry with how prime minister Jean Chrétien, only three years into his second mandate, had used his power to call a snap election in 2000 catching the Canadian Alliance completely off-guard.

Harper vowed that he would never manipulate the election date to serve his government's partisan purposes, but he has now broken that solemn promise, one embodied in law.

As amended by Bill C-16, Part 5, Conduct of an Election, Section 56.1 (2) of the Canada Elections Act now requires a federal election on the third Monday in October every four years, starting with Oct. 19, 2009. This is a blatant attempt to introduce a republican device of fixed election dates into Canada's constitutional democracy, a democracy which already requires by law a federal election every five years. Stéphane Dion's Liberal Opposition used the law quite successfully to keep Parliament alive throughout the winter and spring of 2008 when Harper was desperate to pull the plug on his floundering government.

In short, the unintended consequence of Bill C-16 was to transfer the power to provoke an election to the leader of the opposition. Harper had inadvertently given up control over the political agenda of his government. Now that Harper is eager to hold an election before the Canadian economy tanks and while the polls appear to favour his party, he has decided to flout his own law.

The prime minister will attempt to justify his illegal act to the governor general by declaring that he had consulted the leaders of the opposition parties. From these brief but sham conversations, Harper has concluded, and alluded to publicly, that the opposition parties were determined to exercise their collective power once the House reconvened to defeat his government at a time that suited their, not his, political agenda. He could not and would not allow this to happen.

Under Canada's British Parliamentary system, no Canadian citizen, including the prime minister or the governor general, is above the law. Canadian legislators, executives, judges, and governors general are the guarantors of the

entire Canadian Constitution. They are compelled to work in harmony to ensure that the rule of law be respected at all times. To do otherwise is to undermine Canada's constitutional democracy and invite political and legal chaos to reign.

Given this, will Madame Jean exercise her residual power by accepting Harper's recommendation that she dissolve Parliament and issue a writ for a general election? If she does - Patrick Monahan, a constitutional expert, contended somewhat questionably in the Globe and Mail last weekend that she can't refuse - will the governor general be supporting, and inadvertently approving, Prime Minister Harper's flagrant violation of the law? In short, our manipulative and impatient prime minister has placed the Queen's representative in Canada in a very sticky wicket.

If she says no to his request, or even asks for time to consult the leaders of the opposition parties to ascertain for herself what they have in mind, she will provoke a manufactured constitutional crisis. If she says yes, she will be helping to undermine the rule of law. Harper is displaying a terrible disrespect for the office of the governor general.

Michael D. Behiels is the University Research Chair: Canadian Federalism and Constitutional Studies, in the Department of History at the University of Ottawa.

Credit: Behels, Michael

DETAILS

Subject:	Rule of law; State elections; Opposition parties; Governor General-Canada; Governors; Democracy; Canada Elections Act; Politics; Prime ministers
Location:	Canada
People:	Harper, Stephen
Company / organization:	Name: Canadian Alliance; NAICS: 813940; Name: University of Ottawa-Canada; NAICS: 611310
Publication title:	Prince Albert Daily Herald; Prince Albert, Sask.
First page:	4
Publication year:	2008
Publication date:	Sep 6, 2008
Place of publication:	Prince Albert, Sask.
Country of publication:	Prince Albert, Sask.
Publication subject:	General Interest Periodicals--Canada

ISSN: 08395381

Source type: Newspapers

Language of publication: English

Document type: News

ProQuest document ID: 2006956102

Document URL: <http://proxy.library.carleton.ca/login?url=https://search.proquest.com/docview/2006956102?accountid=9894>

Copyright: Copyright CEDROM-SNi INC. Sep 6, 2008

Last updated: 2018-02-22

Database: Canadian Newsstream

LINKS

[Linking Service](#)

Database copyright © 2018 ProQuest LLC. All rights reserved.

[Terms and Conditions](#) [Contact ProQuest](#)