

## No, the party with the most seats has *not* always governed

By the time you read this, the results of the federal election will have been decided. So you already know more than I did when I wrote this text.

What I can say, however, is that if no one party emerges with a majority of seats, the post-election period should prove quite the spectacle – not least of all because few Canadians, including our politicians, seem to understand how our parliamentary democracy is meant to function.

Indeed, whoever taught Canadian history to Stephen Harper and Justin Trudeau must be shaking their heads. In separate interviews with the CBC's Peter Mansbridge in early September, the Conservative prime minister and Liberal leader agreed on something that both know – or *ought* to know – is patently false. (In his interview with Mansbridge, Tom Mulcair was more vague on the issue discussed here.)

“We don't, you know, elect a bunch of parties who then, as in some countries, get together and decide who will govern,” Mr. Harper asserted. “We ask people to make a choice of a government.”<sup>1</sup>

Wrong.

We elect MPs, not governments. After an election, getting together and determining who ought to govern is precisely what the people's duly elected representatives are supposed to do.

Harper continued: “the party that wins the most seats should form the government.”

Trudeau seemed to agree, stating “that's the way it's always been.... Whoever gets the most seats gets the first shot.”<sup>2</sup>

Not necessarily.

Here's where knowing your history is important. On a number of occasions in Canada's past, parties that did not win the most seats have governed, via formal or informal coalitions, most notably at the provincial level (to say nothing of coalitions in other countries that share the Westminster parliamentary system). I'd like to focus on a key federal example that, rather curiously, almost no one in politics or in the media seemed interested in talking about during the campaign.

Ninety years ago, almost to the day, there was another national election, and the party that won the most seats did not – I repeat, *did not* – form the government.

<sup>1</sup> <http://www.cbc.ca/news/politics/canada-election-2105-full-text-of-peter-mansbridge-s-interview-with-stephen-harper-1.3218399>.

<sup>2</sup> <http://www.cbc.ca/news/politics/canada-election-2015-justin-trudeau-interview-peter-mansbridge-full-transcript-1.3219779>.

During the election of October 29th, 1925 (ours will have been October 19th, 2015, of course) the governing Liberals of Prime Minister William Lyon Mackenzie King were reduced to 100 seats, while Arthur Meighen's Conservatives took 115. The balance of power rested with the Progressives, with 22 seats, J.S. Woodsworth's leftist Labour Party, with 2 seats, and 6 others and independents.<sup>3</sup>

*... let's not forget that good things can happen when a multi-partisan majority runs the show – not least of all because it demands consensus and cooperation. In 1926, under pressure from Labour and the Progressives, the Liberals adopted Canada's very first Old Age Pension bill.... the country's first step toward establishing the social safety net that we all benefit from today.*

As the incumbent prime minister, even though he'd lost his own seat, it was still King's job to advise the Crown as to who was best fit to govern in the new parliament. He successfully persuaded a reluctant Governor General Julien Byng that the Liberals were more likely than the Conservatives to command the confidence of the House of Commons. King pointed out that the Liberals could make Parliament work (*i.e.* pass legislation) despite having fewer seats because the Progressives and Labour were ideologically closer to his party than they were to the Conservatives. Indeed, after the election results came in, both Labour and the Progressives tacitly signalled their preference for working with King instead of Meighen.<sup>4</sup> The combined total of the parties' seats amounted to 124, just enough to command the confidence of the 245-seat House of Commons.

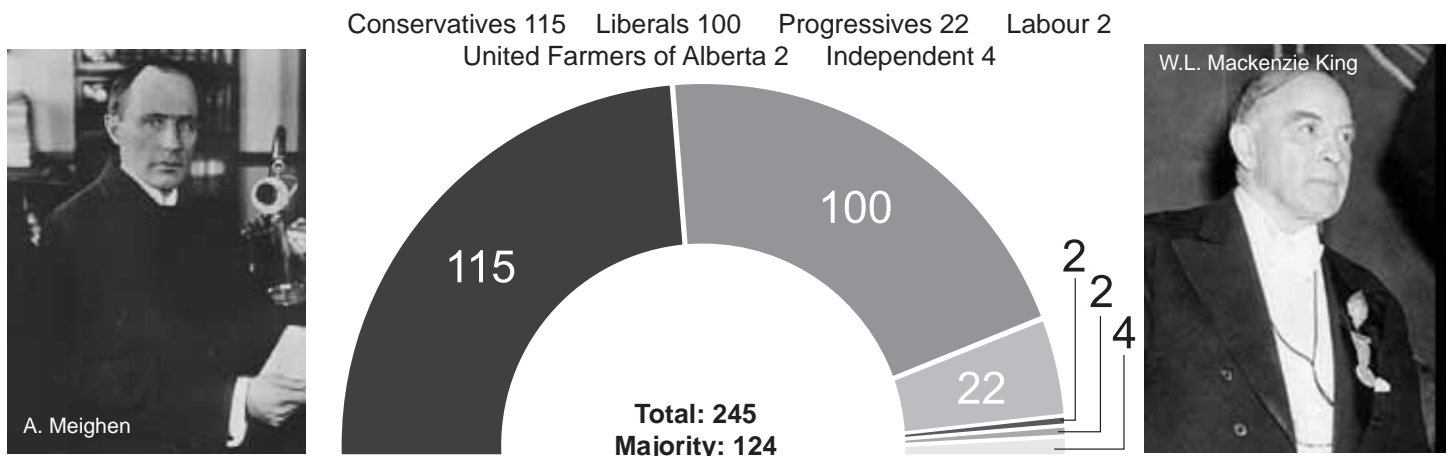
King also argued that having a government supported by a majority of individual MPs (regardless of their party affiliation, favourite colour, or zodiac sign) would be more democratic and more fair than having a government run by a single party plurality that represented only a minority of ridings in Canada. As he put it in his diary at the time: “[it] is the right of the people to govern themselves, by whoever their representatives decide.” King hoped to “establish a precedent towards that end.”<sup>5</sup>

<sup>3</sup> <http://www.parl.gc.ca/parlinfo/Compilations/ElectionsAndRidings/ResultsProvince.aspx>. Some sources give 116 to the Conservatives and 99 to the Liberals. See, for instance, <http://www.parl.gc.ca/parlinfo/Compilations/ElectionsAndRidings/ResultsParty.aspx>.

<sup>4</sup> See WLMK Diaries, entries for 30 October 1925 to 4 November 1925 (<http://www.bac-lac.gc.ca/eng/discover/politics-government/prime-ministers/william-lyon-mackenzie-king/Pages/diaries-william-lyon-mackenzie-king.aspx>).

<sup>5</sup> WLMK Diaries, 2 November and 4 November 1925.

## Federal Election Results, October 29, 1925



Sure, it was a politically convenient argument for King to make, but he was right. The Liberals' Progressive/Labour-supported government lasted for over half a year. After that, Byng gave Meighen's Conservatives a shot at forming a government. It lasted three days.<sup>6</sup> Having a multi-partisan majority of MPs govern, it turned out, was not only more democratic, but also more functional than the single-party minority government that replaced it.

Moreover, the informal Liberal/Progressive/Labour coalition (to use the term loosely) of 1925-1926 established a precedent that, for some reason, neither today's Liberals nor the NDP decided to invoke in any meaningful way during the 2015 campaign. This was in spite of the fact that both the Liberals' and the NDP's predecessors were involved in creating that informal coalition, exactly ninety years ago.<sup>7</sup> Perhaps they were too afraid of Stephen Harper's wrath, the success of the 2008 anti-coalition rhetoric, or of what the public might think after years of being fed misinformation on how parliamentary democracy is supposed to work. Invoking the 1925 precedent could have helped the public to better understand the constitutional legitimacy of replacing a minority government with a formal or informal majority coalition. It could have helped in 2008. Will it be invoked in 2015?

Which brings me back to Harper's spurious claim that only the party with the most seats should govern. By making this irresponsible argument, he has attempted to de-legitimize coalitions altogether. The argument cost him nothing, of course, because his party has no natural coalition partner, except, perhaps, the

<sup>6</sup> This whole episode is known, of course, as the King-Byng affair, or the "King-Byng thing." In June 1926, King's government was about to fall due to a bribery scandal. Instead of facing the humiliation of losing on a vote non-confidence, King wanted Byng to dissolve parliament and trigger another election. When Byng refused, the Liberals resigned from government and Byng appointed Meighen. See Eugene Forsey, *The Royal Power of Dissolution of Parliament in the British Commonwealth* (Toronto: Oxford University Press, 1968), pp.249-250. Constitutional and political scholars' fascination with this event has, I think, served to overshadow the 1925 election and the informal coalition that governed during 1925-1926.  
<sup>7</sup> Labour was more or less folded into the Cooperative Commonwealth Federation, which was created in 1932 and led by the former Labour leader, J.S. Woodsworth. The CCF transformed into the NDP in 1961.

Bloc Québécois.<sup>8</sup> Canadians, however, risk losing everything. By accepting that multi-partisan governments are somehow undemocratic or unprecedented, we undermine our democracy and severely handicap our political system's ability to function.

And let's not forget that good things can happen when a multi-partisan majority runs the show – not least of all because it demands consensus and cooperation. In 1926, under pressure from Labour and the Progressives, the Liberals adopted Canada's very first Old Age Pension bill. It was quashed by the Conservative-dominated Senate at the time, but it set the stage for an identical bill that would be adopted by parliament a year later.<sup>9</sup> It marked the country's first step toward establishing the social safety net that we all benefit from today.

When politicians make erroneous claims about the past – like asserting that only the party with the most seats can govern and that anything else would be undemocratic, unconstitutional, unprecedented, or inherently dysfunctional – as historians we have a responsibility to challenge those claims, and to help better inform the broader public. Like so many Canadians, Mr. Harper, Mr. Mulcair and Mr. Trudeau could also benefit from a history lesson or two.

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<sup>8</sup> Consider, for instance, the unofficial alliances that Quebec nationalists forged with Anglo-Canadian Conservative leaders over the years, like Robert Borden in 1911, John Diefenbaker in 1958, and Brian Mulroney in 1984. After the 2004 election, Stephen Harper suggested replacing Paul Martin's Liberal minority with a Bloc Québécois-supported Conservative government, and following the 2006 election he used Bloc Québécois support to pass his government's first few budget bills. More recently, during the fall 2015 election, the Conservatives and the Bloc Québécois teamed up to invoke the politics of race to their shared advantage.  
<sup>9</sup> See WLMK Diaries, 9 January 1926; and Canadian Museum of History, "Our First Old age Pension, 1915-1927," p.12 ([http://www.history-museum.ca/cmhc/exhibitions/hist/pensions/1915-1927\\_e.pdf](http://www.history-museum.ca/cmhc/exhibitions/hist/pensions/1915-1927_e.pdf)).