

Fourth Annual

Mel Smith Lecture

Trinity Western University

***"Should Canada Consider Proportional
Representation?"***

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The invitation to give the fourth annual Mel Smith Lecture is a singular honour of which I am deeply appreciative. Mel Smith was imaginative and gifted. When Mel Smith spoke he spoke with authority, because he was an authority. He was devoted to a strong West within a strong Canada. To him, it is fair regional representation at the centre that makes Canada strong, it is also what he considered to be most lacking. He promoted reform through constitutional means. I seek reform through parliamentary and particularly electoral means. Our journeys are complimentary, two means to the same end, our paths crossed, and I gained a colleague and friend. His friendship enriched my life to this day.

Mel Smith, as befits his legal profession, was careful to stipulate the purpose of this annual lecture. It is to focus, in his words, “on a national issue from a decidedly Western perspective.” This then is my assignment. I have selected three current, national trends that bode ill for our body politic if left unattended. This paper suggests that a switch to proportional representation can reverse those trends. The trends are:

- Lack of an alternative government.
- Excessive concentration of power in the PMO.
- Growing political disengagement.

In closing, the paper suggests that proportional representation might also attain some of the goals Mel Smith advanced throughout his professional life; in particular it shows how changing our voting system relates to Mel's many proposals to effect a more meaningful role for the West within confederation.

First, some definitions. Proportional representation does not refer to any one particular voting system. It is the principle that unites a whole family of voting systems. The principle is simple: seat-share should equal vote-share. For example, if a party's share of the vote is forty percent that party should have forty percent of the seats. Proportional representation allocates seats to parties based on the popular vote. No system attains the principle with mathematical exactness, hence voting systems are more or less proportional.

Since there are many voting systems that qualify for membership in the proportional representation family it is wrong to conclude that a proponent of proportional representation must want to impose the Italian, Israel, or any other particular system on Canada. This paper asks if Canada should consider proportional representation, but leaves untouched the question of what form would best suit Canada.ⁱ

The second definition concerns our current voting system. Technically, it is Single Member Plurality, but colloquially it is known as first-past-the-post (FPTP). Its important features are twofold. First, it is single-member, or single seat. Canadian elections are not one but three hundred and one elections. Second, in each riding the candidate with the most votes wins even when that is less than a majority of votes.

FPTP works reasonably well where the electorate is nearly homogeneous, such as in Alberta, or where there is a two-party system, such as in the US. FPTP is unsuitable where the electorate is polarized between two strong factions, examples include Quebec, Northern Ireland, and British Columbia, or where the political interests are many and diverse, such as in Switzerland, Israel, Belgium, South Africa, India, Canada, and British Columbia. Where there is political diversity beyond two parties, FPTP breaks down.

DISTORTED RESULTS

For example, in the 1993 federal election the long held NDP riding of New Westminster changed to Reform. Not only that, but it went from Dawna Black, a member of the left wing of her party to Paul Forseth, a right winger within his party. What caused such an extreme shift; was all of New Westminster smitten by a political conversion experience? Hardly. Paul Forseth won on less than thirty percent of the vote. Seventy percent did not want that candidate, that leader, that party, that political platform. Yet, that is what they got. In what sense can Paul Forseth and Reform be said to represent the people of New Westminster?

Pundits tell us that people get the government they deserve. Under FPTP that is simply false. Typically, in federal and provincial elections over half, and often as many as two-

thirds of the candidates are elected on less than a majority of the votes cast. FPTP distorts voters intentions and the results are not what people want or deserve.

Sometimes it is suggested that the distortions at the local riding level are balanced by the overall election results. On this view, the losing voters in New Westminster can take comfort because their party was probably over compensated in some other ridings. In total, we're told, it all balances out. Not true.

Consider how many votes it takes for each party to get one seat. In the 1993 federal election, votes per seat by party are as follows:

	Votes per seat
Progressive Conservative	1,093,211
NDP	104,397
Reform	49,216
Bloc	34,185
Liberal	31,730

Clearly, distortions at the local riding level do not even out. In the 1993 election a Liberal vote was thirty-four times more powerful, more weighty, more effective than a Conservative vote. As a result, the makeup of parliament is not an accurate reflection of the political interests as they exist among the people.

But there is more, not only are votes for some parties far more effective than votes for other parties, votes in one region are more effective than votes in another region. For example, in the last three federal elections, one Liberal vote in Ontario is worth as much as three Liberal votes in the West. In the last election, 220,000 Canadian Alliance voters in Quebec got no seats, but 207,000 Canadian Alliance voters in Saskatchewan got ten seats. Provincially, in 1996 the BC Liberals took all five Okanagan ridings on forty-two percent of the vote. In Burnaby the BC Liberals also took forty-two percent of the vote, but not one of the three ridings. In that election, a BC Liberal vote in Burnaby was not equal to a BC Liberal vote in the Okanagan.

There are many such examples, and all such inequalities cast doubt on how representative our governments are; and whether such governments can rule impartially. Might it not be supposed that federal government decisions are on occasion influenced by the political reality that a Liberal vote in Ontario is worth three times a Liberal vote in the West? Examples abound.ⁱⁱ

Given Canada's diversity, FPTP is a crude instrument for determining people's political preferences and translating those preferences into seats. In addition to producing votes of different values, under FPTP the majority of votes are wasted; wasted in that such votes have no effect on the outcome. Typically, between fifty and fifty-three percent of all votes cast do not contribute to the election results. In the New Westminster example, the seventy percent who did not vote Reform had no impact on the election. They could have stayed home and not voted for all the difference their vote made. Increasingly more do. Under FPTP that seventy percent could not combine their losing remnants with similar losing remnants in adjoining ridings, as would be possible under other voting systems. Those voters, by failing to support the winning candidate wasted their vote. Wasted votes are votes that do not count toward the election of any candidate or party.

In a more robust democracy all, or nearly all votes contribute to the makeup of parliament. In those systems every significant political interest is represented in numbers commensurate with its level of popular support. That on election night the majority of those Canadians who bothered to vote cannot point to anyone they helped to elect violates every and all democratic sentiments. It need not be so, and in most industrialized democracies world-wide it is not so.

The first argument against FPTP is a cluster of reasons dealing with fairness. Is it fair that the vote of some citizens has a different value than the vote of other citizens? Is it fair that votes in some regions have a higher value than votes in other regions? Is it fair that the majority of votes have no value at all in forming parliament? Is it fair that the value of votes for some parties is different from the value of votes for other parties?

LACK OF AN ALTERNATIVE GOVERNMENT

On November 27, 2000 Prime Minister Jean Chretien won a third term by prevailing against a splintered opposition. For the past three elections the opposition has been divided, fractured, and in disarray; nor is there relief in sight. The Reform Party of Canada's attempt to Unite the Right failed producing even more factions.

Historically, it seems improbable to repeat Diefenbaker's success of 1958 and Mulroney's of 1984 and 1988. Today, Canadian conservatism is more diverse. Both Diefenbaker and Mulroney attracted significant support from Quebec, particularly rural Quebec. Since 1993, the Bloc Quebecois has captured those seats with a nationalist agenda. The Progressive Conservatives took fifty eight of 75 Quebec seats in 1984 and sixty three in 1988, but in 1993 just one, in 1997 five and in 2000, again, just one. Help from Quebec to unseat the Liberals is not likely soon.

Outside of Quebec, in the rest of Canada, conservatism is deeply divided three ways, fiscal, social, and Red-Tory conservative. As a result, at the same time that the Progressive Conservatives lost Quebec it lost the West to the Reform Party of Canada. Canadian conservatism is divided. The fiscal conservatives are concerned about high taxes and big government, social conservatives promote traditional values. Red-Tories in Atlantic Canada and small town Ontario appreciate government, while the more populist Western conservatives distrust government. Its divisions too deep, Canada lacks an opposition that could be an alternative government.

Increased numbers of Canadians vote for neither the governing party nor the official opposition. This is a peculiar development worthy of note. The task of the opposition within the British parliamentary tradition is almost as important as that of government. The opposition is a government "in waiting". It provides an alternative public policy agenda, and a means for holding government accountable. Within the British system, voters who support neither the government nor the opposition are virtually without representation. On average, their seat-share is about half their vote-share. As for the

internal workings of parliament, third, fourth, and fifth parties are largely denied participation. Their resources are limited and the procedural rules stacked against them. Voters who support neither government nor opposition are “misfits” within the British parliamentary system. They cannot be accommodated; there is no role or room for them.

In spite of such harsh institutional treatment, Canadian “misfits” are growing at an astounding rate. During the 17 elections prior to 1993 the number of voters who supported neither government nor the opposition was, on average, 23 percent. For the past three elections this average shot up to 41 percent. It is a significant, additional indication of growing political diversity among Canadians.

But is such diversity entirely new? No, it is plausible to read our political history as a one-party system by default. Opposition parties have always been too numerous, too unstable, too regional to dislodge the ruling Liberals for any significant period. Liberals have won 16 of 24 elections since 1921 and never been out of office for more than 9 years. They have been in office for a total of seventy-four years since 1896. Democracy in Canada has never been particularly robust. What is new today is the degree of fragmentation. The 1990s have brought into sharper relief Canada’s diversity. That diversity has never been easily accommodated under a winner-take-all voting system. The possibility to circulate government between competing parties, while difficult in the past seems impossible, today. While Canada may have been a one-party state for most of its existence, the one-party state is more firmly entrenched, today.

Traditionally, the British parliamentary system, which has no division of the legislative and executive, works best with an opposition as a government in waiting. The British model demands strong governments balanced by a nearly equally strong, united opposition. Government that lacks opposition, that is free from fears of being replaced by a viable alternative, soon turns into a benign dictatorship. The trend toward a one-party state signals weakness, not strength. A one-party state is a threat to accountability and democracy. Today, Canadian democracy is a perhaps a oxymoron.

How does the lack of an alternative government relate to the voting system? Given Canada's political diversity, we have precisely the wrong voting system. FPTP boosts the value of Liberal votes while discounting non-Liberal votes. Liberal victories are not unlike winning the Olympics on steroids. FPTP manufactures majorities. Unchallenged Liberal rule is a product of the voting system. Liberal popular support is weak and geographically it is unrepresentative. In the House Liberals are strong but in the country support is feeble. FPTP distortions both benefit the Liberals and hurt the Tories, particularly in 1993. As noted above, in 1993 a Liberal vote was thirty-four times more effective than a Progressive Conservative vote, compliments of FPTP.

The current lack of a two-party system under which one party is a government in waiting results from both Canada's political diversity and FPTP. For example, in 1993 the Tories near extinction was as much a function of the voting system as a loss of popular support. Tories were reduced to two seats while their share of the popular vote should have given them forty-seven seats.

Proportional voting systems more nearly approach the goal of counting all votes, counting all votes equally, and counting votes in all regions, and for all parties equally. Under such voting systems, shifts in popular support for parties would proportionally affect a party's parliamentary strength. The will of the people would shape parliament without distortions.

Casting a ballot must be liberated from the shackles of vote splitting, wasted votes, and votes of unequal weight. Such distortions have no room within a democracy. Voting needs to be authentic, an expression of voter wants, and political alignments in parliament should mirror voters preferences. Majorities should be earned not manufactured.

Canada's political diversity demands coalitions. No single interest can capture enough seats to govern unaided, by itself. Under FPTP coalitions are formed before an election, under proportional systems coalitions are formed after the election. In Canada, building coalitions before elections is very difficult, particularly for the Tories. Conservatism in Canada has been able to form the occasional coalition, usually when the Liberals had

become particularly arrogant and unpopular. Such coalitions of convenience have been remarkably unstable. The conservative victories of Borden, Bennett, Diefenbaker, and Mulroney were not only short-lived but ended in near annihilation of the party.

Mulroney's coalition is particularly instructive. His coalition of Quebec nationalists and Western populists denied all logic and reason, and as subsequent events proved, carried the seeds of its own destruction. To placate Quebec nationalism Mulroney launched the ill-fated Meech and Charlottetown Accords, unleashing fury in the West. Here people felt offended, not least of who was Mel Smith. He bristled at Mulroney's characterization of the Constitution Act 1982 and the patriation process as the "betrayal of Quebec." Mel Smith played a central and critical role throughout the years of constitutional negotiations that culminated in 1982. To him, talk about the betrayal of Quebec was self-serving, politically motivated historical revisionism.

Before Mulroney's second majority government of 1988, Manning's Reform party was launched in 1987. Manning was the architect of Reform, but Mulroney's policies prepared the soil, and watered the plant. Mulroney lost Quebec for failing to appease the nationalists and offended the West for trying. By 1993 his coalition haemorrhaged from both ends.

After the 1997 election, which produced no hopes for Ontario breakthrough, Preston Manning tried his hand at pre-election coalition building. The United Alternative was a daring, imaginative, and self-sacrificing attempt to erase existing political alignments in the great Canadian search for a non-Liberal coalition capable to form government. So far, it has produced more, not less division.

Who is to blame for such wrenching and colossal failures? Mulroney reacted to the internal logic of our winner-take-all system, under that logic coming in second does not count. Mulroney's reward was almost universal scorn and rejection. Is it fair that someone who understands the rules and plays by them be blamed? Manning, reflecting on his failed quest to build a coalition suggests he expected more from having a

distinctive set of policies, and by his own admission, did not sufficiently appreciate the need to build alliances and coalitions representing all regions.ⁱⁱⁱ We have lived through twenty years of large scale attempts to forge a lasting non-Liberal coalition for the purpose of making Canada more democratic, and to give Western Canada meaningful representation in our national governing institutions. The battles have been costly, fierce, bitter, and we've lost. Now, we do well to lay blame where it belongs -- the voting system, and to be very lucid in recognizing that a non-Liberal coalition with staying power in modern Canada is impossible given FPTP. Personalities come and go, but the system remains to thwart democratic and Western aspirations.

The Reform/Alliance implosion carries a lesson. Preston Manning's United Alternative carried a simple, seemingly unassailable message -- a divided opposition will keep the Liberals in power. What was not stated is that the argument is unassailable *given our winner-take-all voting system*. Under FPTP vote splitting kills. Under FPTP opposition parties must join forces to unseat the Liberals.

The United Alternative tried to get people to vote differently. What needs changing is not people's voting preferences, but the way those preferences are counted and turned into seats. In the 1997 election, two parties each received nineteen percent of the vote. For one party that yielded sixty seats, for the other just twenty. Two parties each received eleven percent support. For one party that yielded forty-four seats, for the other just twenty seats. What is wrong is not that some votes are PC and others Alliance; what is wrong is how we count those votes.

Jeffrey Simpson suggests that if an Alliance/PC coalition is to ever form government and have staying power it must copy the Liberal's winning formula^{iv}. If Simpson is correct, and I think he is, it confirms the inadequacy of the present structures. Why replace the Liberals with an imitation of the Liberals? Canada now is a one-party state.

Rather than wish for the impossible, it is better to recognize our diversity and find structures to accommodate Canadian political reality. Having tried and failed in building

pre-election coalitions, it is time to consider after-election coalitions. We need to look to proportional representation. Under such systems a larger segment of the political spectrum will be exposed to the task of governing. Shifts in popular support for the various parties will be reflected accurately in a party's parliamentary strength. Shifts in governing coalitions can be affected by the voters whenever they are so minded. The system is more responsive to voter's wishes. Under such systems, if the voters are so minded, governing will circulate among different coalition partners. Governing coalitions will be strategic and fluid, but parties will have greater staying power.

We must expose the United Alternative's unstated assumption, reject FPTP, and turn to coalition building after the election. Rather than paper over our differences and manufacture majorities, we should face our differences and unite those diversities after, not before elections. Uniting diversities after the election allows parties to remain authentic and true to their own principles and programs. Coalition building before elections requires that principles and significant issues are suppressed, and compromised. In contrast, the compromises necessary to govern made after the election, will be strategic and limited. Politics will be more honest. It won't be perfect, but improvement is possible and imperative.

OBJECTIONS CONSIDERED

Coalition building after elections may have merit but will it prevent one-party rule? There are those who question whether a more proportional voting system can deliver both a government and opposition strong enough to take turns governing. Stephen Harper, and Lois Massicotte foresee the possibility that a proportional voting system might still exclude the West, or provide English-Canada a strong, stable coalition but with a weak opposition.^v The West might be excluded if a Liberal minority party formed a coalition with the Bloc. Alternatively, that prospect might produce in English Canada a lasting, grand coalition to the exclusion of Quebec.

No doubt, that and much more are possibilities. In all such speculations it is well to remember that voting patterns will change under a different system. For instance,

currently the popular strength of the Liberal party is sustained by strategic choices. A significant number vote Liberal rather than waste their vote. When voting is more authentic and less calculated new patterns of party support, and party alignment will emerge.

But most importantly, a proportional system that yields a plurality of Liberal seats ensures the Liberal geographic base is far more representative than now. The Liberal party of today would be no more; its replacement could more truthfully claim to be a national party. A proportional system will yield the Liberal party only half the Ontario seats it receives under FPTP. Such a loss of seats needs to be made up elsewhere, including Western Canada, acknowledged even by Chretien.^{vi} Liberal policies and platforms would either reflect a greater diversity, or the party would reduce itself to insignificance.

But, suppose a proportional system would reduce the number of Liberal seats by fifty, could that loss not be nicely filled with fifty Bloc seats, and would the West not still want in? A proportional system would not yield fifty Bloc seats, and no party dedicated to the break up of Canada would have been Her Majesty's Loyal Opposition following the 1993 election^{vii}. Parliament is far more divided than Canadians.

A voting system that accurately reflects the political values of Canadians will produce parliaments less divided along regional, cultural, and linguistic lines because Canadians are less divided than our parliaments suggest. The current voting system exacerbates divisions, it does not bridge our differences. The Canadian Alliance, we're told endlessly, failed at the Ontario-Manitoba border. In seats, yes, but not in support. In 2000, popular support in Ontario for Canadian Alliance was twenty-four percent, which compares to twenty-five percent Liberal support in the West. Why is the CBC/Maclean's establishment not outraged that again the Liberals failed to penetrate the Ontario/Manitoba border? Better still, why is the establishment not offended by a voting system that denies over one million Ontario Canadian Alliance supporters fair representation?

Consider the numbers. In the most recent election, every 29,395 Canadian Alliance votes in the West obtained one seat, but in Ontario it took 524,424 Alliance votes per seat. For the Liberals the rewards and punishments of FPTP ran the other way. Every 22,837 Liberal votes in Ontario produced one seat, but in the West it took 68,043 Liberal votes per seat. As noted, in 2000, more people in Quebec voted Canadian Alliance than in Saskatchewan, but the Quebec votes yielded no Canadian Alliance seats, while the Saskatchewan votes yielded ten seats. Such institutional distortion is a recipe for regional conflict. Parties invest resources where the payoff is greatest, and neglect regions where the return is minimal. Such incentives undermine national unity, particularly where one party is the natural governing party. Under such conditions the national interest is too readily seen through the prism of party interests. Is it possible to do worse? A proportional voting system will not magically evaporate Canadian diversity, nor will it end various political party alignments, but neither will it overstate and amplify our differences, nor force coalitions that defy logic and reason. If there is speculation that the results may not be as felicitous as anticipated, I say what have we to lose?

There is a further, more substantial concern with proportional representation, articulated most recently by Jeffrey Simpson^{viii}. He does not question that a more proportional system will end one-party rule, but fears the cost to national unity. Simpson suggests that proportional representation will institutionalize and legitimize our differences. We will get more parties, perhaps not a party for every province, profession, industry, and ethnic group, but we might get some, such as a “West First” party for Western Canada, a party for social conservatives, and other sub-groups, so it is suggested. Moreover, the claim is that FPTP favours large, catch-all parties, such parties perform an important brokerage function in bridging our differences and bringing people together. Pre-election coalitions contribute significantly to a Canada-wide political identity. It is feared proportional representation will balkanize the country politically and drive us into separate directions by institutionalizing our differences, and highlighting what separates us. Simpson articulates a view and a fear that is not uncommon. It deserves a thoughtful response.

The counter argument is as follows. A more proportional voting system will lead to more not less brokerage, compromise and bridging of differences. Instead of finding consensus before the election within the confines of partisan politics, under proportional representation compromise, negotiation, and consensus would characterise governance between elections. It would be out in the open for all to see on the floor of Parliament. Permanent coalition government would be less adversarial, more cooperative, consensual, and far less hierarchical. It holds potential to practise the politics of inclusion. There is more opportunity for all political interests to have a say, even though not all would have their way.

In addition, certain forms of proportional representation such as the Irish Single Transferable Vote (STV) would not lead to as much party proliferation as some list-PR systems. We need enough proportionality to ensure that the most significant political interests have on occasion the opportunity to participate in government, but not so much as to cause perpetual deadlock and undue fragmentation. Proportionality can be fine-tuned to suit particular Canadian needs and conditions. A made-in-Canada system should aim at minimal party proliferation.

It is popularly assumed that Israel's voting system leads to instability. Israel reduced the number of splinter parties by imposing a threshold, and in recent years has more stability, but if it wasn't for their proportional voting system the instability would be much greater. Similarly, imagine that the new parliament for Northern Ireland was elected under FPTP (they use STV), and that either the Catholic or Protestant factions could have one-hundred percent of the powers of government on a minority of the vote? Would that be acceptable on the basis that FPTP induces parties to practise a brokerage function? In a polarized electorate the alleged brokerage function of FPTP is nonexistent. In such societies brokerage results from including factions in the process of governance.

Provincially, would Quebec not be better served under a more proportional system, forcing federalists and separatists to work together to govern after the election? Under FPTP the separatist who make up about forty percent of the voters are either in total

control or totally excluded from government, neither is healthy. Are politically diverse electorates not better served when governance is a common responsibility? Why seek to bridge our diversity before the election within parties, why not aim to make governance after the election a more communal undertaking? Canada-wide political stability demands governing structures that are inclusive. Inducing parties to be inclusive is important, but making government inclusive is more important. As noted, countries with deep divisions and diversities are better governed under coalitions than under majorities manufactured by FPTP. Additional examples include Switzerland, South Africa, Belgium.

The claim is that because Canada is so diverse it cannot afford to risk coalition government. Perhaps, it is precisely our diversity that demands coalitions. Provincially, Alberta hardly needs a more proportional voting system, it would make little difference, but British Columbia does because it has much greater political diversity. Would British Columbia's wild swings in public policy not be considerably moderated under a more proportional voting system? India needs proportional representation badly because of its diversity, so does Canada federally, and for the same reason.

The claim that FPTP performs a brokerage function is itself suspect, as noted, it does not always work that way. Would anyone argue that British Columbia's innate polarization is restrained by FPTP? Provincially, British Columbia is clearly another counter example. In theory, FPTP induces parties to seek out the large bulge of voters in the middle, to moderate the extremes, and to avoid polarization. There are instances where the theory works, British Columbia is not one of them. In fact, FPTP has had an opposite effect here; it has exacerbated existing social divisions to produce a highly polarized politics.

For forty years BC politics was severely polarized between a coalition of the right and a coalition of the left. For most of that time the Liberals (being real Liberals as opposed to today's brand of neo-conservatives) tried to straddle the centre, to be the voice of reason and moderation, to bridge differences, to lessen the polarity. They were defeated by

FPTP. W.A.C. Bennett's threat that a vote for the Liberals is a vote for the Socialists carried because of FPTP. Consider the numbers.

Average votes per seat for the seven elections 1956 - 1975

Social Credit	15,647
CCF/NDP	20,866
Liberals	53,258

On average, the Liberals needed more than three times the number of votes the Socialists needed, per seat. In British Columbia those who want to build bridges are penalized by FPTP. The claim that FPTP performs a brokerage function does not apply to British Columbian politics, and increasingly not federally either.

Recent provincial events underscore the polarization. One of the first acts of the Vander Zalm administration was a dramatic overhaul of the labour code to favour business and industry. Five years later, the first thing Harcourt did was to swing the pendulum back the other way. Today, it is the Liberal's turn. Layoffs, cutbacks, labour unrest are necessary we're told, to right ten years of wrongs. Will the pendulum ever stop, must British Columbians be forever polarized? Why not find an equilibrium, stay the course, and avoid the extremes?

Similarly, in federal politics, the suggestion that FPTP bridges, and brokers differences is more fiction than fact. The results of the 2000 election pit East against the West with consequences yet unknown. If the objective is to lessen polarization, to bring the less populated regions such as Atlantic Canada and the West into the decision-making circle of governance more meaningfully, such objectives can best be obtained through a more proportional voting system that unites us after the election, not before, and that unites us in the act of governing, not within party politics. Unity in governance is a more principled and noble goal. In entering governing coalitions parties need not deny what they stand for.

EXCESSIVE CONCENTRATION OF POLITICAL POWER

Like the provincial legislatures, parliament is dysfunctional, unable to perform its most important function, namely, holding the executive accountable, placing a check on executive (prime minister and cabinet) power. Former British prime minister, Margaret Thatcher lost 22 Bills on the floor of the House of Commons. It did not bring the government down, it did not cause an election, it meant the minister responsible had to redraw the legislation. That is all. This is unthinkable in the Canadian context.

Parliament is chronically compliant. Every Bill, every revenue measure, every budget is approved. All decisions of importance are made outside of Parliament, mostly in the PMO by non-elected political appointees. We call our laws Acts of Parliament, they should more appropriately be stamped "Made in the PMO".

MPs are industrious, hardworking, and public spirited, but have no legislative function. They sacrifice family and forego personal satisfactions to better serve their community and constituents, but they are not law-makers, they are ombudsmen for constituents but have no role in developing public policies, they'll lobby for their communities but can't call the government to account. MPs do much except the task that is uniquely theirs. Three years ago, Rafe Mair in the first Mel Smith lecture spelled out in detail that responsible government in Canada is a myth. He said it all with his telling phrase, "toadies and lickspittles."

Professor Franks in his definitive study, *The Parliament of Canada* reaches the following conclusions: (1)"No group is more systematically excluded from the process (policy making) than are MP-s." (2)Parliamentary committees don't work. (3)In theory Parliament is a forum for discussing and debating policy, in practice it is not. (4)Budget and fiscal policy are virtually beyond the control of Parliament. (5)For Franks the greatest challenge to our parliamentary system is finding a role for Parliament in policy-making^{ix}. Such conclusions are astounding and disturbing. MPs are called legislators, yet they have no legislative function. A cursory comparison to US congressman shows how profoundly impoverished the legislative role of our representatives is. And while Britain

MPs have fewer resources than our MPs they do have more legislative power.

Increasingly, Canadian voters know that their representative has little clout, becomes party property the day after the election, and will do as told. Voters don't like it.

MPs have been emasculated. Respected, long-time observer Jeffrey Simpson's latest book is titled, *The Friendly Dictatorship*. He is talking about the office of prime minister. The excessive concentration of power at the top, and corresponding lack of legislative power among the people's representatives in parliament is our biggest democratic deficit. It imperils responsible government in that the parliamentary check on the powers of the executive is no more.

Many have called for and promised free votes. The latest are the BC Liberals. They claim that free votes together with a fixed election date gives elected representatives all the independence they need to check the powers of the executive. That remains to be seen. For free votes to be a reality will require far more than a declaration that it be so, particularly when all incentives in the system run in a contrary direction. Free votes will have become a reality when on occasion government Bills are defeated on the floor of the legislature, and parliament. Until then, scepticism is justified.

In the British parliamentary system there is no separation of executive and legislative powers. This makes a parliamentary check on the powers of the executive difficult to attain. Responsible government in the British tradition requires that MPs have a measure of independence from party control. During the first two decades after confederation Canada enjoyed responsible government ie. parliaments that exercised a check on the powers of the executive. Since then party discipline has eroded the necessary independence.

John Stuart Mill predicted as early as the 1850s that mass, extra parliamentary parties would rob MPs of their independence, and that without such independence parliament in the Westminster model cannot place an effective check on the powers of the executive. He was overjoyed when he learned of Thomas Hare's invention - a new voting system,

the Single Transferable Vote. For Mill, STV offers MPs the potential for a measure of independence from party control.

Sir Sandford Fleming, of Greenwich time fame, made the same argument in an address titled, “On the Rectification of Parliament” which he delivered in Toronto in 1894. He, too, thought that FPTP was the primary reason why the powers of cabinet and the prime minister were growing at the expense of parliament, and he, too, looked to STV for a solution.

What does the dysfunction of parliament have to do with our voting system? The answer is: everything! Politics is about power. Those who have it want to keep it and those without want to have it. By translating votes into seats the voting system determines who gets power and who doesn't. It is the kingpin. A change in the voting system will change the relationship between parliament and the executive.

FPTP translates a minority of the vote into a majority of the seats. For example, the 1997 election produced a majority government on just thirty-eight percent of the vote. In nearly all elections majorities are manufactured. In countries with more proportional voting systems majorities must be earned. FPTP translates a minority of the votes into one-hundred percent of government power for the winning party. In Canada, this feature contributes significantly to the excessive concentration of power at the top.

The essence of democracy is that power is dispersed, and diffused. Voting systems which translate forty-percent of the vote into forty-percent of the powers of government lead to the politics of inclusion, partnership, negotiation, coalition building. In the US congressional system no legislative measure can be adopted without extensive negotiation, and coalition building, likewise a more proportional voting system will give the Canadian parliament a similar and significant legislative function. No single leader and party will control parliament, no one leader can stack the membership of the Standing and Special committees to render them toothless instruments for partisan, political advantage. Power will be shared and diffused.

But there is more. In addition, as J.S. Mill foresaw one hundred and fifty years ago, within the family of more proportional voting systems it is possible to adopt or design a voting system which gives MPs a measure of independence from party control, if the voters are so minded. The British parliamentary system demands that MPs have some independence to hold government accountable, voters want MPs to be more responsive to them. We need a voting system which permits MPs such independence of judgment, and greater loyalty to their constituents, if constituents are so minded.

The conclusion of this argument is that parliamentary reform can largely be accomplished through electoral reform.

Canada's need for parliamentary reform to check the executive, and institutional reform to permit the circulation of government between parties are two compelling arguments for changing the voting system.

If we could start all over and devise a new voting system, would we select one that wastes most votes, nearly always gives government to a minority, exaggerates our divisions and differences, and delivers an adversarial, inefficient governmental system where all decisions of importance are made outside of parliament? Would we choose a system which occasionally is so perverse as to award government to a party less popular than the opposition party? Not likely, it would offend our sense of democracy.

POLITICAL DISENGAGEMENT

There is a third reason Canada should consider proportional representation. Canadians are turning away from politics. Civic literacy and voter turnout are both in steep decline. In 1990, five percent of Canadians could not name the prime minister, ten years later that increased to eleven percent. The decline in civic literacy is particularly severe among the younger age group. In a 1990 survey, forty percent of the whole sample could not answer correctly more than one out of three political knowledge questions (Who is the PM? Who is the Liberal leader? Who is the NDP leader?), but for 18-29 year olds fifty-six percent

could not correctly answer more than one question. By 2000, this younger group had fallen even further. When asked to name the prime minister, finance minister, and official opposition forty six percent of the whole sample scored no more than one out of three, but for the younger group sixty-seven percent could not score more than one out of three^x.

Canadians are chilling out, tuning out and exiting political engagement. Politics, at least the formal, institutionalized form of politics, is increasingly considered irrelevant. When I was in Victoria, MLAs would live in fear of the Vancouver Sun's Vaughn Palmer. Most wouldn't touch their breakfast without first devouring Vaughn. It seemed everyone I knew read him studiously. What a revelation when a survey indicated that only nine percent of Vancouver Sun readers read Vaughn Palmer. Take away the politicians and support teams and little is left. And that was in the good old days. Today, even fewer citizens are informed about political issues.

Civic literacy and voter turnout are in decline world-wide, but that makes it no less worrisome.

In Canada, voter turnout is in free fall. In the 2000 election, turnout dropped to its lowest level since the institution of universal suffrage. The average turnout from 1945 to 1988 was 75.4 percent, but turnout for the three most recent elections has declined sharply to 69.6, 67, and 61.2 percent respectively. In just twelve years voter turnout dropped 14.1 percentage points^{xi}. There is a popular myth that Canadians are more dutiful citizens if measured by voter turnout than are Americans. It is not true. We measure voter turnout as a percentage of registered voters. If we measured turnout as a percentage of eligible voters, as do Americans, our turnout might drop a further ten percentage points and be very close to the American turnout rates. In addition, Americans vote more frequently, and for more elected positions and issues.

It is well documented that proportional systems increase voter turnout by about ten percentage points^{xii}. The reasons are as follows. First, there are few wasted votes, in

contrast, FPTP wastes most votes. Wasted votes are votes for losing candidates. In addition, FPTP generates many “safe” ridings where the contest is a foregone conclusion. In “safe” ridings neither supporters nor opponents of the “safe” party have an incentive to vote. Why vote when it makes no difference? Under proportional systems there are no “safe” ridings, and all, or nearly all votes make a difference. Then, voting has significance. However, all of that explains increased turnout only in part.

Second, under proportional systems voters are better informed. Parties and their candidates have greater continuity which helps build party identity for voters. The turnover of MPs and MLAs in Canada is higher than most countries world-wide. The 1993 federal election produced 200 rookie MPs, and 101 returning MPs. Provincially the last election produced 47 new members, and 32 returning members. Parties are not infrequently totally annihilated. Recent examples include, provincially Social Credit in 1991, the provincial NDP ten years later, and federally, the Progressive Conservatives in 1993. These parties all suffered electoral defeats far worse than their popular support warranted. Voting system generated distortions both strengthen and weaken political parties and candidates beyond what voters intent. In a winner-take-all system, losing parties and leaders must frequently recast themselves. Second place counts for nothing; staying competitive demands finding the winning formula. For parties out of power it is a never ending search.

The Reform Party of Canada is a good example, ten years after its beginning it felt compelled to recast itself including a new name, a new leader, and less emphasis on divisive policies. Tom Flanagan has argued that Reform was constantly recasting itself^{xiii}. As indicated above, it is the voting system that compelled Reform to present a new package and image.

What effect does this have on the voter? When parties constantly reinvent themselves with new leaders, candidates and platforms, not to speak of principles, it leaves the electorate confused. The political map is always shifting, brand loyalty can't take root. Under proportional systems parties can survive without winning, and winning isn't

everything. The result for the voter is a political map that is more useful, it is more accurate, it lasts longer, and becomes better known. In proportional representation countries citizens are better informed, more knowledgeable about things political. With better tools to make political judgments, citizenship, from casting a ballot to accepting unpopular but necessary measures, is enriched. Henry Milner defines this as civic literacy. His extensive studies indicate that the critical element which fosters greater voter turnout under proportional systems is a better informed citizen^{xiv}. Such citizens find it easier to navigate the political map and are more competent to make judgments about the public good. Voting is facilitated, less bewildering, and more gratifying.

Informed citizenship and civic literacy is inhibited by FPTP. Under FPTP the emphasis is on winning, on strategy, on images, on perception and spin. There is more pragmatism and less principle, more focus on leaders and less on platform, and policies. For example, the Reform Party of Canada rallied its membership around its policies, but its successor the Canadian Alliance rallies its troops around the prospect of winning government. In a highly diverse country such as Canada policies always carry the potential for conflict and division. Parties that are serious about winning avoid policies and principle in favour of personalities and pragmatism.

In addition, the winner-take-all nature of FPTP fosters highly adversarial political discourse. For example, as I write this paper, Dr. Grant Hill, a Canadian-Alliance leadership candidate, using his best bedside manner, takes every opportunity to tell his audiences in serious, clipped, measured tones that unless the Alliance and the Tories join efforts both are doomed and the despicable Liberals will rule unopposed for another thirty years to the ruin of our great and fine country. Such overblown rhetoric exemplifies the logic of our voting system and why it leaves voters ill informed and turned off. Hill's stark positioning of the alternatives does not permit discussion, and it demands a complete sacrifice. One must either compromise or face extinction.

That Alliance and Conservatives must work together to avoid common extinction is true *given our voting system*, that we're not told. But more importantly, the language is

excessive, and over the top. If Canada is a great and fine country after one hundred years of nearly unbroken Liberal rule, perhaps the Liberals are not exactly the evil empire Dr. Hill depicts. Proportional systems force cooperation, coalition, consensus building, it elevates political discourse. Discussions focus on policies rather than personalities, on substance rather than image. The effect on voters is wholesome. Citizens are less turned off, less distrustful of political talk, and better informed.

Third, an additional stimulant to greater voter turnout is that parties cannot take any votes for granted. The logic of FPTP induces parties to shower information on the swing voters. Parties direct their resources to where there is a payoff. Entire ridings, regions, and demographic groups or interests are either taken for granted or written off. They receive scant attention, and do not benefit from party resources. Under proportional systems it is far more likely that every last vote within a party's target market is important. Fewer groups or regions can be taken for granted. Under elections driven by such incentives more voters will be exposed to more information. In Henry Milner's words it becomes a virtuous loop. Informed citizens demand more information, which leads to more informed citizens.

That the voting system can turn people into better citizens is a bold claim. Fortunately, New Zealand is a rare and useful test kitchen, particularly for Canada because of the many similarities in political institutions, culture and geography. Increasingly, as New Zealand adapts to the new incentives of their recently adopted Mixed Member Proportional voting system, their experience confirms that of other proportional countries. New Zealand's 1996 and 1999 elections were the first to be conducted under proportional rules. Studies confirm that since the switch from FPTP, (1) more people vote, (2) more people believe one's vote counts and matters, (3) more people believe it is a civic duty to vote, (4) fewer people consider their MP out of touch, and (5) fewer think government is run by special interests.^{xv}

CONCLUSION

Most industrial democracies world-wide use voting systems more proportional than ours.

There are many reasons why Canada should consider a change in voting system. This paper gives three reasons; it presents electoral reform as a remedy to stem three current tides and trends which if left unchecked will seriously impair democracy and freedom in Canada.

And yet, the picture is bigger. The argument in favour of more proportional voting is not merely a mechanical remedy for redirecting certain trends. The argument is fundamentally about a more robust democracy and the quality of citizenship. Proportional representation holds promise to enhance democracy and deepen citizenship.

The essence of democracy is that power is diffused not concentrated, that decisions are made by the many, not by the few. Canada needs to strengthen its democracy, particularly since globalization has concentrated economic and financial powers. A decade of corporate mergers, takeovers, and commercial consolidation has placed more power in fewer hands than ever before. In addition, currently, the climate of fear since September 11 is aggressively used to centralize political power even more. Democracy is in danger just when we need it most. In a democracy all affected by a decision are included in the decision-making process. Canada needs institutions that are more inclusive. People will accept compromise, and accept that not everyone can have their way, provided they can at least have a say.

Proportional representation enhances democracy by empowering citizens, giving citizens a vote and a voice that counts, that is heard. It holds the potential for greater accountability between voters and their representatives, and a parliament that can place a check on the executive.

In as much as proportional representation can contribute to a more robust democracy, greater accountability and more meaningful citizenship, it aims for the same goals Mel Smith pursued, albeit by a different route.

MEL SMITH'S CONTRIBUTION

For thirty-one years Mel Smith served the British Columbia government, most of that time as its foremost constitutional advisor. He served under four premiers and participated in Canada's most dynamic constitutional developments. After his retirement he continued his contribution as public policy advisor, author, and public speaker. His distinguished career was marked by the search for a strong West within a strong Canada. In particular, his goal was to gain for the West a more appropriate role within confederation. He pursued that goal with two strategies. The first was to devolve federal powers to the provinces, the second, to gain greater, and more just provincial representation within the federal institutions.

Regarding the latter Mel Smith wrote:

One of the secrets to a satisfied British Columbia within Confederation is to be found in restructuring the central institutions of the federation in such a way as to allow British Columbia a fuller and proper voice in the formulations of crucial national policies and federal-provincial issues.^{xvi}

To obtain more just and effective representation in the federal institutions for the West generally and British Columbia in particular, Mel Smith's many proposals include the following:

- Senate reform. He favoured an elected and effective Senate with seats distributed according to population. (Not quite Triple-E)
- A Council of the Federation. It would consist of ministerial representatives having one vote per province and it would need to ratify appointments to the Supreme Court, to all major federal agencies and commissions, federal laws administered by provinces, federal spending in provincial jurisdictions, treaties falling within provincial jurisdiction, and more.
- Supreme Court. Membership should be more equitable based on Canada's five regions.

- Federal Boards and Commission. Membership to be drawn from all regions on a fair and equitable basis.
- Free Votes to lessen party discipline.
- Plebiscites, Referenda, and Initiatives to increase democratic participation and lessen our reliance on executive federalism.

In addition, particularly after his retirement from public service Mr. Smith through his writings, public speaking and active participation in the Canada West Foundation, and the Canadian Taxpayers Federation promoted Recall, Balanced Budget Legislation, and democratic initiatives.

It is my submission that regional balance and representation in the federal governing institutions, greater accountability to voters by elected representatives, and more informed and involved citizens might be attained through a more proportional voting system. It should be seen not as a substitute for, but as an addition to the Mel Smith proposals, which I endorse.

REGIONAL BALANCE

Under a more proportional voting system the Liberals, or any party, could not easily form a majority government without significant representation from Western Canada. But there is more, not only would Canada's geographic diversity be represented fairly and equitably, but no one party would have power in excess of what the people are willing to entrust to it. Single party majority governments would be no more. Coalition building after the election would provide opportunity for the West to be heard. Not everyone would have their way, but all would have a say. The fair and equitable regional representation that Mel Smith thought necessary to allow British Columbia a proper voice in national affairs can be attained through electoral reform.

Electoral reform could satisfy Western aspirations. It must be tried. We cannot continue to be politically out of step with central Canada and remain under-represented and without power within the institutions that governs us. If it is not to be electoral reform

there is only one other possibility - Scotland-like home rule. A parliament for the West to govern Western interests, sensibilities and aspirations. If Scotland can do it, why not Western Canada?

HOLDING POLITICIANS ACCOUNTABLE

Depending on what proportional system is chosen, there is potential to give parliament the power to hold the executive accountable. The concentration of power at the top and the hierarchical form of decision-making would give way to a more inclusive, consensual process. MPs might have a measure of independence, and could more authentically represent their voters. For example, Switzerland has Recall legislation but it has never been used. Their more democratic voting system ensures people get what they vote for, and links voters and representatives more closely, making Recall less necessary.

Proportional representation holds the potential to fundamentally alter the relationship between parliament and the executive, such that party discipline would not subvert responsible government and thereby attain what free votes are designed to deliver.

INFORMED AND ACTIVE CITIZENS

Mel Smith supported referenda and initiatives to involve citizens meaningfully. People are turned off politics by its insincerity, dishonesty, duplicity. Politics needs greater honesty and integrity. Moralizing that it ought to be so, will not make it so. But institutional changes that provide different incentives must be tried. The logic and incentives of FPTP favour dishonesty^{xvii}. It starts even before the election. To win the nomination candidates appeal to the policy positions held by the average party member. After winning the nomination candidates will then shift to policy positions held by the average voter in the riding. Immediately there is a disconnect, disappointment, and a measure of betrayal. Often the very people who helped the candidate win the party nomination feel the most ignored, neglected, disenfranchised. The pressure on the candidate is to misrepresent, to cloud the issues, and to not be completely truthful with anyone. Seeking to please all, they please none. In contrast, under proportional systems candidates appeal to and seek to represent the same slice of the political spectrum all

along the way to electoral victory. When compromise and coalition building takes place after the election, the election process itself is more honest.

Honesty in politics leads to better informed citizens whose political involvement is more rewarding. Being better informed, such citizens are more qualified to make judgments about the public good. Canada's strength depends on such citizens.

Mel Smith by personal example and through his policy proposals stood for honesty and integrity in politics. It is my submission that a change in voting system might make politics less pragmatic and more principled. Like Gordon Gibson last year, it is not my purpose to burden Mel Smith with all I have said here, but I know that in broad outline he would nod his approval. Thank you for allowing me to make this contribution in Mel's memory.

ⁱ Because of Canada's unique geography, history and political culture we need a made-in-Canada solution. Importing systems from elsewhere is fraught with problems. In particular, Canadians should first find agreement on what they expect from their voting system, to then design a voting system to most nearly attain those objectives. The following five objectives are suggested possibilities.

Broad proportionality: a voting system that more proportionately reflects the popular vote in the allocation of seats in Parliament.

Extended voter choice: a voting system that encourages and rewards positive and sincere voting by citizens, rather than negative or strategic voting.

Stable and effective government: a voting system that contributes to the formation of governments that can govern effectively.

Geographic representation: a voting system that maintains an element of geographic linkage between voters and their representatives.

Less Party Discipline: a voting system that gives MPs a measure of independence from party control.

In the author's opinion the Irish Single Transferable Vote (STV) would best meet these objectives. Loenen, Nick, *Citizenship and Democracy a Case for Proportional Representation* (Toronto: Dundurn Press, 1996)

ⁱⁱ Gibson, Gordon. "BC Will Hurt if Ottawa Goes Soft on Lumber", *The National Post*, February 23, 2002.

ⁱⁱⁱ Maclean's, February 11, 2002 p.11. Upon leaving elected office Manning is quoted to have said, "Even if you have what appears on the surface to be a national party, in effect there have to be working alliances and coalitions between movers and shakers in Atlantic Canada, Quebec, Ontario, the Prairie people, and B.C. I don't think I appreciated that."

^{iv} Simpson, Jeffrey. *The Friendly Dictatorship*, (Toronto: McClelland and Stewart Ltd. 2001).

^v Harper, Stephen. "Canadian Elections at the Millennium." *Choices*, Vol.6 No. 6, September, 2000.

Institute for Research in Public Policy, Montreal. p. 47. Massicotte, Louis. "Changing the Canadian Electoral System." *Choices*, Vol. 7, No. 1, February 2001 p.7.

^{vi} When Chretien campaigned for the Leadership of the Liberal party in 1984, he said on 8 May in Brandon, Manitoba that bringing in a system of proportional representation would be "one of my first acts as prime minister". This, he said, would end Western alienation which is fuelled by a chronic lack of Western representation. As reported in *Globe and Mail*, May 9, 1984.

^{vii} The Bloc Quebecois actual seats attained are as follows, with number of seats based on votes-share in brackets. 1993, 54 (40); 1997, 44 (29); 2000, 37 (30).

^{viii} Simpson, Jeffrey, (2001)

^{ix} Franks, C.E.S. *The Parliament of Canada* (Toronto: University of Toronto Press, 1987), 97; 162; 204; 214; 219.

^x Howe, Paul. "The Sources of Campaign Intemperance." *Policy Options* January-February 2001.

^{xi} Turnout numbers as supplied by Canada: Chief Electoral Officer's Official Voting Results.

^{xii} Blais, a; Carty, K, "Does Proportional Representation Foster Voter Turnout?" *European Journal of Political Research*, vol. 18, No2 [1990] Dordrecht: Kluwer Academic Publishers, 167-182; Lortie [Royal Commission on Electoral Reform and Party Financing], Vol. 1, 54.

^{xiii} Flanagan, Thomas, *Waiting for the Wave* (Toronto: Stoddart, 1995)

^{xiv} Milner, Henry, *Civic Literacy* (Hanover and London: University Press of New England, 2002)

^{xv} Milner, Henry, (2002) 139.

^{xvi} Smith, Melvin. *The Renewal of the Federation, a British Columbia Perspective* (Victoria: Government of British Columbia, 1991) p. 87. This publication was commissioned just after Mr. Smith left the public service and provides a summation of his view on provincial/federal relations.

^{xvii} Milner, Henry, (2002) p. 80.