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## The Uniquely Canadian Model of Responsible Government

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A Responsible Government is one that is structured to guarantee the rule of government in accordance with the well-understood wishes and interests of the people.

### The constitutional structure

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Following the insurrections in Upper and Lower Canada (1837-8) and their union to form the Province of Canada (1840), the people supported the moderate reformers in their struggle to develop a model of Responsible Government.

The form evolved was characterized by the Representative of the Sovereign, the Governor General, who is the repository of the people's power and a coalition government formed and led by two first ministers, each possessed of the authority and the responsibility to advise the Governor General of the wishes and interests of their respective British and French constituents. It was the role of the Governor General to sanction this advice as truly authorized by the people, and so exercise the powers of the State with the consent of the governed.

In the last iteration of this struggle, the Fathers of Confederation proposed to renew this constitutional framework within a federal model of the British constitution wherein the Senate embodies the will of the provinces and both Houses of Parliament, equally representative of the will of the people, possess the same powers and privileges as the British House of Commons in 1867.

Though this constitutional balance was provided for in Canada's Constitution Act, it was never implemented; the result is the excessive concentration of power in the Prime Minister's Office that has plagued self-government in Canada.

A Responsible Government cannot be maintained if the powers of the State can be abused by its administrators. The constitutional structure proposed by Confederation wherein the powers of the State are legally vested in one person and the authority to exercise those powers is constitutionally balanced between two political actors provides a self-correcting mechanism to prevent abuse.

While under some circumstances these criteria could be met in a unitary system, federalism is generally a more promising environment for the development of a healthy, sustainable Responsible Government.

## The inherent checks

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This constitutional structure harnesses the fears and ambitions of each of the three major political actors to guarantee legitimacy, efficiency and harmony in the government of the people.

It harnesses these ambitions in two ways. First, jealousy and justice oblige each of these actors to guard their legitimate jurisdictions against any subterfuge to wrest control of them.

Second, if the actors cannot reconcile their differences and cannot agree to disagree, the people may be called upon to support the contentions of one or the other through a general election on the question, the loser suffering such consequences as to normally temper their ambitions to those they truly believe uphold the legitimate constitutional interests of the people.

## The nature of Responsible Government

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“The King can do no wrong” because his chief advisers, possessed of the authority of Parliament to speak and act on behalf of the people, are responsible for the exercise of the people’s prerogative.

The position of the Governor General permits him to see beyond pending elections to consider policies that would contribute to the longer-term happiness and prosperity of the people. But the Governor General does not possess the authority to exercise the people’s prerogative and the people are constantly wary of this potential for abuse. He must therefore depend on his ability to influence his chief advisers to undertake them.

The key to the maintenance of a Responsible Government is that the Governor General may influence the course of government, but to guard against any accusation of abuse of power, he must ensure and always be able to prove that his chief advisers have undertaken the responsibility for every act of State.

## The political mechanism to conciliate the will of Parliament

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Under the British constitution every Member of Parliament is vested with equal authority to represent and protect the interests of their constituents. In the federal system worked out in Canada, the unity of the country is reconciled with the diversity of its member states through negotiation between the two Houses of Parliament.

The Governor General chooses one whom he believes can command a majority of Parliament to attempt to form the government. This leader must choose one from the other House to negotiate a common political program and the composition of their Cabinet. These two leaders will then draft the speech from the throne with the Governor General.

Parliament’s approval of the speech from the throne authorizes the Cabinet to pursue the priorities, measures and policies therein outlined; it confirms or authorizes, after the fact, the Governor

General's choice of Prime Minister, and it confides the authority, for the time being, in the Leader of each House to advise the Governor General of the wishes and interests of their constituents.

## The course of government

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The Governor General must sanction the exercise of the people's prerogative by authority of the people in accordance with the will of Parliament. The Governor General is the guarantor of the government's legitimacy.

The Governor General cannot act if the will of Parliament is divided. The Governor General cannot sanction the advice of Parliament as truly authorized by the people if the advice is contrary to the will of the people enacted in law. Furthermore, the Governor General cannot sanction the advice of Parliament unless both leaders proffer him the same advice as to how the people wish to govern themselves.

If the Leaders want to exercise the prerogative powers of the State, they must justify their ambitions as reflecting the well-understood wishes and interests of the people. The Leaders will naturally call upon the Governor General to help them find common ground. He must remain neutral, unattached, so as to be able to work with anyone Parliament may send him.

It belongs to the Governor General to ensure that his advisers do actually speak the well-understood wishes and interests of their House. If he has any doubt that a Leader actually does possess the authority of his House to so advise him in the matter, or if the matter has not been fully fleshed out, he may ask the Leader to submit it before his House for further debate and confirmation.

If the advice that the leader of the House wishes to proffer does not reflect the will of the House, the House may revoke his authority to speak on its behalf and confide this authority in another whose advice better reflects its sentiment. If that Leader is the Prime Minister, that is, if he was called upon by the Governor General to craft the coalition government, then the government falls; otherwise the Prime Minister may seek another of the other House to craft a new coalition.

The authority confided in the Cabinet to implement the will of Parliament in the various executive departments of the State may also be revoked if it proves unable or unwilling to do so.

## The people's control over their government

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If both leaders conclude that the Governor General is abusing his power, they may resign. If the Governor General concludes that a Leader is abusing his constitutional authority, he may dismiss him if he can find another leader to uphold his views. If one of the Leaders concludes that the Governor General and the other Leader are colluding to control his legitimate jurisdiction, then he and his House in Cabinet may resign and break up the government. If the issue cannot be resolved in Parliament, the people will decide by their vote through a general election on the question.