
*Institutional Reforms for Representative
Government*



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Institutional Reforms for Representative Government





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Research Coordinator

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When the members of the Rowell-Sirois Commission began their collective task in 1937, very little was known about the evolution of the Canadian economy. What was known, moreover, had not been extensively analyzed by the slender cadre of social scientists of the day.

When we set out upon our task nearly 50 years later, we enjoyed a substantial advantage over our predecessors; we had a wealth of information. We inherited the work of scholars at universities across Canada and we had the benefit of the work of experts from private research institutes and publicly sponsored organizations such as the Ontario Economic Council and the Economic Council of Canada. Although there were still important gaps, our problem was not a shortage of information; it was to interrelate and integrate — to synthesize — the results of much of the information we already had.

The mandate of this Commission is unusually broad. It encompasses many of the fundamental policy issues expected to confront the people of Canada and their governments for the next several decades. The nature of the mandate also identified, in advance, the subject matter for much of the research and suggested the scope of enquiry and the need for vigorous efforts to interrelate and integrate the research disciplines. The resulting research program, therefore, is particularly noteworthy in three respects: along with original research studies, it includes survey papers which synthesize work already done in specialized fields; it avoids duplication of work which, in the judgment of the Canadian research community, has already been well done; and, considered as a whole, it is the most thorough examination of the Canadian economic, political and legal systems ever undertaken by an independent agency.

The Commission's research program was carried out under the joint direction of three prominent and highly respected Canadian scholars: Dr. Ivan Bernier (*Law and Constitutional Issues*), Dr. Alan Cairns (*Politics and Institutions of Government*) and Dr. David C. Smith (*Economics*).

Dr. Ivan Bernier is Dean of the Faculty of Law at Laval University. Dr. Alan Cairns is former Head of the Department of Political Science at the University of British Columbia and, prior to joining the Commission, was William Lyon Mackenzie King Visiting Professor of Canadian Studies at Harvard University. Dr. David C. Smith, former Head of the Department of Economics at Queen's University in Kingston, is now Principal of that University. When Dr. Smith assumed his new responsibilities at Queen's in September, 1984, he was succeeded by Dr. Kenneth Norrie of the University of Alberta and John Sargent of the federal Department of Finance, who together acted as Co-directors of Research for the concluding phase of the Economics research program.

I am confident that the efforts of the Research Directors, research coordinators and authors whose work appears in this and other volumes, have provided the community of Canadian scholars and policy makers with a series of publications that will continue to be of value for many years to come. And I hope that the value of the research program to Canadian scholarship will be enhanced by the fact that Commission research is being made available to interested readers in both English and French.

I extend my personal thanks, and that of my fellow Commissioners, to the Research Directors and those immediately associated with them in the Commission's research program. I also want to thank the members of the many research advisory groups whose counsel contributed so substantially to this undertaking.

DONALD S. MACDONALD



At its most general level, the Royal Commission's research program has examined how the Canadian political economy can better adapt to change. As a basis of enquiry, this question reflects our belief that the future will always take us partly by surprise. Our political, legal and economic institutions should therefore be flexible enough to accommodate surprises and yet solid enough to ensure that they help us meet our future goals. This theme of an adaptive political economy led us to explore the interdependencies between political, legal and economic systems and drew our research efforts in an interdisciplinary direction.

The sheer magnitude of the research output (more than 280 separate studies in 72 volumes) as well as its disciplinary and ideological diversity have, however, made complete integration impossible and, we have concluded, undesirable. The research output as a whole brings varying perspectives and methodologies to the study of common problems and we therefore urge readers to look beyond their particular field of interest and to explore topics across disciplines.

The three research areas, — *Law and Constitutional Issues*, under Ivan Bernier; *Politics and Institutions of Government*, under Alan Cairns; and *Economics*, under David C. Smith (co-directed with Kenneth Norrie and John Sargent for the concluding phase of the research program) — were further divided into 19 sections headed by research coordinators.

The area *Law and Constitutional Issues* has been organized into five major sections headed by the research coordinators identified below.

- Law, Society and the Economy — *Ivan Bernier and Andrée Lajoie*
- The International Legal Environment — *John J. Quinn*
- The Canadian Economic Union — *Mark Krasnick*

- Harmonization of Laws in Canada — *Ronald C.C. Cuming*
- Institutional and Constitutional Arrangements — *Clare F. Beckton and A. Wayne MacKay*

Since law in its numerous manifestations is the most fundamental means of implementing state policy, it was necessary to investigate how and when law could be mobilized most effectively to address the problems raised by the Commission's mandate. Adopting a broad perspective, researchers examined Canada's legal system from the standpoint of how law evolves as a result of social, economic and political changes and how, in turn, law brings about changes in our social, economic and political conduct.

Within *Politics and Institutions of Government*, research has been organized into seven major sections.

- Canada and the International Political Economy — *Denis Stairs and Gilbert Winham*
- State and Society in the Modern Era — *Keith Banting*
- Constitutionalism, Citizenship and Society — *Alan Cairns and Cynthia Williams*
- The Politics of Canadian Federalism — *Richard Simeon*
- Representative Institutions — *Peter Aucoin*
- The Politics of Economic Policy — *G. Bruce Doern*
- Industrial Policy — *André Blais*

This area examines a number of developments which have led Canadians to question their ability to govern themselves wisely and effectively. Many of these developments are not unique to Canada and a number of comparative studies canvass and assess how others have coped with similar problems. Within the context of the Canadian heritage of parliamentary government, federalism, a mixed economy, and a bilingual and multicultural society, the research also explores ways of rearranging the relationships of power and influence among institutions to restore and enhance the fundamental democratic principles of representativeness, responsiveness and accountability.

Economics research was organized into seven major sections.

- Macroeconomics — *John Sargent*
- Federalism and the Economic Union — *Kenneth Norrie*
- Industrial Structure — *Donald G. McFetridge*
- International Trade — *John Whalley*
- Income Distribution and Economic Security — *François Vaillancourt*
- Labour Markets and Labour Relations — *Craig Riddell*
- Economic Ideas and Social Issues — *David Laidler*

Economics research examines the allocation of Canada's human and other resources, the ways in which institutions and policies affect this

allocation, and the distribution of the gains from their use. It also considers the nature of economic development, the forces that shape our regional and industrial structure, and our economic interdependence with other countries. The thrust of the research in economics is to increase our comprehension of what determines our economic potential and how instruments of economic policy may move us closer to our future goals.

One section from each of the three research areas — The Canadian Economic Union, The Politics of Canadian Federalism, and Federalism and the Economic Union — have been blended into one unified research effort. Consequently, the volumes on Federalism and the Economic Union as well as the volume on The North are the results of an interdisciplinary research effort.

We owe a special debt to the research coordinators. Not only did they organize, assemble and analyze the many research studies and combine their major findings in overviews, but they also made substantial contributions to the Final Report. We wish to thank them for their performance, often under heavy pressure.

Unfortunately, space does not permit us to thank all members of the Commission staff individually. However, we are particularly grateful to the Chairman, The Hon. Donald S. Macdonald; the Commission's Executive Director, J. Gerald Godsoe; and the Director of Policy, Alan Nymark, all of whom were closely involved with the Research Program and played key roles in the contribution of Research to the Final Report. We wish to express our appreciation to the Commission's Administrative Advisor, Harry Stewart, for his guidance and advice, and to the Director of Publishing, Ed Matheson, who managed the research publication process. A special thanks to Jamie Benidickson, Policy Coordinator and Special Assistant to the Chairman, who played a valuable liaison role between Research and the Chairman and Commissioners. We are also grateful to our office administrator, Donna Stebbing, and to our secretarial staff, Monique Carpentier, Barbara Cowtan, Tina DeLuca, Françoise Guilbault and Marilyn Sheldon.

Finally, a well-deserved thank you to our closest assistants: Jacques J.M. Shore, *Law and Constitutional Issues*; Cynthia Williams and her successor Karen Jackson, *Politics and Institutions of Government*; and I. Lilla Connidis, *Economics*. We appreciate not only their individual contribution to each research area, but also their cooperative contribution to the research program and the Commission.

IVAN BERNIER
ALAN CAIRNS
DAVID C. SMITH



Among its terms of reference the Royal Commission was required to consider “changes in the institutions of national government so as to take better account of the views and needs of all Canadians and regions.” The section of *Politics and Institutions of Government* that was entitled Representative Institutions had its research program shaped by this focus. Nine studies were undertaken within the research program of Representative Institutions, and four of these were commissioned to examine specific issues of reform. Two were focussed on Parliament itself, one on electoral reform, and one on the use of referendums. These four papers are included in this volume.

John C. Courtney was commissioned to assess the practical implications of a larger House of Commons. This study was to consider the effects of a larger House as a consequence of possible changes to our electoral system, and it was also meant to examine how the roles of MPs might change simply as a result of a greater number of elected representatives. Peter Dobell was asked to examine the probable consequences of several reform proposals for the functioning of Parliament as an institution of representative government. Some of these proposals derive from experience within the British parliamentary tradition. What was requested here was an assessment of the possible scope and direction of parliamentary reform, given our practice of party government in Canada.

William P. Irvine’s task was to provide a comprehensive evaluation of several proposals for reform to our national electoral system. These proposals have emerged primarily in response to the way our present electoral system affects the regional composition of our political parties. Given our concern for regional representation in the institutions of

national government, this focus of institutional reform is obviously an important subject.

A fourth topic for consideration was the use of referendums as an institutional mechanism to provide citizens with more direct input into the determinants of national public policy. Vincent Lemieux was commissioned to provide a comparative account of the use of this device both within other Western political systems and within the several jurisdictions in Canada. He was asked to do so with particular reference to the principles and practices of responsible parliamentary government.

PETER AUCOIN

ACKNOWLEDGMENTS



The task of analyzing the complexities of our institutions of national government involved many people. I am grateful to all the researchers who undertook studies for the Commission's research section on Representative Institutions, and honoured to be the coordinator of their published studies. Alan Cairns, as Director of the Politics and Institutions of Government research program, provided valuable intellectual direction and collegial support. John Hayes, Mark Krasnick, Maurice Pinard, Donald Savoie and Jennifer Smith served as members of my research advisory group, and their advice contributed greatly to the research program and its individual studies. In addition, Jennifer Smith's evaluations and suggestions on a number of topics and her succinct and lucid analyses were always helpful and appreciated. Cynthia Williams and Karen Jackson, executive assistants of the research program, provided essential administrative and scholarly assistance, and detailed suggestions of Richard Simeon, Bruce Doern and David Ablett contributed greatly to the study of a number of topics. I should also like to thank Donna Stebbing, for her logistical work, Ruth Crow, for editorial help, and Dawn Riley, Cindy MacDonald and Marilyn Slayter for secretarial and administrative contributions.

P.A.



The Size of Canada's Parliament: An Assessment of the Implications of a Larger House of Commons

JOHN C. COURTNEY

No political problem is less susceptible of a precise solution than that which relates to the number most convenient for a representative legislature.

James Madison, *Federalist Papers* (Number 55)

Introduction

In the 1970s, part of the growing fear in Ottawa that public support for provincial institutions and programs was gaining at the expense of federal ones, and that regional concerns were not being adequately reflected in Parliament, derived from the fact that Parliament was composed of political parties with wildly imbalanced regional memberships. This imbalance occasioned a lively though unresolved debate about representational reforms designed to make Parliament (and, through it, the government of the day) more responsive to public, provincial and regional demands. In the search for means of accommodating regionalism within national institutions, much of the attention focussed on electoral reform. Accordingly, various proposals for a modified electoral system were debated.

In its crudest terms, acceptance of a modified electoral system and abandonment of the current plurality vote system might be seen principally as a way of awarding seats to the Liberals and the Progressive Conservatives in the regions where they had been respectively weakest — western Canada and Quebec. Parliamentary caucuses and cabinets would allegedly become more sensitive to the concerns of all regions of the country and more credible once the changed electoral system had produced more regionally balanced parliamentary parties.

Implicit in the call for electoral reform was the equally critical assumption that a changed electoral system would increase public support for flagging national institutions, Parliament in particular.

Although there are undoubted merits in the case put forward by electoral reformers, it would be a mistake to conclude that the representational problems to which they allude would necessarily be solved by changing the method of electing MPs. In fact, in some respects a modified proportional representation system in Canada might well make matters worse, for example, by reducing the incentive already present in the system to gain electoral support through accommodation of regional demands — a development which, in turn, would make less certain the continuation of the broadly based and non-doctrinaire features of Canada's two major parties. These and related topics have been explored elsewhere.¹ Whatever the merits of electoral reform, the debate over its particulars should not supersede alternative representational questions. Of these, one deserving closer examination is that of the size of the Commons.

Parliaments vary considerably in the size of their membership. Italy and the United Kingdom have roughly equal populations and both have parliaments with over 600 members in the lower house. But the United States, with a population more than four times as large as either of these countries, has in its House of Representatives a membership only two-thirds that of the Italian or British lower houses. New Hampshire, with a population of half a million, has a lower house of 400 members, but California, with 25 times as many residents, has a lower house of only 80 members. Examples abound, all reinforcing the obvious: there are no hard, fast and universally applicable rules respecting the size of legislatures when population is the sole criterion for comparison.

Factors other than population have clearly played the major role in determining the size of legislatures: the date of establishment and the historical development of a particular legislative body; the methods used to elect its members; the existence, or not, of a powerful second chamber. One institutional factor might be federalism, but that produces a double-edged argument. On the one hand, implicit in the doctrine of splitting jurisdictional competence is the notion that an otherwise larger parliament would itself be unnecessary because of the constitutional need to establish several regional legislative bodies. This point has recently been made explicit by the Social Democratic Party in Britain. In their proposals for decentralizing power in the United Kingdom, the SDP has called for the establishment of 13 regional legislatures — a proposal which, they claim, would justify a reduction in the size of the House of Commons.² On the other hand, it could be argued that, in a federal state, the size of the “national” parliament should reflect to some reasonable degree the status that the centre ought to enjoy in relation to

TABLE 1-1 Size of Provincial and Territorial Legislatures

	Number of Members	Date of Last Redistribution	Statistics Canada 1981 Population
Alberta	79	1979	2,237,725
British Columbia	57	1979	2,744,470
Manitoba	57	1980	1,026,240
New Brunswick	58	1974	696,405
Newfoundland	52	1979	567,680
Northwest Territories	22	1979	45,740
Nova Scotia	52	1978	847,440
Ontario	125	1975	8,625,105
Prince Edward Island	32	1962-63	122,505
Quebec	122	1981	6,438,405
Saskatchewan	64	1980	968,310
Yukon	16	1982	23,150
Total	736		24,343,180

Sources: Robert J. Fleming and J. Thomas Mitchinson, eds., *Canadian Legislatures: The 1982 Comparative Study* (Toronto: Office of the Assembly, Queen's Park, 1982); Statistics Canada, *1981 Census: Population*, cat. no. 92-901 (Ottawa, 1982).

the various regional units. It is doubtful that this has been the case in Australia, for example, where until 1984 (when it increased to 148) the size of the House of Representatives had been 125 for some time. That figure not only was small in absolute terms, but also was only marginally greater in relative terms than that of three state legislative assemblies — New South Wales (99), Queensland (82) and Victoria (81).³ The Canadian House of Commons, with 282 members, is more than twice as big as any single provincial legislature, but the combined total for all provincial legislatures is roughly two and one-half times that of Canada's Parliament (see Table 1-1).

Time, Space and Costs

A change to the representational system adopted by Parliament in the 1970s had the effect some years later of opening debate on the question of the size of the House of Commons. The Amalgam Method of redistributing parliamentary seats, discussed in detail later, was accepted by MPs of all parties in 1974 as a seemingly reasonable compromise to the representational problems they were then facing. The problems were familiar ones in Canadian political history, but to the MPs in 1974 they assumed particular significance because they cut across all party lines and regions of the country. Unless changes were introduced to the method of redistributing parliamentary constituencies in the post-1971 redistribution, the rural and less-populated regions would again lose seats to urban areas, and the fastest-growing provinces would gain seats at the expense of those with little or no growth.

Other implications of amalgamation only became apparent later. When the results of the 1981 census became known, the effect that the Amalgam Method would have on the size of the House of Commons became obvious. With the redistribution of the 1980s, the House would increase from 282 to 310 MPs and, if the projections of future population changes were correct, it would reach 381 members by the year 2001. The size of the House of Commons, a matter rarely before discussed in Canadian political circles, had entered the political agenda.

To the extent that the question of the size of the House has been addressed in Canada, those opposed in principle to a larger House have outnumbered those who have favoured it. Admittedly, the numbers on both sides have been small, suggesting that for Canadians the size of their legislatures and Parliament has been that rarest of all Canadian political commodities — a non-issue. On the one side are the electoral reformers, who have all implicitly accepted the need for a larger House, the increase varying from 60 to 100 MPs depending upon the particular proposal.⁴ On the other side are the opponents of a larger House, few in number, and drawn almost exclusively from the ranks of parliamentarians on both sides of the Commons.⁵ Were the public more involved in

the debate over the issue, they would probably share the concerns voiced by those few MPs: the inevitable increase in costs of a larger House; the physical limitations of the House itself; and the unavoidable reduction in speaking time allotted to each member.

These criticisms are difficult to refute, because in practice a larger House would create the very problems ascribed to it by the critics. Even so, such criticisms should serve to remind us of the vulnerability of legislatures to some of the most basic human needs (in this case money, space and time), and how poorly those criticisms have been countered with arguments drawn from the largely unused arsenal of representational weaponry — arguments that are pertinent to a legislature's well-being as well as to improved linkages between government and the public it serves.

That the critics have relied on practical reasons for arguing against a larger House of Commons should come as no surprise, particularly at a time when "government restraint" has emerged as one of the most fashionable terms in the political lexicon. Yet utilitarian responses run the danger of widening the credibility gap between Parliament and the public even if they do nothing more than reinforce existing, but singularly outmoded, practices. The time allotted to members for their speeches in the House is a good case in point. The critics argue against a larger House on the grounds that less speaking time would necessarily be allotted to each member. The implicit assumption is that this in itself would be a bad thing. Such a criticism ignores the undeniable fact that short speeches are often the most incisive and effective. But more crucial is the extent to which this argument is removed from the disturbing reality of the public's perception of parliamentary debates. Television broadcasting of the House of Commons has introduced a whole new audience to parliamentary debates. This, in turn, has led many Canadians, in the words of one study, to view what they see of the Commons "as a mindless charade far removed from their more rational everyday lives." Few would disagree with one of the conclusions of that study:

As a description of what takes place in the House, the word "debate" is acknowledged to be a misnomer. What really goes on is a series of set speeches, often not strictly relevant, often read from a manuscript, and usually designed to fill up the 40 minutes (per member) available.⁶

To pretend that all would be well with parliamentary debates if only they were composed of shorter speeches would, of course, be a gross error. The quality, relevance and effectiveness of a speech is a function of many interconnected variables. But by the same token, shorter and more pointed speeches would be a step in the direction of making Parliament more responsive to changes favoured by a wide segment of the public. MPs of all parties apparently were persuaded of the merits of shorter speeches, for the House unanimously accepted a 20-minute speaking

limitation (in place of the traditional 30- or 40-minute one) as one of the features of the experimental standing orders and procedures in effect for 1983.⁷ Were such a reduced time limit (or ideally an even shorter one) accepted permanently, it would remove one of the practical obstacles used by the critics to argue against a larger House of Commons. Even more to the point is the principal incidental benefit to be derived from the change: it would help to address one of the many widespread public concerns about the relevance and adequacy of Canada's major national political institution.

Parliamentarians understandably acquire a fondness for the institution in which they work. Respect for the building itself — its history, design and architecture — is arguably the most common attitude shared by all members. Yet affection for a legislative chamber can blind its members to such a seemingly incidental but important issue as the seating arrangements in the House. Every member has an assigned seat and desk in the chamber. Unless the Amalgam Method is abandoned in favour of some other redistribution scheme, the House will be stretched to its maximum physical capacity when equivalent seating facilities are added for the 28 new MPs introduced as a consequence of the post-1981 redistribution. This has given rise to the view among some members that the membership *should not* increase any more because it *cannot*. In other words, practical constraints would dictate the size of the House. The folly of such a position was argued in 1943 by Winston Churchill before reconstruction of the British House of Commons. In a celebrated speech, the British prime minister defended the view that a legislative chamber need not be big enough to contain all its members at one time without overcrowding and that members need not have separate seats reserved for them for the effective operation of the House.⁸ The truth inherent in such an assertion is that physical size should not constitute sufficient cause for failing to enlarge or decrease the membership of the House, if acceptable reasons for a changed membership can be produced.

The expense of a substantially larger membership is a more telling criticism — at least so far as the public is concerned. It certainly would not be easy for parliamentarians to justify at a time when they want to be seen to practise the restraint they are preaching. Nonetheless, increased costs need not determine size (otherwise why not have a Parliament of 150 members, or 100 or even 50?), if a reasonable case can be made for a larger Commons. Naturally, costs would increase with a larger House, but as there are sizable fixed costs involved in electing and operating the Commons, the costs per member would decline as the size increased. The additional costs would be relatively smaller for electing the House than for operating it, principally because there is no operating equivalent to the large fixed enumeration and polling station expenses incurred at the time of an election. Fixed electoral costs are based on the size of the electorate, not on the size of the House.

TABLE 1-2 Costs of the 1979 Federal Election

	Actual (282 MPs)	Hypothetical (564 MPs)
Chief Electoral Officer ^a	64,449,438	75,686,000
Candidates (1,427) ^b	17,308,057	34,616,114
Parties ^c	10,114,618	12,614,618
Total	91,872,113	122,916,732

(dollars)

Sources: Canada, Chief Electoral Officer, *Report of the Chief Electoral Officer Respecting Election Expenses: 1979 Election* (Ottawa: Minister of Supply and Services Canada, 1980), pp. 10 and 93; and letter of Chief Electoral Officer, J.M. Hamel, October 27, 1980.

- a. See Table 1-3 for details.
- b. Assume twice as many candidates and 100 percent increase in expenses.
- c. Most party expenses (e.g., advertising, radio and television broadcasts) would not alter, since the maximum is fixed by law. Variable costs, such as wages, salaries, travelling and administration, have been adjusted by 25 percent.

TABLE 1-3 Chief Electoral Officer Costs of the 1979 Election, Revised for Increased Size of House of Commons

	Activity	(\$000)
Fixed Costs		
(Based on numbers of electors)		
	Enumeration and revision	17,334
	Printing of lists and notices of revision	6,210
	Polling stations	13,492
	Printing of ballot papers and notices	925
Increased Costs		
(approximately 40%) (paid a basic minimum)		
	Returning officers: actual + 40%	2,009 800 ^a
	Election clerks: actual + 40%	1,400 560 ^a
(approximately 100%)		
	Allowances and expenses: actual	
	Miscellaneous printing: actual + 100%	3,717 77 3,787 ^a 77 ^a
(approximately 50%)		
	Preliminary duties: actual + 50%	1,588 800 ^a
Candidates' Expenses		
(approximately 50%)		
	Reimbursement (based on number of voters), auditors' fees and cost of publishing returns	9,079
Headquarters' Expenditures and Special Voting Rules		
(approximately 10%)		
	Actual + 10%	8,446 845
Total		75,686

a. Additional cost of a House of Commons of 564 MPs, as estimated by the Chief Electoral Officer, letter of Chief Electoral Officer, J.M. Hamel, October 27, 1980.

TABLE 1-4 House of Commons, 1980-81, Actual Expenditures for 1981 and Projections for a House of 564 Members

	1981 (Actual) \$000	Increase Factor %	Projected \$000
Fixed Costs			
Officers of the House			
Salaries and allowances to the Speaker, deputy speaker, deputy chairmen of committees, assistant deputy chairmen of committees, leader of the opposition, leaders of the other parties and other political officers of the House, the clerk, the sergeant-at-arms and other officers of the table, the parliamentary counsel and the staff	3,560		3,560
Parliamentary Relations Secretariat			
Participation by the Canadian Parliament in the activities of parliamentary associations and exchanges	1,219		1,219
Legislative services in both official languages			
Reporting of debates; editing and publication of <i>Hansard</i> ; professional, secretarial, technical and other services for the House and to committees; editing and publication of committee reports and other official documents of the House and committees; preparation of items of business for consideration by the House and investigation at or beyond Ottawa by its committees; distribution of publications	12,619		12,619
Total fixed costs	17,398		17,398
Variable Costs			
Members of Parliament			
Salaries and allowances to members of the House of Commons, government's contribution under the Members of Parliament Retiring Allowances Act and the Supplementary Retirement Benefits Act; expenditures for members' constituency offices; salaries of language teachers, research and support staff serving members	47,083	100	94,166

TABLE 1-4 (CONT'D)

	1981 (Actual) \$000	Increase Factor %	Projected \$000
Administration			
Personnel and financial administration, procurement of supplies, House of Commons post office, press gallery services and various administrative support services	15,952	50	23,928
Building services			
Provision of housekeeping services including protective staff, page and messenger services, restaurant and cafeterias	20,978	50	31,467
Contributions to employee benefit plans	6,867	50	10,300
Total variable costs	90,880		159,861
Other costs (non-budgetary items)^a	13,700	44	19,728
Total costs	121,978	61.9	196,987

Sources: Data taken from *Public Accounts, 1980-81*, and *Estimates, 1980-81*, and verified by E. Reidel, Administrator's Office, House of Commons, August 6, 1982.

a. Services received at "no cost" to the House of Commons, provided by other departments (e.g., translation, accommodations, franking, cheque-issuing services).

To form a picture of the increased costs there might be for a larger House, let us assume that 564 members, twice the number actually elected, were elected to the Commons in 1979.⁹ The election costs for the office of the chief electoral officer, the parties and candidates would not have doubled, but would have increased by roughly one-third — from \$91 to \$122 million — an amount equivalent to an additional 50 cents per elector (see Tables 1-2 and 1-3). The increase in the operating expenses of a Commons twice its present size would have been approximately 62 percent more than actual expenses — from \$122 to \$197 million, an amount equivalent to about \$3 per Canadian (see Table 1-4). The combined 1979 electoral and 1980-81 operational total indicates that, for every dollar spent electing and maintaining one of Canada's 282 MPs, 50 cents would be needed for each additional member in a House twice its current size. Whether such increased costs can be used to support or to refute an expansion of the House depends almost entirely on the weight one attaches to the expense involved in operating a representative system. But costs, along with practical concerns about physical size of the House and time allotted per member, should not be decisive in determining legislature size if the parliamentary and representational benefits to be derived from a larger House are sufficiently important to warrant the additional financial burden.

The Commons in 1867

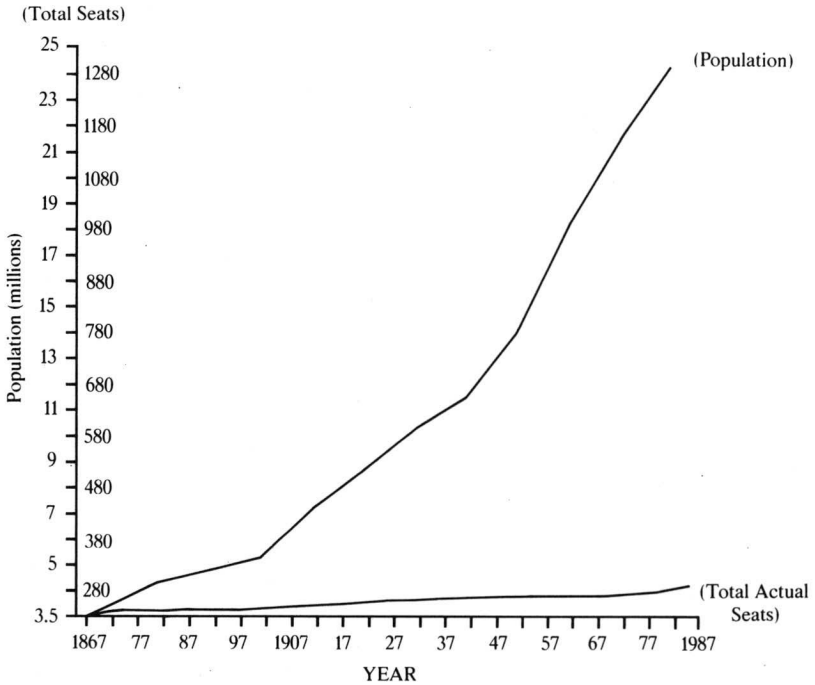
At Confederation in 1867, Canada was composed of four provinces with a population of 3.5 million people. The new House of Commons had 181 members. By the early 1970s, Canada was made up of ten provinces and two territories with a population in excess of 21 million, and the House had 264 members, an increase of only 83. Figure 1-1 indicates the extent to which growth in population since Confederation outstripped growth in the membership of the Commons. The constraints imposed by the redistribution provisions of the British North America Act of 1867 and its subsequent amendments are the principal reasons why the sevenfold increase in the population has far outdistanced the increase in the size of the House. But these constraints have now all been changed by the adoption in 1974 of the Representation Act, which is the statutory basis for the Amalgam Method. It is the application of the Representation Act in the mid-1970s and again in the 1980s which will take the membership of the Commons from 264 to 310 members in 15 years. As noted previously, these two unprecedented boosts in membership are the principal causes of the debate among MPs over the future size of the House of Commons.¹⁰

Of the Fathers of Confederation, only one seems to have publicly addressed the issue of the size of Canada's House of Commons. During the 1865 Confederation debates, John A. Macdonald, soon to be named the country's first prime minister, stated his preference for a Commons larger than that finally recommended to the British authorities. Macdonald's views deserve to be noted, for they touch, however briefly, on important questions of politics and representation:

I was in favour of a larger House . . . but was overruled. I was perhaps singular in the opinion, but I thought it would be well to commence with a larger representation in the lower branch. The arguments against this were, that, in the first place, it would cause additional expense; in the next place, that in a new country like this, we could not get a sufficient number of qualified men to be representatives. My reply was that the number is rapidly increasing as we increase in education and wealth; that a larger field would be open to political ambition by having a larger body of representatives; that by having numerous and smaller constituencies, more people would be interested in the working of the union; and that there would be a wider field for selection for leaders of governments and leaders of parties.¹¹

These are perceptive remarks, worthy of careful consideration. They display a considerable understanding of political ambition, citizen efficacy and participation, and the workings of political parties — the very topics that should be explored further. Expressed differently, Macdonald's views suggest that a substantially larger House of Commons would both improve the representational credibility of Parliament and strengthen the public's support for it. In that light, at least three aspects

**FIGURE 1-1 Canadian Population and House of Commons Seats
1867-1987**



of representation as they relate to the size of Parliament warrant closer examination: parliamentary structure and practices, constituency redistribution, and electoral politics.

Parliamentary Structures and Practices

As has become increasingly apparent over the past decade, reforms of Canadian parliamentary structures and practices are long overdue. Informed critics have called repeatedly for changes in the rules and procedures of the House so as to streamline its legislative operations and improve its investigative capacity. Although modest reforms (such as the 1983 experimental rule changes) have been introduced from time to time, parliamentarians have been generally slow in broaching the subject of parliamentary reforms and cautious in agreeing to changes. Undoubtedly the major reason has been the tight control exercised by the executive over the direction and operation of the legislative branch. It would be naïve to think that the executive domination of Parliament will diminish in the future, since one characteristic of a parliamentary sys-

tem modelled on Westminster is for the governing elite to direct and control the affairs of the Commons as firmly as it can. As substantial parliamentary reforms designed to enhance the position and powers of MPs would have to come at the expense of the executive, their adoption is far from assured.

For the typical member, this can be a frustrating and disheartening discovery. A backbench MP knows that the costs of executive dominance (or leadership dominance on both sides of the House) can be high. Cabinets and party leaderships effectively decide the rules and procedures, set the legislative agenda and timetable, and demand loyal support from their followers. The danger for the backbencher lies in being taken for granted, amounting to little more than a pawn in the game of parliamentary politics. It is natural for MPs to want to make the most of their abilities, talents and time in Parliament, but in practice this is not always possible. The rules and structures of the parliamentary and party institutions discourage members from publicly stating their own positions when they differ from the views of their party leadership, and inhibit them from participating, and even voting from time to time, independently of party position on parliamentary committees and in the House.

A steady growth in the size of the House of Commons, such as is thought likely to result from the continued use of the Amalgam Method, would almost certainly force members to reexamine parliamentary rules and structures. This could prove to be an important impetus for reform — for example, of such things as the size, powers and membership of parliamentary committees. A larger House might also help to enhance (rather than, as might be expected, to diminish) the role that backbench members could play in committee, party caucus and the House. This latter is an admittedly more problematic consequence than procedural and structural reform, for changes in legislative size would not in themselves necessarily lead to changes in legislative behaviour. Still, if the Commons continues to grow, the possibility of more independent behaviour on the part of a gradually increasing number of backbench MPs should not be ruled out.

In considering the possible impact of the size of the House on parliamentary committees and legislative behaviour, reference can be made to recent developments at Westminster. Clearly no two parliaments are identical. Since there are differences in their history, rules and procedures, the relationship between their executive and legislative branches, and the sociological mix of members, conclusions drawn from any comparative analysis of parliaments must be guarded. Nonetheless, the experience of “the Mother of Parliaments,” with a Commons over twice the size of Canada’s, could help to inform the Canadian debate over the relationship of size and the backbencher’s role in committee and in the House.

Committees

As of June 1983, there were 32 standing, special or joint committees in the Canadian Parliament whose membership was totally or partially drawn from the House of Commons. Two were composed of 30 MPs each and 22 had memberships of at least 20 MPs. The others varied in size from 6 to 11 members. Considering that the pool of potential committee members is at best 240 (cabinet ministers, the leader of the opposition and a few other MPs with parliamentary responsibilities do not as a matter of course serve on committees), it is not surprising that an MP may typically be assigned to two or more important committees and perhaps one or two others. Several members in recent years have served simultaneously on six or seven parliamentary committees. Given the demands on a member's time and the size and workload of many of the committees, it is also not surprising that last-minute membership substitutions for committee meetings have been common, that quorums have been difficult to ensure, and that (in the words of the Task Force on Canadian Unity) MPs "have [had] too little time and too little experience to take committee work seriously."¹²

Since 1980, MPs have moved to make parliamentary committees more important institutions in their own right. The experimental rule changes adopted for 1983 expanded the investigative powers of committees and enhanced their capacity to set agendas. That followed the positive reaction of members to some notable features of the seven parliamentary task forces of 1980–81: their smaller size, reduced partisanship, staff assistance, and no-substitution rule. However tentative the experiment with task forces and the 1983 changes in committee rules may have been, they were warmly endorsed by parliamentarians. They agreed that steps had been taken to make a more rational and effective use of their time and abilities on parliamentary investigative bodies.¹³

The post-1980 experiments had another important consequence. They brought to the attention of members and outside observers alike the value of task forces and parliamentary committees as representational bodies. Committees enjoy an important advantage over cabinets and party caucuses in that their membership is drawn from all regions of the country. This makes them uniquely qualified among parliamentary institutions to compensate for the interregional and intraparty imbalances produced at general elections. Commenting on the task forces whose success was soon to prompt the 1983 experimental reforms of parliamentary committees, Rod Dobell notes that the changes reinforced a fundamental belief that Canadians hold about parliamentary democracy:

This is one way a government, even with the present [1981] distribution of seats, can deal with the problems in a manner that represents the views of the whole country. A parliamentary task force [or parliamentary committee] has members drawn from all regions regardless of government repre-

sentation and [its] discussions draw views from across the country. If ministers are willing to give weight to [such] views, they dispel any criticism that says this process of government is not representative of the whole country.¹⁴

Such a comment recognizes that properly structured and empowered parliamentary committees and task forces have the potential to serve as important national institutions in their own right for representing parties, regions and the views of Canadians.

Welcome as the moves to establish a more rational committee system may have been, the gains may come to nought if the changes with which the House has experimented are not accepted on a permanent basis. For the beleaguered MPs who are pressing for a more reasonable and responsible committee workload, improvements can come only with the acceptance of rules calling for smaller committees, fewer membership substitutions, greater committee investigatory powers and scope, and fewer committee assignments per member. Given the relatively fixed number of committees, such changes could justify a larger House of Commons. Recent British experience has shown that the combination of a House with a significantly larger membership than Canada's (650 MPs compared to 282) and a streamlined and authoritative committee system can be successful.

The manpower available and the powers and responsibilities assigned to the select and standing committees at Westminster make the British committee system a highly attractive one, worthy of close scrutiny by Canadian parliamentarians. Should they wish to make a case for a similar set of committee arrangements, Canadian MPs could accept the need for a gradually enlarged House of Commons — perhaps similar in size to that contemplated by the continued application of the Amalgam Method. At Westminster, the larger pool of backbench MPs on both sides of the House makes it possible for the committee system to work as successfully as it does. It not only ensures that the typical MP's committee workload is lightened, but it also encourages greater specialization and knowledge of the subject matter on the part of committee members because their committee membership is generally constant.¹⁵

Legislative Behaviour

Canadian MPs rarely dissent from their party leadership to the extent of voting against the party in Parliament. Even rarer is a defeat of a government on a significant policy matter. Expectations with respect to parliamentary behaviour are basically twofold: MPs are expected to restrict criticism of their party's leadership and policies to the confines of caucus meetings, and to follow the lead of their frontbenchers on parliamentary votes. Although practices vary from one party to another, Canadian parliamentary parties generally have become such highly

cohesive units that the occasional dissenting parliamentarian runs the risk of suffering severe penalties at the hands of the party leadership — removal from important parliamentary committees, forfeiture of any chance for advancement from the back benches, ejection from caucus, or political isolation and loss of the next constituency nomination.

As the alternative to party dominance of parliamentary affairs, sustained and widespread independent behaviour by members is incompatible with the doctrine of responsible government. No one convinced of the strengths of the parliamentary system, in which party government serves as one of the cornerstones of responsible government, would counsel total independence on the part of members.¹⁶ Yet it seems likely that some measure of increased freedom for backbenchers to challenge their party leadership and the power of the whip publicly from time to time would help to restore a measure of public confidence in Parliament and in the role of its members.

Excessive party cohesion has made many parliamentarians frustrated and disillusioned and has exposed Parliament to some public ridicule.¹⁷ It also may have hindered parties from becoming truly national integrative bodies. One study has suggested that Canada's political parties would have performed the nationally integrative role more satisfactorily for much of the twentieth century if MPs had been allowed greater freedom to respond to local and regional pressures.¹⁸ Since one of the principal strengths of a legislative body derives from its representational credibility, these are serious charges. If MPs, the public and the parties would welcome more independent behaviour on the part of backbench members, then parliamentarians should address this issue as they ponder the representational role that they are expected to play. Naturally, the sociological, demographic, and political/governmental aspects of the questions of legislative cohesion would feature prominently in any discussion of parliamentary representation. But in an incidental and admittedly speculative way, the matter of legislature size might also be included.

For example, what are the implications of a larger House for backbench MPs of the governing party? As matters typically stand in Canada, the prime minister names between one-half and two-thirds of the members of the government caucus to executive or parliamentary positions, the majority of them salaried. Of the 146 Liberals in Parliament at the end of 1982, some 36 were cabinet ministers, 27 were parliamentary secretaries, 6 were in the Speaker's and whip's offices, and over three dozen were committee chairmen or vice-chairmen. In such a situation, it is difficult for a government backbencher to defy the party's leadership openly. If only one or a few backbenchers join in criticizing the government, their criticism is likely to be ineffective and to draw even further attention to their isolation from their party's leadership.

Whether a larger House might help to change this is debatable. But, in a larger governing caucus there would be a larger pool from which to select prime ministerial appointees. If the number of cabinet and parliamentary appointments remained more or less constant regardless of the size of the House, a larger Commons would mean a greater number of members in the back benches. Logically, this suggests that, as the size of the House increased, both the marginal utility of a backbencher's vote and the chance of appointment to the front benches would diminish. This may help to make backbenchers more willing to defy the party whip or publicly challenge the party's leadership, since the costs of independent behaviour in terms of future advancement or appointment would be generally less than in a smaller House. Independent-minded MPs would have a larger group of backbench colleagues from which to draw potential allies, and they might be more willing to join together occasionally on issues of mutual interest. Accordingly, the bargaining power of critics within the party could increase with the added safety in numbers.

A larger Commons, however, would not necessarily guarantee more independent parliamentary behaviour. Defiant parliamentary behaviour results from a mix of many variables of which the non-institutional ones include the sociodemographic complexion of the caucus; the extent and intensity of intraparty policy differences; the divergence or convergence of leader-follower attitudes; and intraparlimentary relationships. This is well illustrated by reference, once again, to the British experience with a large House of Commons.

At 650 MPs, the British Commons is one of the largest legislatures in the world. The remarkable independence of many British government and opposition MPs in committees and in the Commons has led to a number of significant alterations in policies and to defeats of government-sponsored legislation on matters of considerable substance. But this feature of British politics has not been true of its entire modern history, even though the House of Commons has remained consistently large. Since the advent of the modern party system in mid-19th-century Britain and the parties' growing insistence on voting cohesion from their supporters in Parliament, independent voting by MPs was exceptional. But this pattern has changed since the mid-1960s. Backbench members have defied their whip by voting — often in substantial numbers — against their party's leadership. From 1970 to 1974, some 20 percent of all recorded divisions involved dissenting votes on government legislation. From 1974 to 1978, the government was defeated a record 123 times on its own legislation — an average of one defeat per government bill.¹⁹

This change in voting behaviour has almost certainly resulted from the changed sociological mix of Britain's parliamentary parties. Significant social changes have taken place at Westminster over the past two decades which have brought into Parliament members whose background, interests and occupations have made them less willing to accept

the traditional role of the parliamentary supporter. The older, largely subservient backbenchers of the past have gradually been replaced by younger, more independent-minded MPs. The new members have been drawn increasingly from the business and corporate/financial ranks (Conservative), and the educational and social service professions (Labour), at the expense of such traditional parliamentary occupational groups as the legal profession.²⁰ The goals and political ambitions of these new members in the parliamentary system were soon matched by their frustrations with Parliament, and they have defied their party's leadership in increasing numbers. The change has been welcomed because it introduced a healthy tension into British parliamentary politics and gave new credibility to the role of the parliamentary backbencher.²¹

Insofar as these changes related to the size of the Parliament, it should be remembered that, with five-sixths of the MPs at Westminster on the back benches, an individual MP or a group of members could defy their leadership by employing to their advantage the principal tool at their disposal — their parliamentary vote. It is difficult to see how the sociological changes would have assumed the proportions that they did had the British House of Commons been markedly smaller — composed, say, of 250 or 300 MPs. Coalitions of like-minded independent backbenchers would have been harder to form and less likely to occur in a smaller House, and their size would have been smaller relative to their party's front benches.

Constituency Redistribution under the Amalgam Method

Seats in Canada's House of Commons must be readjusted after every decennial census. In Canada, as elsewhere, the exercise has created some tension between the principle of representation by population on the one hand and the need for reasonable representation from regions with sparse or declining populations on the other. As is often the case in a federal system, that tension has been heightened in Canada because of the vast differences among provinces in terms of population and geographic size and because of the constitutional guarantees governing the number of seats allocated to each province. The Amalgam Method, adopted in 1974, is Parliament's latest attempt to address the difficult representational questions that these pressures have created. The scheme, which groups provinces according to three categories of population size, strikes a compromise among the many competing inter-regional and intraparty forces with particular representational interests to protect (see Tables 1-5 and 1-6).

On the face of it, the new rules appear needlessly complicated and potentially unjust. A study of the Amalgam Method by Balinski and Young views the scheme as "fundamentally bad," a "crazy-quilt of ad

hoc recipes, loose ends, and exceptions” which “conceals grave defects” and “violates the common sense of fair division.”²² Such criticisms may be overly harsh. An examination of the redistribution based on the 1981 census shows that the Amalgam Method lends greater support to the principle of representation by population than any of the three principal alternatives. Omitting Prince Edward Island, the Yukon and the Northwest Territories from all comparisons, one discovers that

TABLE 1-5 Rules Governing Redistribution of Seats under the Amalgam Method

-
1. Quebec is allocated 75 seats. Its representation in the House of Commons automatically increases by four at each redistribution.
 2. Large provinces (those with a population greater than 2½ million) are assigned seats in strict proportion to Quebec’s population. The electoral quotient for Quebec (that province’s total population divided by its number of seats) is divided into each large province’s population to obtain the share of seats allotted to each large province. Following the 1971 census, only Ontario qualified as a large province. With the 1981 census, British Columbia joined Ontario in this category.
 3. Small provinces (those with a population less than 1½ million) that have gained population since the previous census are assigned seats by dividing their population by the average constituency population of all small provinces at the previous census. Following the 1981 census, six provinces were classed as small provinces: Newfoundland, Nova Scotia, New Brunswick, Prince Edward Island, Manitoba and Saskatchewan.
 4. Intermediate provinces (those with populations between 1½ and 2½ million) that have gained population since the previous census are allotted one additional seat for every two they would have received if their representation had been calculated on the basis of the new average constituency population of the small provinces. British Columbia and Alberta were in this category at the last redistribution. Only Alberta has remained as an intermediate province in the post-1981 redistribution.
 5. No province can be assigned fewer seats at a redistribution than it had following the previous one.
 6. No province can have fewer seats than a province with a smaller population.
 7. Fractions remaining after the calculation of the number of seats are disregarded.
 8. The number of seats for Yukon and the Northwest Territories is fixed at one and two, respectively.
 9. Section 51A of the *Constitution Act, 1982*, dating from the *British North America Act, 1915*, provides that no province can have fewer MPs than the number of senators from that province.
-

TABLE 1-6 Detailed Calculations of the Representation in the House of Commons Pursuant to Sections 51 and 51A of the British North America Act

BNA Act Reference	Formula	Representation	
		1981	1971
Quebec			
51.1 Rule 1	75 members assigned in the readjustment following the completion of the 1971 decennial census to which 4 additional members are assigned in each subsequent readjustment Quotient: $6,438,403 \div 79 = 81,499$	79	75
Large Provinces			
51.(1)	Ontario Formula: $8,625,107 \div 81,499$	105	95
Rule 2	British Columbia Formula: $2,744,467 \div 81,499$	33	28
Small Provinces			
51.(1)	Penultimate census (1971)		
Rule 3(a)	Province	Population	Members
	Newfoundland	522,104	7
	Prince Edward Island	111,641	4
	Nova Scotia	788,960	11
	New Brunswick	634,557	10
	Manitoba	988,247	14
	Saskatchewan	920,242	14
	Total	3,971,751	60
	Quotient: $3,971,751 \div 60 = 66,195$		
Rule 3(b)	1981 census		
	Newfoundland Formula: $567,681 \div 66,195$	8	7
51A.	Prince Edward Island $122,506 - 66,195 = 1$ This province is, however, protected by the senatorial clause (section 51A). It is therefore entitled to a number of members not less than the number of senators representing it.	4	4
	Nova Scotia $847,442 \div 66,195$	12	11
	New Brunswick $696,403 \div 66,195$	10	10
	Manitoba $1,026,241 \div 66,195$	15	14
	Saskatchewan $968,313 \div 66,195$	14	14

TABLE 1-6 (CONT'D)

BNA Act Reference	Formula	Representation	
		1981	1971
Intermediate Provinces			
51.(1)	Alberta: sum of populations of small provinces		
Rule 4(e)	Province	Population	Members
	Newfoundland	567,681	8
	Prince Edward Island	122,506	4
	Nova Scotia	847,442	12
	New Brunswick	96,403	10
	Manitoba	1,026,241	15
	Saskatchewan	968,313	14
	Total	4,228,586	63
	Quotient: $4,228,586 \div 63 = 67,120$		
Rule 4(b)	$2,237,724 \div 67,120 = 33$		
Rule 4(c)	$\frac{33 - 21}{2} + 21$	27	21
Territories			
51.(2)	Yukon: Fixed number assigned	1	1
	Northwest Territories: Fixed number assigned	2	2
	Total	310	282

Source: Information provided by the Office of the Chief Electoral Officer.

the spread between the province with the largest electoral quotient and the smallest is less with the Amalgam Method than it would be if the number of seats were awarded according to a fixed number of seats in Quebec (with or without the Amalgam Method) or if the House were left at its present size (see Table 1-7).²³ In addition, contrary to the expectations of some MPs from larger provinces,²⁴ the Amalgam Method narrows the spread between the larger and smaller provinces over time, if recent population projections are correct (see the quotient columns of Table 1-8). An important principle contained in the Amalgam Method — however incidental its inclusion may have been, given the realities of the mid-1970s political compromise — is a fundamental democratic one from which, by virtue of the constraints of the different systems, successive redistributions had departed. Interprovincial voter equity, as captured in one of the political slogans that the public readily understands, “representation by population,” is clearly more a feature of the Amalgam Method than of other methods.

**TABLE 1-7 Alternative Formulas for Determining Representation in the House of Commons,
based on Census Figures of June 3, 1981**

	1981 Population	Present Number of MPs	Formula A		Formula B		Formula C		Formula D		
			Quotient	MPs	Quotient	MPs	Quotient	MPs	Quotient	MPs	
Quebec	6,377,518	75	80,728	79	85,033	75	85,033	75	85,033	73	87,363
Ontario	8,551,733	95	81,445	105	84,670	101	83,840	102	84,776	97	84,776
Nova Scotia	837,789	11	69,816	12	69,815	12	83,778	10	83,778	10	83,778
New Brunswick	688,926	10	68,892	10	68,892	10	68,892	10	68,892	10	68,892
Manitoba	1,017,323	14	67,822	15	67,821	15	84,776	12	84,776	12	92,483
British Columbia	2,716,301	28	82,313	33	84,884	32	84,884	32	84,884	31	87,622
Prince Edward Island	121,328	4	30,332	4	30,332	4	30,332	4	30,332	4	30,332
Saskatchewan	957,025	14	68,359	14	68,359	14	87,002	11	87,002	11	87,002
Alberta	2,207,856	21	81,773	27	81,772	27	84,917	26	84,917	25	88,314
Newfoundland	561,996	7	70,250	8	70,249	8	84,570	7	84,570	6	93,666
Northwest Territories	44,684	2	N/A	2	N/A	2	N/A	2	N/A	2	N/A
Yukon	22,684	1	N/A	1	N/A	1	N/A	1	N/A	1	N/A
Total	24,105,163	282		310		301		292		282	

Source: Information provided by the Office of the Chief Electoral Officer.

Note: Formula A — Section 51 of BNA (1975) + Amalgam Method (Article 51)

Formula B — Quebec (75 seats) + Amalgam Method

Formula C — Quebec (75 seats), i.e., old method without Amalgam Method

Formula D — 282 seats

N/A Not applicable

TABLE 1-8 Projected Population, Seats and Quotient under the Amalgam Method, 1981-2001

	Projected Population						Seats						Quotient		
	1981 ^a		1991 ^b		2001 ^b		1981		1991		2001		1981	1991	2001
	%		%		%		%		%		%		%		
Ontario	8,551,733	35.48	9,550,250	35.97	10,133,550	36.12	105	33.87	120	34.69	135	35.43	81,445	79,585	75,063
Quebec	6,377,518	26.45	6,554,750	24.69	6,508,950	23.20	79	25.48	83	23.99	87	22.84	80,728	78,972	74,815
Nova Scotia	837,789	3.47	949,500	3.58	1,008,500	3.59	12	3.87	14	4.05	14	3.68	69,816	67,821	72,035
New Brunswick	688,926	2.86	818,000	3.08	888,700	3.17	10	3.23	12	3.47	13	3.41	68,892	68,166	68,361
Manitoba	1,017,323	4.22	1,123,600	4.23	1,169,000	4.17	15	4.84	16	4.62	17	4.46	67,822	70,225	68,764
British Columbia	2,716,301	11.27	2,904,900	10.94	3,122,500	11.13	33	10.65	36	10.40	41	10.76	82,313	80,691	76,159
P.E.I.	121,328	0.50	146,900	0.56	161,900	0.58	4	1.29	4	1.16	4	1.05	30,332	36,725	40,475
Saskatchewan	957,025	3.97	1,115,100	4.20	1,211,300	4.32	14	4.52	16	4.62	17	4.46	68,359	71,937	71,252
Alberta	2,207,856	9.16	2,661,400	10.02	3,080,300	10.98	27	8.71	33	9.53	41	10.76	81,773	80,648	73,909
Newfoundland	561,995	2.33	636,200	2.40	671,100	2.39	8	2.58	9	2.60	9	2.36	70,250	70,688	74,566
N.W.T.	44,684	0.19	58,500	0.22	64,800	0.23	2	0.32	2	0.58	2	0.53	N/A	N/A	N/A
Yukon	22,684	0.09	29,600	0.11	32,900	0.12	1	0.64	1	0.29	1	0.26	N/A	N/A	N/A
Total	24,105,163	100	26,548,700	100	28,053,500	100	310	100	346	100	381	100	—	—	—

Source: Information provided by the Office of the Chief Electoral Officer.

a. As established by Statistics Canada in January 1982.

b. As established by Statistics Canada in June 1980.

N/A Not applicable

Not only will the Amalgam Method distribute seats in relation to population more equitably among all provinces, but also it will work to the “benefit of sparsely populated regions of geographically large provinces. This is an important and timely side effect because questions have recently been posed regarding the weight that might be attached to geography in the representational equation. Sparsely populated northern regions of such geographically large provinces as Ontario, Quebec, British Columbia and Manitoba have experienced either a slow population growth or a declining population, and their members have said that this has had an effect on their representational role. One Northern Ontario member, in whose constituency the electoral population has slipped in rank from 35th largest of the 85 Ontario seats in 1965 to 18th smallest of the current 95 seats, voiced a concern common to members whose seats have grown considerably in geographic size but not in population:

When I was first elected in 1965, I had a nice, small, neat constituency I could get around in about 10 days. It was only 45,000 square miles. Redistribution in 1968 gave me a constituency which was about 55,000 square miles, but which as a geographical entity was a disaster. The current constituency I have now is 148,000 square miles. It means in effect that for the people I represented since 1965, the quality of representation and my ability to move around that older part of the constituency has declined rather dramatically as I am spread over a much larger geographical area.²⁵

Not surprisingly, the situation has prompted special pleading by some northern members and constituents. A private member’s bill designed to protect Northern Ontario from any further loss of seats brought the matter into prominence in the early 1980s. The bill, which constituted the first attempt to guarantee a regional floor within a province, became the subject of debate among parliamentarians.²⁶ It was almost certainly the first attempt to legislate *intraprovincial* guarantees (to compensate for internal population shifts, combined with urban rather than rural growth), as opposed to interprovincial ones (the only subject that the decennial redistribution can address).

Those who favour special treatment of remote and sparsely populated regions might argue that the formula adopted in the 1960s, allowing redistribution commissions in each province to vary constituency population by as much as ± 25 percent of the province’s mean population, is insufficient to satisfy their concerns — that a larger margin would be desirable. The evidence from the post-1981 redistribution would not support such a contention. Of the four or five provinces with sparsely populated, large geographic areas, only two (Ontario and Quebec) made any use of the minimum seat size, and that only sparingly. As a group, the ten provincial commissions were clearly wary of using the extremes at both ends of the scale allowed under the existing legislation. Nearly 80 percent of the constituencies they designed were within ± 10 percent

of their respective provincial electoral quotas; barely 3 percent approached the two outside limits (see Table 1-9).²⁷ Given such a record, an upward change in the margin could not easily be justified.

Canada has relatively few geographically large constituencies. As of 1983, only 12 covered an area of 50,000 square miles or more.²⁸ Any move to treat them differently from other ridings (for example, by constitutionally preserving their number and status, regardless of the seats or population in the remainder of their province) would be in keeping with the constitutional history of redistribution started in 1915 with the senatorial floor provision (which guaranteed each province a minimum number of MPs equal to its number of senators). But special treatment for any troublesome category of seats almost invariably offends the principle of representation by population and opens the door to claims on the redistribution from other quarters — for example, from urban constituencies whose rapid growth quickly makes obsolete the constituency boundaries of the decennial redistribution. The Amalgam Method, together with judicious use of the ± 25 percent limits by redistribution commissions, may well be a reasonable, albeit fortuitous, alternative to special status. For the immediate future, the guarantee of four additional seats in Quebec with each redistribution, combined with the likelihood of Quebec's continued slow population growth relative to that of Alberta, British Columbia and Ontario, will have the effect of ensuring additional seats to almost every province where the geographic size of the remote constituencies has become a cause of concern.

Electoral Politics

How might Canadian electoral politics be affected by an increase in the size of the House of Commons? There is little discussion in the sparse literature on legislature size that would be of much help in measuring the impact of the size of a Parliament on parties and on individual electoral behaviour. The answers, speculative as they are, must be derived from a combination of logic, intuition and empirical data.

A model developed for the purposes of analyzing the seat/vote relationship in elections supported the prediction that the smaller the number of constituencies in a political system, the more drastic was the attrition of minor parties. It concluded that changes in the number of constituencies could be used to bring about a desired degree of minority representation in a Parliament.²⁹ Generalizing on these findings, one could reason that the smaller a Parliament (the closer it approaches one seat), then the smaller the number of seats for all parties, the smaller the relative number of seats for some parties, and the gradually diminishing ability of all parties to represent the country's diverse groups and regions. The reverse also holds true. The greater the number of seats (*reductio ad absurdum*, one seat per person), then the greater the capac-

ity of the electoral system to convert votes into seats in increasingly accurate numbers, and the better the views of the country's diverse regions and groups would be reflected and represented in Parliament. It could be deduced, therefore, that the articulation of a variety of public demands in Parliament is at least in part a function of the size of Parliament.

The 1979 election results from 22 Metropolitan Toronto constituencies (chosen because of their high degree of interparty competition) confirm that a larger House of Commons would lead to greater equity in the seat/vote relationship. Using the sum of the squared deviations from strict proportionality, an index of proportionality tested the effect of geometrically increasing the number of constituencies. An increasingly larger House moved in an uninterrupted fashion toward perfect equity (0.0), or exact proportional representation (see Table 1-10). It would clearly be out of the question to aim for the great improvement in the seat/vote relationship that the index suggests; that would require an absurdly and unmanageably large House. But the index does reveal one important characteristic of a larger Commons. By far the greatest share of the improvement in the proportionality comes in the first stage of the enlargement — that is, it results from a doubling of the number of constituencies. The implications of that magnitude of change in the size of the House can be explored further.

The 1979 and 1980 general elections were analyzed to measure the electoral impact on parties in competition for a Commons twice its current size. The 282 constituencies were turned into 564 by splitting the total number of polls into two equal parts.³⁰ In general, it was found that a doubling of the number of seats in the House would have doubled a party's total representation in the Commons (see Table 1-11). But the national totals disguised the intraprovincial changes. The larger House had the effect of confirming a greater seat/vote proportionality than the smaller House, as is most obvious in the case of the New Democratic Party (NDP) in Ontario in 1979 and the Social Credit (SC) party in Quebec in 1980.³¹ There were other less dramatic instances. In 1979 in every province except Alberta, and in 1980 in half the provinces including the three largest ones, a bigger House would have meant that the votes would have been translated more accurately into seats.

Although the absolute figures are small, the Liberal party would have been relatively better off in their region of greatest weakness in both elections, winning nine seats in the West in 1980, compared with the two that they actually won there.³² Although the Progressive Conservative (PC) party would have been marginally stronger in Quebec in 1979, it would have been relatively weaker there in 1980. The enormous popular vote for the Liberals in Quebec and the Conservatives in Alberta in recent elections suggests that a more equitable seat/vote distribution in

TABLE 1-9 Number of Seats Above and Below ($\pm 25\%$) Provincial Election Quotas, Post-1981 Decennial Census Redistribution

Province	Number of Seats	Percentage below Quota					Electoral Quota	Percentage above Quota					Upper Limit (+25%)
		(-25%)	20-24.9	15-19.9	10-14.9	5-9.9		0-4.9	5-9.9	10-14.9	15-19.9	20-24.9	
Alberta	27	62,159		3	1	6	3	82,878	3	9	1	1	103,597
B.C.	33	62,374			3	8	5	83,165	9	4	2	2	103,956
Manitoba	15	51,312			2	2	4	68,416	3	4			85,520
N.B.	10	52,230	1	2	1	1		69,640	2	2	2	2	87,050
Newfoundland	8	53,220		2	2	1		70,960				3	88,700
Nova Scotia	12	52,965			4	4	4	70,620		2	2		88,275
Ontario	105	61,607	2	2	7	13	17	82,143	37	22	5		102,679
P.E.I.	4	22,970				1	1	30,626	1	1			38,283
Quebec	79	61,124	4	4	7	12	8	81,499	11	23	6	4	101,874
Saskatchewan	14	51,874					9	69,165	5				86,456
N.W.T.	N/A												
Yukon	N/A												
Totals	307		7	13	22	48	51		71	65	18	8	4

Source: Chief Electoral Officer, *Reports of the Electoral Boundaries Commission*, 11 vols. (Ottawa: Minister of Supply and Services Canada, 1983).

those two provinces would have been impossible in any but an unrealistically large House.

Elections to a larger House may be thought likely to create the potential for victories by the traditionally weaker party in regions of another party's long-standing dominance. These would be most obvious at the micro rather than the macro level — when votes, rather than seats, were examined. Voter disaggregation resulting from a larger House could be hypothesized to have created smaller electoral units more homogeneous than the larger units of which they previously had been a part. Such new seats would be seen by the weaker party in a region as being potentially more amenable to its electoral overtures than the previous larger ones would have been. It could tailor its politics, select its candidates and deploy its organization accordingly.

An illustration from the 1980 federal election in Alberta makes the point. In that election, the Progressive Conservative candidate in the Athabasca constituency beat four opponents to win the seat with 47.4 percent of the vote. His lead was in excess of 12 percentage points over his closest rival. Yet the Liberal votes in that seat were so concentrated that, had the House been twice its size, the Liberal candidate for one of the two hypothetical seats created from Athabasca would have come within 114 votes of defeating the Conservative. For good party organizers, the lessons would have been obvious. Since parties generally deploy their resources roughly in proportion to the returns they anticipate, it seems likely that the Liberals would have made a much more concerted organizational drive to have won the one new Athabasca seat in which they sensed a possible victory than they would have in the existing, but patently hopeless, constituency. But, by the same token, the Progressive Conservatives, having sensed a possible loss in Athabasca, would almost certainly have made a strong effort to hold onto the seat. With all such contests across the country taken into account, the benefit for any one party would, in all likelihood, be very slight. Modest changes at the regional level might be accomplished, but given the organizational dynamics of electoral politics, that is far from certain.

It was Sir John A. Macdonald's view that "by having numerous and smaller constituencies, more people would be interested in the working of the union." If one accepts that turnout figures are a reasonable way of measuring citizen interest and voter efficacy,³³ then Macdonald's claim can be explored by hypothesizing that the share of the electorate voting per constituency would decrease as the size of the constituency increased. In this regard, estimated regressions for the 1979 and 1980 elections for the 282 constituencies produced inconclusive and seemingly contradictory results. The 1980 figures suggest that turnout does decline with increasing constituency size, whereas those for 1979 suggest the opposite.³⁴

TABLE 1-10 Index of Proportionality: 1979 Election, 22 Metropolitan Toronto Constituencies^a

Mean Proportionality of 15 Constituencies with >128 and <256 Polls ^b		Mean Proportionality of 7 Constituencies with >256 Polls ^c	
1 Constituency of	128 polls 0.4786	1 Constituency of	256 polls 0.4806
2 Constituencies of	64 polls each 0.3493	2 Constituencies of	128 polls each 0.2833
4 Constituencies of	32 polls each 0.2613	4 Constituencies of	64 polls each 0.2412
8 Constituencies of	16 polls each 0.2388	8 Constituencies of	32 polls each 0.1631
16 Constituencies of	8 polls each 0.2178	16 Constituencies of	16 polls each 0.1384
32 Constituencies of	4 polls each 0.2111	32 Constituencies of	8 polls each 0.1290
64 Constituencies of	2 polls each 0.1595	64 Constituencies of	4 polls each 0.0995
128 Constituencies of	1 poll each 0.1260	128 Constituencies of	2 polls each 0.0997
		256 Constituencies of	1 poll each 0.0733

a. Sum of the squared deviations from strict proportionality:

$$IE = \sum_{i=1}^n \left[\frac{S_i - V_i}{S} - \frac{V}{S} \right]^2$$

where, S_i = seats received by party i ; S = total number of seats; V_i = votes received by party i in the constituency as a whole, rather than in any one disaggregated constituency; V = total number of votes received by all parties in the constituency as a whole; and IE = index of equity

b. Constituencies included: Beaches, Broadview, Davenport, Parkdale, Rosedale, St. Paul's, Trinity, Scarborough Centre, Scarborough East, Scarborough West, Spadina, York Centre, York East, York South, York West. Excluded: Eglinton-Lawrence (sample bias)

c. Constituencies included: Don Valley East, Don Valley West, Etobicoke Centre, Etobicoke Lakeshore, Etobicoke North, Willowdale, York Scarborough.

TABLE 1-11 MPs by Party in a Commons of 282 and 564 Seats, 1979 and 1980 Elections

	1979 Election						1980 Election					
	282 Seats			564 Seats			282 Seats			564 Seats		
	PC	LIB	NDP	SC	PC	LIB	NDP	SC	LIB	PC	NDP	SC
Newfoundland	2	4	1		4	7	3		5	2		10
Prince Edward Island	4				7	1			2	2		4
Nova Scotia	8	2	1		15	5	2		5	6		7
New Brunswick	4	6			7	13			7	3		14
Quebec	2	67		6	5	136		9	74	1		145
Ontario	57	32	6		115	58	17		52	38	5	109
Manitoba	7	2	5		16	2	10		2	5	7	4
Saskatchewan	10		4		19	1	8			7	7	1
Alberta	21				42					21		42
British Columbia	19	1	8		38	3	15		16	16	12	2
Northwest Territories	1		1		2	1	1			1	1	1
Yukon	1				2					1		1
Total	136	114	26	6	272	227	56	9	147	103	32	0
									298	198	64	4

There may be a plausible explanation for these apparently contradictory results. It is possible that the general level of competitiveness of an election, as measured by overall national turnout figures, together with the type of elections established by a classificatory scheme of elections, may need to be included in any analysis of voter turnout as it relates to constituency size. The seemingly contradictory results of the 1979 and 1980 elections may be attributable to the fact that the elections were of two different types and that this difference was reflected in their varying national turnouts. The 1980 election, which was of the "maintaining" variety in that the long-term governing party won office, had, at 69 percent, one of the lowest turnouts this century. But the 1979 election, which was of the "deviating" kind, in that a series of short-run forces combined to defeat the usual governing party, had a more normal turnout of 76 percent.³⁵ The two elections suggest that Macdonald's claim might more aptly describe the infrequent, relatively high turnout elections. Whatever the reasons for their differences, the 1979 and 1980 results indicate a need for further work on the link between citizen interest and legislature size.

A larger House of Commons could have other implications for the parliamentary, redistributive and electoral systems. With a larger House and smaller constituencies, minorities long underrepresented in Parliament might more easily gain major party nominations and win elections. Racially and ethnically defined groups, such as native peoples and post-World War II urban immigrants, might find it easier to become better socialized and integrated in the political system if they were to compete for office in smaller, more compact and less diverse constituencies, where their relatively greater electoral weight would have a greater impact on the election result. It is also possible that the size of the electorate in a constituency may help to dilute party allegiances generally by elevating the importance of the candidate and making it easier for him or her to secure a stronger personal following. There are some tentative, but nonetheless suggestive, data from Australian elections that point in that direction.³⁶

In a larger House, women, too, might find it easier to win elections in relatively greater numbers. The 1980 results suggest that female candidates stand a better chance of being elected in smaller than in larger constituencies (see Table 1-12). Whatever reasons may have been offered in the past for women's political successes, size of the legislature was probably not one. Yet further research may well show that, of the explanations for women winning elections, such institutional ones as level of government (school boards as opposed to Parliament) and type of election (general elections, as opposed to by-elections), will have to be altered to take into account the number of seats in the legislature and the size of its electoral constituencies.

TABLE 1-12 Constituency Size and Women Candidates Elected to Parliament, 1980

Mean Size of All Constituencies	Mean Size of All Constituencies with at least One Female Candidate	Mean Size of Constituencies Electing a Female Candidate
(n = 134)	(n = 33)	(n = 8)
59,024	59,529	54,250

Source: Compiled from Canada, Chief Electoral Officer, *Report of the Chief Electoral Officer Respecting Election Expenses: 1980 Election* (Ottawa: Minister of Supply and Services Canada, 1980).

Note: Table includes Ontario, British Columbia and Nova Scotia, the only three provinces apart from Quebec from which women were elected. Quebec was excluded because, with 74 of 75 MPs from the Liberal party, the only variable of any significance was the party variable. The table excludes minor party candidates; only Liberal, PC and NDP female candidates are included. Ranking the elected females by constituency size showed that women won in the smallest, 4th, 8th and 19th smallest of the 20 constituencies contested by women in Ontario; in the 2nd, 4th and 6th smallest of the 10 constituencies contested by women in British Columbia; and in the 2nd smallest of the 3 constituencies contested by women in Nova Scotia.

For the prime minister and the leader of the opposition, a larger House would provide a more substantial group of parliamentarians from which to choose their respective front benches. Accordingly, when their “representative” cabinets or shadow ministers were chosen, the leaders generally would be subject to fewer constraints — such as those imposed by the accidents of electoral geography. At the same time, they would be able to weigh the varying talents of a larger pool of potential ministers or critics. For their part, the MPs would find that with larger caucuses they would have a commensurately larger part to play in the selection of their national leaders. This, in turn, would help to address a complaint more than one MP has voiced about the failure of the parliamentary parties to maintain their size and importance relative to other groups which now participate in the leadership selection process.³⁷ With the more prominent role that a larger parliamentary caucus would assume, it is even possible that the value of a political career developed *in* Parliament by potential party leaders might be more widely demanded than is now the case.

Conclusion

This paper has explored some of the principal consequences — for electoral and legislative behaviour and parliamentary representation — of increasing the size of the Canadian House of Commons. The literature on the general question of the size of legislatures is sparse and the links between a particular Parliament’s size and its operation are complex. The paper has examined the issue by speculative reasoning, com-

parative analysis and empirical tests. Of necessity, its conclusions must be guarded and tentative.

A dramatically larger House of Commons would produce few additional electoral benefits. For ease of empirical analysis, tests (using the 1979 and 1980 election results) were conducted on a Commons twice its current size.³⁸ In regions of high interparty competition among the three leading political parties, such as the 22 Metropolitan Toronto constituencies, a House twice its present size would convert votes into seats in a more equitable fashion than now is the case. Further tests showed that a similar improvement in the parties' vote/seat ratio would not occur nationally. As a general rule, parties would double the number of seats on both a national *and* a regional basis in a House twice its current size. The negligible effect that a doubling of the size of the House of Commons would have on party representation (save for third parties in certain regions) could not justify a House of 564 members. Since a doubling of the size of the House would not have a profound effect on the regional composition of party caucuses, the increase to 381 MPs (the anticipated size of the House under the Amalgam Method in the year 2001) could be expected to have, at best, only a negligible effect on regional representation by party. Had the electoral data suggested strong empirical support for a huge and immediate increase in the size of the House of Commons, the study has argued that the traditional reservations about a larger House — costs, space and time — could be satisfactorily addressed.

If, however, the size of the House of Commons increases gradually according to the Amalgam Method projections, representational benefits of a non-electoral variety could accrue to the political system. Since it contemplates a gradually increasing House of Commons, the Amalgam Method is truer to the democratic principle of representation by population, and is of greater benefit to the sparsely populated regions of the geographically large provinces than are any of the other principal methods. Voter turnout, citizen efficacy and political participation, and the success of women and minority groups may be enhanced if the size of the Commons grows. Arguably the greatest representational benefit of a larger House would result from the potential it creates for change in the rules and procedures of the House and its committees, as well as in the parliamentarians' role model. A growing House could provide the necessary impetus for reform and some independence of the party whip.

But structural changes do not in themselves lead to behavioural changes. Only the parliamentarians can bring that about. Since the conditions for change would be present in a more sizable House, it is possible that the members themselves, if they so chose, would seize the opportunity to abandon their subservient "reactive" legislative role and move in the direction of a more independent "active" one.³⁹ If so, the institution in which they served would have been strengthened, and

public support for its deliberations and decisions would have been enhanced. At that point, Parliament would have become more obviously responsive to public demands, more receptive to alternate policy proposals, more capable of rejecting or altering executive proposals, and more intent on enhancing its credibility as a political institution.

Appendix

Regression Analysis of 1979 and 1980 Elections

The regressions were produced with the logarithm of turnout as the dependent variable and the logarithm of total eligible electorate as the independent variable. The estimated slope coefficient (β) is the elasticity of constituency turnout (T) with respect to size of constituency electorate (E). A β significantly less than 1 (unity) implies that turnout declines proportionally with size. Neither β 1.033 (1979) nor β 0.9768 (1980) is significantly different from 1.

Regression 1979 Election

$$\begin{aligned}\log T_{79} &= -0.6445 + 1.033 \log E_{79} \\ &= (0.18377) + (0.01690)\end{aligned}$$

$$R^2 = 0.930 \quad n = 282$$

Regression 1980 Election

$$\log T_{80} = -0.165 + 0.9768 \log E_{80}$$

$$R^2 = 0.913 \quad n = 282$$

For research that concludes that voter turnout for gubernatorial elections is negatively correlated with legislature size, see George J. Stigler, "The Size of Legislatures," *Journal of Legal Studies* 5 (January 1976): 17-34.

Notes

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1. See John C. Courtney, "Reflections on Reforming the Canadian Electoral System," *Canadian Public Administration* 23 (fall 1980): 427-57.
2. Social Democratic Party, *Decentralizing Government* (London: SDP Policy Department, 1982), p. 64.
3. On Australia's 1977 redistribution see Colin A. Hughes, "The Case of the Arrested Pendulum," in *The Australian National Elections of 1977*, edited by Howard R. Penniman (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1979), pp. 305-10. Five of the six Australian state legislatures are bicameral:

	Legislative Council	Legislative Assembly
Victoria	44	81
New South Wales	45	99
South Australia	22	47
Tasmania	19	35
Western Australia	32	55
Queensland	—	82

4. On the numbers contemplated by the electoral reform plans advanced by the Pepin-Roberts Task Force, D.V. Smiley, W.P. Irvine and Ed Broadbent, see Courtney, "Reflections on Reforming the Canadian Electoral System," p. 433; and W.P. Irvine, *Does Canada Need a New Electoral System?* (Kingston: Queen's University, Institute of Intergovernmental Affairs, 1979), chap. 5.
5. See, for example, the speeches of Walter Baker to the Canadian Elevator Contractors' Association, "Do We Need More and More MPs?" Ottawa, May 22, 1981; J. Robert Howie, Canada, House of Commons, *Debates*, March 18, 1983, pp. 23918-19; and Canada, House of Commons, Standing Committee on Privileges and Elections, *Minutes of Proceedings and Evidence*, January-April, 1982.

The matter was raised at the hearing of at least one redistribution commission in the post-1981 redistribution. According to the *Report of the Electoral Boundaries Commission for the Province of British Columbia* (Ottawa, 1983), "the Commission heard strong and repeated statements at its public hearings objecting to increases in the number of Members of Parliament, and with respect to the present formula for electoral redistribution in Canada. The Commission pointed out that such questions were not within its mandate" (p. 9).

6. Canadian Bar Association, *Report of the Canadian Bar Association Committee on the Reform of Parliament (Parliament as Lawmaker)* (Ottawa: CBA, 1982), pp. 36 and 82.
7. For an account of the one-year trial rule changes, see Canada, House of Commons, Special Committee on Standing Orders and Procedure, *Report*, (Ottawa: Minister of Supply and Services Canada, 1982; and "Experiment on Improving Parliamentary Efficiency in Canada," *The Parliamentarian* 64 (April 1983): 113-15.
8. 393 United Kingdom, House of Commons, *Debates*, as quoted in Hiram M. Stout, *British Government* (New York: Oxford University Press, 1953), pp. 106-7. Note also John Diefenbaker's assertion that desks in the Canadian House have contributed to the generally poor quality and the excessive length of parliamentary speeches: Canada, House of Commons, *Debates*, July 12, 1955, pp. 5989-90.
9. The 1979 general election was chosen rather than the 1980 because the costs of the latter election were unrealistically low. No new enumeration was held for the 1980 election (the 1979 lists were used instead), which meant that the principal chief electoral officer's cost of enumeration and revision was barely more than 50 percent what it had been in the preceding year's election.

10. For the history of representation in Canada, see Norman Ward, *The Canadian House of Commons: Representation*, 2d ed. (Toronto: University of Toronto Press, 1963). On the Amalgam Method, see J.R. Mallory, "Amending the Constitution by Stealth," *Queens Quarterly* 82 (autumn 1975): 394–401; and M.L. Balinski and H.P. Young, "Parliamentary Representation and the Amalgam Method," *Canadian Journal of Political Science* 14 (December 1981): 797–812.
11. Canada, *Parliamentary Debates on Confederation of British North American Provinces, 1865* (Reprinted Ottawa, 1951), p. 39. Macdonald's views on the size of Parliament differ markedly from those of Edmund Burke:

The greater number of Counsellors the less freedom and variety of opinions are usually found; great multitudes are incapable of acting separately; they usually move under a few leaders; and these headships are sure to give rise to envy and faction. When the number is small, each man singly considered is of more weight; is better heard; and more difficultly corrupted. This small number enhances the price; and is apt to inspire each person with a greater sense of his own dignity and importance. It is much more easy to move a crowd to some unreasonable resolution, than but three Jury-men of tolerable understanding. The first affected is usually the weakest person; and in the fluctuating of a public assembly, any man that stirs with any vigour is certainly followed — even the knowing being hurried away by the Clamour, the warmth, and Weight of the multitude. A Crowd is like a great water which quite fills its banks, these always break at the weakest part; and though the breach should be but small at first, all the water running that way will make it sufficient to let in a deluge on the Country. (H.V.F. Somerset, ed. *A Note-Book of Edmund Burke* [Cambridge: Cambridge University Press, 1957], pp. 99–100.)
12. Canada, Task Force on Canadian Unity, *A Future Together: Observations and Recommendations* (Ottawa: Minister of Supply and Services Canada, 1979), p. 106. On the typical workload of an MP (estimated at between 55 and 70 hours per week), see Canada, House of Commons, Standing Committee on Privileges and Elections, *Minutes of Proceedings and Evidence*, February 11, 1982, p. 15:7.
13. For two useful discussions of committee reform in Canada, see "Committees at the Crossroads: Will Innovation Lead to Reform?" and "On the Road to Committee Reform: The Evidence is Paving the Way," *Parliamentary Government* 2 (summer and autumn 1981): 3–15 and 3–15).
14. Rod Dobell, "Staffing a Parliamentary Committee: Bridging the Gap," *Parliamentary Government* 2 (autumn 1981), p. 9.
15. In 1980–81 in Britain, there were 33 select and 16 standing committees, on which a total of 309 and 518 MPs served, respectively (see G.B., House of Commons, Standing Committees *Return 1980–81*, both dated October 28, 1981, London, 1982). In general, see Philip Norton, *Dissension in the House of Commons: Intra-Party Dissent in the House of Commons' Division Lobbies* (London: Macmillan, 1975); and S.A. Walkland and Michael Ryle, eds., *The Commons Today*, rev. ed. (Glasgow: William Collins Sons for Fontana, 1981).
16. The Progressives in the 1920s seemed unable to appreciate this fact as they pressed for various institutional reforms designed to free MPs from many of the traditional constraints of the party system in Parliament. Part of the failure of that protest group to establish itself as a legitimate and authoritative parliamentary force stemmed from its unrealistic view of a member's role in Parliament and, in larger terms, from its understanding of the 20th-century parliamentary system. On the opposition of the Progressives to party government and their criticisms of the conventions underlying parliamentary government, see W.L. Morton, *The Progressive Party in Canada* (Toronto: University of Toronto Press, 1950).
17. See, inter alia, "Public Opinion: Why Don't Canadians Trust Their Representatives?" *Parliamentary Government* 1 (October 1979): 6–8; and Robert Stanfield, "The Opportunities and Frustrations of Backbenchers," *Canadian Parliamentary Review* 4 (autumn 1981): 6–9.
18. According to Robert W. Jackman, the process of national integration in Canada ("where political allegiances are focused increasingly at the national level over time, while there is a corresponding decrease in the salience of local and more parochial allegiances") has not matched that of other politically developed countries; Robert W. Jackman, "Political Parties, Voting, and National Integration: The Canadian Case," *Comparative Politics* 4 (July 1972): 512.

19. On the important changes in parliamentary behaviour that have taken place over the past two decades, see Norton, *Dissension in the House of Commons*; Leon D. Epstein, "What Happened to the British Party Model?" *American Political Science Review* 74 (March 1980): 9–22; John E. Schwarz, "Exploring a New Role in Policy-Making: The British House of Commons in the 1970s," *American Political Science Review* 74 (March 1980): 23–37; and Edward W. Crowe, "Cross-Voting in the British House of Commons: 1945–1974," *Journal of Politics* 42 (May 1980): 487–510.
20. Similar sociological changes have not yet taken place in Canada. Two hundred and six bankers, economists, accountants, company directors, teachers and lecturers were elected in Britain in the 1979 election (30.3 percent of the total number of MPs); in the Canadian election of that year, the number for those groups was 35 (12 percent). Although the proportion of lawyers in the Canadian House of Commons has slipped from its post-World War II high of 31 percent (1953) to 22 percent, it nonetheless remains half as large again as the percentage of lawyers at Westminster (15 percent). On the occupational changes within parliaments, see, inter alia, G. Loewenberg and S.C. Patterson, *Comparing Legislatures* (Boston: Little, Brown, 1979), Tables 3.1 and 3.2; Dermot Englefield, *Parliament and Information: The Westminster Scene* (London: Library Association Publishing, 1981), Table 1.2; Canada, Chief Electoral Officer, *Report of the Chief Electoral Officer Respecting Election Expenses: 1979 Election* (Ottawa: Minister of Supply and Services Canada, 1980), Part IV; and J.C. Courtney, "On the Passing of Politicians' Occupations," *Dalhousie Review* 54 (spring 1974): 81–93.
21. See Geoffrey Smith, "The Growing Band of Rebel MPs," *The Times* (London), September 5, 1978, p. 14; Colin Mellors, *The British MP: A Socio-Economic Study of the House of Commons* (Farnborough: Saxon House, 1978); and Anthony King, "The Rise of the Career Politician in Britain — And Its Consequences," *British Journal of Political Science* 11 (July 1981): 249–85.
22. Balinski and Young, "Parliamentary Representation," pp. 798 and 803.
23. Even Balinski and Young's preferred option (Webster Method) has a spread in excess of the Amalgam Method; *ibid.*, p. 800.
24. See Canada, House of Commons, Standing Committee on Privileges and Elections, *Minutes of Proceedings and Evidence*, February 16, 1982, pp. 16:29–16:31.
25. *Ibid.*, April 6, 1983, p. 20:27, speaker: John Reid (Liberal, Kenora–Rainy River).
26. Canada, House of Commons, Bill C-211 (32nd Parliament), moved by Maurice Foster (Liberal, Algoma), May 2, 1980; and Canada, House of Commons, Standing Committee on Privileges and Elections, *Minutes of Proceedings and Evidence*, January–April 1982.
27. One study has shown that, since the introduction of the independent boundaries commissions in the 1960s, the inequalities in the size of Canadian federal constituencies have been significantly reduced. See Harvey Pasis, "Achieving Population Equality among the Constituencies of the Canadian House, 1903–1976," *Legislative Studies Quarterly* 8 (February 1983): 111–15. On recent Canadian redistributions and the Amalgam Method, see John C. Courtney, "Theories Masquerading as Principles: Canadian Electoral Boundary Commissions and the Australian Model," in *The Canadian House of Commons: Essays in Honour of Norman Ward*, edited by John C. Courtney (Calgary: University of Calgary Press, forthcoming).
28. Excluding the three fixed by law for the Yukon (1) and the Northwest Territories (2). The problem has been addressed to some extent by paying higher salaries and allowances to 25 MPs from the territories and "remote" constituencies.
29. Rein Taagepera, "Seats and Votes: A Generalization of the Cube Law of Elections," *Social Science Research* 2 (1973): 257–75. See also Rein Taagepera, "The Size of National Legislatures," *Social Science Research* 1 (1972): 385–401.
30. The poll results for each constituency are set out in the Reports of the Chief Electoral Officer. The polls were grouped into two hypothetically new constituencies by numbers: for example, a constituency of 300 polls was divided into two new ones composed of polls 1–150 and polls 151–300. Polls that had tied votes between the top two contestants were ignored.

31. In 1979, the Social Credit popular vote in Quebec was 15.8 percent; in 1980, the NDP popular vote in Ontario was 21.8 percent.
32. The "West," as used here, comprises Manitoba, Saskatchewan, Alberta, British Columbia, Yukon and the Northwest Territories.
33. For the appropriateness of such an assumption, see Angus Campbell, Philip E. Converse, Warren E. Miller, and Donald E. Stokes, *The American Voter* (New York: John Wiley and Sons, 1960), pp. 101–10. The term "voter efficacy" is taken to mean the extent to which the citizen believes his vote will affect the electoral outcome.
34. For a description of the regression analysis, see the Appendix.
35. See Campbell et al., *The American Voter*, pp. 531–38, for the classification of types of elections as maintaining, deviating and realigning.
36. Michael Wood, "Voting in Small Electorates," *Politics* 13 (November 1978): 296–98.
37. See the reported comments of one cabinet minister at the time of Pierre E. Trudeau's 1979 announcement of his intention to retire (later abandoned in light of the 1980 election) in "Liberal MPs Want Leadership Role, Bégin Says," *Globe and Mail*, November 30, 1979, p. 9.
38. Apart from elaborate and costly sampling of the electorate to determine how votes *might* be cast, given a larger House, there is no satisfactory alternative to using past election data for the empirical analysis. This presents two fundamental analytical problems for which, unfortunately, there are no satisfactory solutions: (1) different electoral systems and different ways of aggregating votes may well give rise to different voting behaviour, and (2) voting patterns are not immutable. Regional party weaknesses and strengths change from time to time and from election to election. That these features of the electoral and party system have important representational consequences is explored in the context of electoral reform in Courtney, "Reflections on Reforming the Canadian Electoral System."
39. The distinction is Michael L. Mezey's. See his *Comparative Legislatures* (Durham, N.C.: Duke University Press, 1979), pp. 37–40. Mezey's work draws attention to one distinction between the parliaments at Westminster and Ottawa. Data comparing the fate of private members' bills and government-sponsored bills in the two Houses support the impression that British MPs play a more important legislative role *qua* individuals than their Canadian counterparts p. 88):

	Britain 1957–69	Canada 1958–72
Time period		
Government Bills passed (percentage)	96	87
Private Members' Bills passed (percentage)	27	2
Government Bills as a Share of All Bills Approved (percentage)	77	95



Some Comments on Parliamentary Reform

PETER C. DOBELL

The author was requested to comment directly on three questions. What are the prospects for reducing party discipline in Canada's House of Commons, perhaps by holding more "free" votes? Would the position of members of Parliament be enhanced if private members' bills were given more prominence? Would it help to give the opposition in the House of Commons greater power to initiate committees of inquiry, and is there a need for more horizontal committees with responsibilities extending over a range of subjects, in place of some of the present standing committees?

Challenges and Choices, the interim report of the Royal Commission, had a few comments to make which help to bring these questions into focus.

The House of Commons is organized on the basis of political parties. The party . . . is also the instrument by which the Cabinet ensures that decisions taken in the secrecy of the Cabinet room are put into legislation. The principal means by which this is ensured is through the tradition of party discipline.

We found that party discipline is under questioning. Has it become more an instrument by which Cabinet gets its way, than a means by which the wishes of the voter are reflected? . . .

The Challenges: More open, more accountable bureaucracy
To develop effective means to control the growth of government and render it more open to public scrutiny and accountable for results, good and bad. . . .

Choice 54: Party discipline

A reduction of the constraints of party discipline on individual Members of

Parliament might reduce Cabinet dominance and give a greater priority to the constituents they represent.

Choice 55: Legislative reform

This could involve changes within prevailing party conventions including the reinforcement of committees, a greater use of task forces, an increase in resources, and the increased use of joint committees of the House and Senate.

The thesis that underlies the present paper is that party discipline is integral to the operation of the Canadian House of Commons and is perceived to be supported most of the time by front- and backbench members of the three parliamentary parties. The discipline reduces the role of private members, who have insufficient opportunity to contribute to Parliament's decisions. Giving greater prominence to private members' bills does not appear to be a productive avenue for reform, but parliamentary committees could be reorganized in ways that are basically consistent with the dynamics of power in the House of Commons. This would enable private members to play a larger and more productive role.

Prospects for Reducing Party Discipline

Many Canadians who take an interest in the political process react critically to the intense partisanship manifested in the debates and votes in the House of Commons. A poll conducted by Gallup in August 1983 for the Canadian Study of Parliament Group indicated that only 7.9 percent of respondents felt that MPs should vote as their party directs them, whereas 32.3 percent believed that the first priority of MPs should be loyalty to party. As the commissioners for this Royal Commission discovered, except for those who strongly support one of the political parties, many people consider that parliamentary debates do not mirror the complexities and shadings of the real world. Especially in times of economic depression, these people would like politicians to stop attacking each other and instead devote their energies to overcoming the country's problems. They tend to blame party discipline for many of the deficiencies that they observe in Parliament.

Some members of Parliament also advocate a lessening of party discipline. Especially during the last two decades, when being a member became a full-time job, there has been persistent support within Parliament for an enhanced role for private members. Calls for more free votes, where MPs would not face pressure to vote with their caucuses, have been a common motif of the reformers' litany.

Naturally, such appeals usually occur when a member disagrees with the position the party has adopted or when the member believes that the outcome of a division would be different if MPs were not pressed to vote with their caucuses. Others argue that regional interests would be better

protected if there were less party discipline. With the United States so close and the subject of much media reporting, the freedom of U.S. congressmen from party discipline is naturally referred to quite often. Canadian MPs who have had an opportunity to follow the proceedings of the British House of Commons cite the mother Parliament as a more relevant model. Yet in spite of continuing comment from private members, Canadian governments very rarely declare in advance that a vote will be free of party discipline. Nor is there much likelihood that governments can be persuaded to propose free votes more frequently. To make this point, it will be necessary to review the experiences of other political systems.

The U.S. model is misleading and irrelevant for Canadians. Instead of concentrating power, as in the British parliamentary system, the U.S. Constitution deliberately divides it among competing political bodies. Political parties are an integral part of the U.S. political system but their function is largely limited to the conduct of elections and the division of office after the electorate has pronounced. Although the President has enormous powers and controls much patronage, his influence in the Congress is limited, even over his own party supporters. He cannot threaten to call an election, since the terms of office are fixed and most senators and representatives do not need their party leaders' support to get re-elected.

The British parliamentary system links the executive and legislative branches in a symbiotic relationship. The prime minister, the head of the executive, must be a member of the parliament and must have the support of a majority of elected members. To organize this process, political parties have developed into tightly disciplined associations. Normally, the prime minister is the leader of the largest party. Once in office, the prime minister's power is great because he or she controls most appointments, particularly appointments to the cabinet. In Canada, the prime minister alone can advise the governor general to call an election. The modern media have further enhanced the authority of the prime minister and other party leaders, since their public image has become the principal factor in determining which candidates are elected to Parliament. New Canadian legislation concerning election expenses has also strengthened the power of party leaders; they must now formally approve each candidate's party standing, and the denial of party standing makes election extremely difficult.

The growth of the Co-operative Commonwealth Federation (now the New Democratic Party) and the development of two Social Credit parties resulted in a number of minority governments during the 1960s and 1970s. More than half the Canadian governments since 1962 have been minority governments, and Ontario had two minority governments between 1975 and 1981. In these instances, the prime minister was forced to make informal working arrangements to ascertain how the opposition

parties might respond to a particular measure and then tailor his government's legislation so as to gain, by one means or another, the support of a majority of the House. Only in British Columbia have formal coalition agreements been adopted, although Manitoba had a coalition government during World War II.

It is interesting to compare the Canadian response to this situation with that in Britain during a recent period of minority government. From 1974 to 1979, the Labour party governed without a majority in the House of Commons. In those years the government was defeated 42 times; in 1974 alone, it suffered 17 defeats when government supporters voted with the opposition. In effect, party discipline went into a partial eclipse. British governments, Conservative and Labour, experienced almost twice as many defeats (65) between 1972 and 1979 as they did during the previous 67 years (34).

Canada has reacted to minority governments in quite a different way. The government of the day took great care to determine the minimum conditions of the opposition parties, and legislation and budgets were crafted to secure the support needed to pass bills. Apart from the accidental defeat of Lester Pearson's government on a provision of the budget in 1968, minority governments have only been defeated when prime ministers decided — rightly or wrongly — that they were ready to face the electorate. If anything, party discipline in Canada has been tightened during periods of minority government, which has increased the sense of frustration felt by many backbench members and has accounted for some of the agitation for reform during the last couple of decades. The experience of Ontario under minority government has been similar.

It is important to establish the extent of the difference in voting practice between Canada and Britain before analyzing the reasons for it. The British side has been exhaustively documented by Philip Norton in a series of detailed examinations of every election in postwar Britain. There is no comparable Canadian survey. Nevertheless, enough is known to make valid comparisons.

As has been noted above, the breakdown in British party discipline was a phenomenon of the 1970s. Since the election of the first Thatcher majority government in 1979 and the growth of the Social Democratic party, dissidence in the British House has diminished. Nevertheless, the practice remains more frequent than in Canada. Former prime minister Edward Heath attracted considerable attention in 1984 by voting several times against government bills on local rates.

Norton attributes the growth of dissidence in the 1970s to Edward Heath's style of leadership; he was aggressive in pressing controversial measures, allowing liaison between the prime minister's office and Conservative back benches to deteriorate, and he failed to make good use of patronage.¹ The Heath government was followed by a minority Labour

government, under whose tenure cross-voting became even more prevalent. During that Parliament, dissident votes were cast in 45 percent of all divisions and frequently in large numbers — 50 or more of the total vote. Ninety percent of Conservative members at one time or another voted against their party, and some Labour members who cross-voted over 300 times were still regarded as party supporters.

Comparisons with Canadian voting practice during the 1960s are complicated because of the existence of three small parties, two of which — the Social Credit party and the Ralliement des Cr ditistes — proved to be ephemeral. Moreover, there was deep division within the Conservative party over the leadership of John Diefenbaker. These factors contributed to considerable cross-voting during the first Pearson government. Of the 124 recorded divisions during the 26th Parliament (1963–65), one or more MPs voted contrary to the majority of their party in 55 of them. However, government supporters rarely cross-voted — according to Gordon Aiken, only three Liberals voted against the party line during the life of that Parliament — and none of these 55 votes led to the defeat of a government bill, even though they occurred during a minority Parliament.² Since then, the number of instances of members voting across party lines has reverted to its traditionally low level, largely as a result of the demise of the two Social Credit parties and the restoration of greater cohesion within the Conservative party.

Ian Gilmour, in his study *The Body Politic*, has observed: “When an MP decides that he cannot support his party, there is not much the Whips can do.”³ British political parties have been reluctant to adopt the final sanction of expelling members. The last time a Conservative MP was rejected by the party was in 1942 and Labour last expelled a parliamentary member in the 1960s. On the matter of the other ultimate weapon, the power of dissolution, Gilmour asserts that “a Prime Minister stands to lose far more by its use than do his recalcitrant followers.”⁴

There is no evidence that Canadian party leaders seek to enforce discipline through any means not available to their British colleagues. The power of expulsion has been used more recently in Canada than in Britain, the last two occasions being the expulsion of Gilles Gr goire by the Ralliement des Cr ditistes in 1966 for joining a Quebec separatist party and the expulsion of Ralph Cowan from the Liberal caucus in 1968 for repeated and provocative challenges to party positions and the party leader, Lester Pearson. Nor do the Canadian whips have additional leverage, although the caucuses are organized very differently than in Britain. A former Conservative whip in Canada told the author how he handled instances where colleagues wished to distance themselves from the party. He would review the range of options with the member, from being absent from the House during a vote, to expressing reservations about the party position while voting in favour, to being present but not rising (i.e., abstaining). The critical point for him was that party loyalty

required members to give notice of their intentions so that an accommodation could be worked out. What seems to emerge is that British MPs who voted against their party during the 1970s often did so in an attempt to change the result of the vote, whereas in Canada the purpose seems to have been the opposite — to express a contrary opinion on a matter of conscience or, where a member felt it necessary, to go along with strong constituency feeling without changing the result of the vote.

Cross-party voting occurs for several reasons, and members do it with different objectives in mind. They may have a variety of personal grounds for wishing to register a disagreement with their parliamentary party on the issue under consideration. In this situation, MPs act alone without seeking to stop the government from securing the House's approval for a particular measure. However, a group of members who share a point of view on a measure may vote together in an attempt to change the outcome of the vote. This can sometimes lead to defeat of a government measure.

Because cross-voting in recent years has led so rarely to the defeat of a government measure, it is not surprising that on those rare occasions when a measure fails to pass, the official opposition in Canada should claim that the government must resign. This occurred most recently in December 1983 when a clause of a money bill was defeated in the committee of the whole, largely through inadvertence. But as Eugene Forsey pointed out in a widely reproduced article in the *Ottawa Citizen*, in which he noted numerous Canadian precedents, "it is open to the government to accept some defeats . . . neither resigning nor asking for a dissolution of Parliament."⁵ If the opposition is dissatisfied, it can always move a motion of want of confidence, although Senator Forsey concluded that:

One of the healthiest things that could happen to our system of government would be for the Canadian government . . . to follow the British practice, where government defeats on measures the government does not consider essential to its policy are simply accepted, with no suggestion that resignation or a dissolution of Parliament is required.

Since the defeat of a government measure is a rarity in Canada, public discussion at times when a defeat occurs or is threatened has been vague and ill-informed. The confusion relates to the question of "confidence." Because ministers and whips have used the chimera of confidence and the threat of dissolution to exact votes from their colleagues and have been relatively successful in securing their support, a myth has been promulgated concerning defeats of government measures, equating them with an expression of lack of confidence in the government. The perception is quite different in Britain. So clear is the distinction there between defeat of a measure and a vote of non-confidence in a government, that on only three of the 42 votes on which government measures

were defeated between 1974 and 1979 — and some of them were on matters of considerable significance — did the opposition even call for a vote of non-confidence.

When a government has lost the confidence of the House of Commons, that situation will quickly become evident to the government and the electorate. It will be impossible for the government to have its business considered by the House, and the state of affairs will be quickly confirmed in a vote on the question of confidence.

The distinction between the defeat of a measure and the defeat of or loss of confidence in a government is crucial for the private member. Unless that distinction is understood in Parliament and by the public, the influence of backbench members is diminished. The principal weapon members have is their vote. Unless they are free to withhold it or to threaten to do so without undermining the party they support, their influence is greatly curtailed.

It should be kept in mind that a government may always choose to treat the defeat of a government measure as a reason for calling an election. So long as the term of a Parliament is flexible, a prime minister retains the threat of a dissolution as a strong weapon to maintain the government's authority in the House. Aside from moving to a fixed term, which political leaders in Canada will probably resist, there is little that the House of Commons can do to lessen a prime minister's authority to use a defeat as grounds for calling an election.

Even in Britain, where cross-voting is more common, its frequency and impact ebb and flow. A tide develops its own momentum. As one British government MP observed, "once one had defeated the Government a first time, it was much easier to do it a second time."⁶ But there appear to be certain confining limitations in the British parliamentary system, and the tide only goes out so far before a reverse flow sets in. Ian Gilmour cautioned that "the House of Commons came nearest to being independent between 1832 and 1867 when the Crown was receding from the forefront of politics and the party organisations had not taken its place."⁷ He implied that Parliament would not again see a similar independence because of the development of political parties.

The interest of governments in Britain and in Canada are identical: to hold the line on party discipline as far as they can. Cabinet ministers wish to see the compromises that they reach after a laborious process of give-and-take accepted with the least modification. Their interest is to see that measures have the speediest passage through Parliament; in Canada particularly, Parliament is seen more often as an obstacle to be surmounted than a body capable of bringing improvements to legislation. Ministers are judged by the prime minister and their parliamentary colleagues by their success in securing the passage through Parliament of measures that they have sponsored. Should a minister waste the House's valuable time by pursuing measures to no avail, the govern-

ment's credibility will suffer and it is probable that the minister's own career will crumble. Of course, politics at its best is a two-way process of adjustment, and ministers have various ways of tabling bills. But the common response of ministers who have a bill before Parliament is to give away the minimum necessary to assure its reasonably speedy passage. If the worst happens and a government measure is defeated, the government will naturally treat that defeat "in the way that suits them best."⁸

The opposition parties are just as concerned to hold party lines. It is hard to make a case for forming an alternative government if one's supporters are divided. So opposition leaders will struggle to maintain party unity as the clearest expression of a party profile.

Party members support their party less because of threats or pressure from the leadership and more because they share an interest in demonstrating party unity. Experience shows that retribution against dissident members has had little effect in Canada. While party leaders are now in a position to exercise some personal power because of the requirement that they endorse official candidates, the experience of Bill Fatsis in the Broadview-Greenwood by-election of 1982 (as a result of the struggle with Peter Worthington) and that of Leonard Jones, who ran as an independent in New Brunswick after the Conservative party refused to accept his candidacy, demonstrate the limits of a leader's power.

In Britain, where defeat of a government measure does not suggest loss of confidence and cross-voting is a long-established tradition well understood by members and media alike, free votes are regarded more pragmatically than in Canada. Free votes are resorted to whenever they are deemed to be useful. A notable instance was Prime Minister Margaret Thatcher's use of a free vote shortly after the June 1983 election to dispose of the issue of restoring capital punishment quickly in a way that would not threaten party unity. In Canada, governments have announced free votes, from time to time, usually on measures of a moral character such as capital punishment or abortion or on politically sensitive issues such as the Canadian flag or MPs' indemnities. Governments will do this if they are worried about losing support on their side and therefore need opposition votes to carry a measure. They may also wish to avoid being labelled by the electorate, for fear of alienating potential support at the next election. Or they may seek to remove party considerations so as to permit Parliament to speak with a stronger voice. The opposition shares some of the same interests and may even welcome a free vote. But since World War II, there have been no more than six issues on which the government has formally stated that party whips would not be used. There is no reason to expect leaders of any political party to extend the practice.

Yet at the same time it must be reiterated that MPs are not obliged to support their parties. If members regularly vote the party line, it is

because they consider it to be in their interest to do so. Accordingly, it is illuminating to try to identify the factors that lead British MPs to cross-vote more frequently than their Canadian counterparts. Five differences in the two systems seem to explain why party discipline is stronger in Canada.

First, in Britain, the term “whips” refers not just to party officers; it is also the name used for a document sent by the chief whip to each member of his or her party. It identifies the business expected to be before the House, with an indication of the importance the party attaches to the attendance, and implicitly the vote, of the member. The signal device is a series of one, two or three lines on the notice. A whip with no lines signifies the greatest amount of freedom for an MP to attend or be absent, and a three-line whip indicates that the matter is of vital importance to the government, and that all party adherents are urged to attend and vote.

The gradations in the system are subtle; they allow the chief whip to tolerate dissidents and to limit pressure to the minimum needed to achieve the party's purposes. The Conservative whip's office proudly displays the whip used for the legislation permitting Britain's entry into the European Community in 1971 — a no-liner.

The British House has more than twice as many members as the Canadian House, and a large number of MPs do not devote themselves full-time to parliamentary business. Only one-third of the governing party in Britain receives some kind of public office, whereas in Canada, with the rotation of the parliamentary secretaryships and committee chairmanships, almost every government supporter will sooner or later hold parliamentary office. These two conditions — full-time commitment and a much greater expectation of reward — make the Canadian MP more amenable to supporting the party line. Part-time members who do not expect preferment are more likely to vote according to their personal opinion, or according to constituency or regional interest.

A second factor is that the major parties in Canada are more pragmatic than they are in Britain. Moreover, within the British parties there are ideological factions, such as the Labour party's Tribune Group. In Canada, the NDP is the only party that stresses its ideological orientation and attempts to establish a position on the principal policy questions of the day, often through an extra-parliamentary process. Naturally, the two major parties in Canada represent a spectrum of political orientation, but representatives of different viewpoints have not formally sought, to the same extent as in Britain, to organize themselves within the party. It is significant that in recent years only the NDP has faced an internal faction, when the Waffle Group challenged the party's orientation. Much of the cross-voting in Britain has involved factions contesting positions adopted by the leadership.

A third and important difference between the two political systems is

the more structured character of caucuses in Canadian Parliaments. In Britain, caucuses do not meet regularly in plenary as they do in Canada, both federally and provincially. There, the caucus is replaced by a complex communications link involving 15 to 20 whips in each of the major parties, with the chief government whip sitting as a member of the cabinet. The whips participate in the numerous party committees and associations that undertake some of the functions that the formal caucuses carry out in Canada. The 1922 committee is the British Conservative party's rough equivalent of the Canadian caucus. But ministers attend only by invitation, which tends to diminish their powers. Moreover, the extra-parliamentary party structures and policy positions established through annual party conferences are more important in Britain than in Canada and the party electoral manifestos have great significance. Party candidates run on the party's platform and feel bound to support it in the House. On issues that are not part of the manifesto, many members think that they are free to vote as they individually determine. Although many are prepared to accept the guidance of their leaders, others feel free to exercise their own judgment.

The caucus in Canada comprises all members of Parliament, including the party leadership, and it plays the major role in determining party positions. Only the NDP accords controlling importance to the decisions of party conferences. The size and diversity of Canada probably require a structured and democratic system for reconciling conflicting interests within a party and for working out common positions. The caucus in Canada serves as a kind of party Parliament.

Fourth, the federal structure of Canada places pressure on political parties. At the provincial level, competing parties, usually with similar labels, speak for regional interests, which are often in conflict with a national perspective. The members of national parties, particularly those in opposition, must work out positions in caucus if they are to resist the blandishments of provincial colleagues, especially when those colleagues form the provincial government. The organized caucus is a political necessity in Canada.

Finally, in the British Parliament members are free to accept a position as a recognized consultant or lobbyist, a practice which is frowned upon in Canada. The effect is probably not great but may constitute a competing loyalty to that of the party and may lead to occasional cross-voting.

This comparison of the role of the party and caucus in the two political systems suggests that Canadian members have greater reasons for accepting the party position once it has been worked out. MPs in Canada undoubtedly want to see their role enhanced and to have greater opportunities to contribute to the government of the country. Party discipline by and large is perceived to be necessary and helpful, rather than an external pressure that members resent. The existence of provincial parties advocating conflicting positions means that in their constituent-

cies MPs regularly have to justify standing opposed to their provincial colleagues. This would be difficult if MPs were not reinforced by caucus support.

The conclusion is indisputable. Party leaders are and likely will remain opposed to relinquishing party discipline and in particular to advocating free votes; they rightly perceive that it would limit their capacity to lead. Private members, for quite different reasons, want and need an active caucus. As long as caucuses operate democratically and political leaders take their caucuses seriously, backbench members in Canada will favour disciplined parties. Free voting in Parliament, except in special circumstances where moral issues are involved, is unlikely to be more widely adopted in Canada.

This does not mean that change is not desirable and even attainable. Some good would follow if it were more generally recognized in the House of Commons and by the general public that defeat of a government measure does not of itself involve any implication that the government has lost the confidence of the House and must therefore resign or ask for a dissolution. Such recognition would eliminate some of the posturing that now occurs on those rare occasions when a government measure is voted down. More importantly, it might tend to strengthen the hands of private members and encourage them to be more insistent that their points of view be taken into account. Although it would not tip the balance in their favour, it might add a little to their combined weight.

From this perspective, it is worth noting a proposal of the special committee on standing orders and procedure. This committee, established in 1982, met for about a year. In its tenth report, the committee noted that motions on opposition allotted days are defined by the House's standing orders as being want-of-confidence motions. In the committee's view, the rules should not define whether a class of motion should automatically raise the question of confidence. Rather, the determination should be made by the mover of the motion. Although an apparently small point, it could be very important in a minority government. The fact that a motion on an allotted day constitutes a vote of non-confidence, whether the opposition wants it or not, eliminates any possibility that government members would support the motion, no matter how they actually feel. Amending the standing order and leaving it to the party submitting the motion to determine whether it should include an expression of non-confidence in the government would constitute a useful step forward. It would allow the House to pronounce on questions that have not been formulated by the government without risking distortion of the result by the issue of confidence.

Reduced to the absurd, a votable motion put forward by the opposition on an allotted day "that this House has confidence in the government" would be a motion of lack of confidence under the definition given it by the standing order! This paradox was reinforced during a debate over

the entrenchment of property rights in the Constitution. The government was prepared to put forward a motion, provided that it could get all-party agreement on time limits for consideration of the motion, but no such agreement was given. The opposition then put forward the same text on an opposition day. However, because the motion was, by definition of the standing orders, one of confidence, the government could not accept it, and its supporters all voted against the very text the government had earlier formulated.

Apart from this change in the standing orders, and increased awareness that a defeat in the House is not cause for a government's resignation, it would be useful if, in addition to voting for or against a proposition, members could record an abstention. This would formally establish a distinction between absence from the House and the desire of a member who is in the Chamber not to vote. A discrepancy now exists between the visual and the written record. With television coverage of the House, a member who does not rise to vote is observed not to do so, but the written record leaves the impression that the member was absent even if he or she was present and did not vote.

These changes could help to enhance the role of private members and should be acceptable to the leaders of all parties since they would not greatly reduce their powers. The outcome of the defeat of the government on a clause of a money bill in December 1983 is also cause for some satisfaction. The fact that that episode concluded without the government having to ask for a vote of confidence has surely increased public awareness of the distinction between loss of a bill and loss of confidence. Private members now seem to understand the point better and may feel slightly less inhibited in diverging from the government's position than they have been and more aware that they can do so without threatening their party's stability or the future of the government.

Without these changes and a more informed public, appeals to governments to loosen discipline and to propose more free votes are likely to be ignored. Such a response would not provoke pressure from many private members. If the influence of private members is to be increased, it will be necessary to find other ways of enlarging the opportunities for them to make a personal contribution to the work of the House.

Private Members' Bills

Some advocates of parliamentary reform have argued that the role of backbench members could be enhanced if the opportunities for private members' bills were to be increased and votes on them were to be free. The argument continues that such a change would make Parliament more responsive to public concerns.

Private members' business now occupies four hours a week of parliamentary time, one hour at the end of the afternoon sittings every day

except Wednesday. Most members submit bills and many submit more than one. About 500 bills were introduced during the first session of the present (32nd) Parliament, but only three were adopted at third reading and only one received royal assent. There are differences of opinion as to whether changes in the rules could make private members' business more important. Some argue that bringing items to a vote after the passage of an allotted amount of time would lead to better results. Others maintain that the existing system enables members to promote issues for general discussion without the responsibility of seeing their proposals enacted. Moreover, enough bills and motions have passed to demonstrate that a member who has done his homework and selected a proposal that is appropriate for the process can see it through the House.

In 1982, the special committee on standing orders and procedure recommended a modification of the weekly timetable concentrating all the time set aside for the consideration of private members' bills on Wednesday afternoon. The idea was that this one longer session would enhance the importance of private members' business. The experiment was conducted for a year, but this interruption in the middle of the week broke momentum and the government found that it lost one day each week for taking government business on allotted days. A special committee composed of 20 members from all three parties considered this question and unanimously recommended acceptance of the government's proposal to revert to the former timetable, a step taken in January 1984. This was the only provisional standing order of those adopted in 1983 that the House rejected.

The most successful and notable private members' bill of recent years, and the only one to be enacted into law, was that which advocated renaming Dominion Day as Canada Day. This was an ideal subject for such a bill — a simple concept without policy implications. The sponsor, Hal Herbert, was able to persuade the government to support the proposal, so that although it sparked some opposition and was delayed in the Senate, it eventually received royal assent. Private members' bills that succeed are usually equally simple, but less controversial.

Private members' hour has been exploited innovatively during the 32nd Parliament on at least three occasions. Joe Clark submitted a draft committee order of reference, using his time to propose that the question of the taxation of visual and performing artists should be referred to committee for consideration. Lynn McDonald adopted a similar strategy with regard to the question of sexually abusive broadcasting. Both sponsors were able to secure sufficient support from all parties to persuade the House that the hour's debates should be terminated with a reference of the two motions to the standing committee on communications and culture. As a result, the two subjects received a substantial hearing and the government even acted on the committee's report concerning the taxation of visual and performing artists. This represents an

interesting and potentially useful device by which a member can promote a committee inquiry and sometimes persuade the government to act.

From time to time the House will discharge a bill by referring the subject matter to committee for further study. Jim McGrath submitted a private member's bill in February 1984 to permit the clinical use of heroin. Not only was this bill ultimately referred to the standing committee on health, welfare and social affairs, but, as a result of publicity and pressure generated by the bill, Health and Welfare Canada reversed its position and agreed to conduct experiments on the efficacy of heroin for the relief of the suffering of terminally ill patients. Although this result was not regarded by its sponsor as a complete success, it illustrates the possibilities of using the existing rules to stimulate public debate and cause the government to move.

John Stewart saw little merit in the arguments for strengthening private members' hour. In his opinion:

Unless private members' business is inherently important it never will serve to enhance the standing of private members . . . There is no convincing evidence that private members' business is important in the sense that their bills ought to be passed and their motions ought to be carried.⁹

This is a harsh judgment, but the lack of support for devoting a full day a week to private members' business and the low attendance during private members' hour seem to confirm Stewart's conclusion. This impression is shared as much by opposition as by government members. Undoubtedly the choice of Wednesday was a mistake. It did break up the week. Had Friday afternoon been chosen, that argument would have been overcome but interest would, if anything, probably have been still lower. Increasing the amount of time available for private members' business or changing House rules for the conduct of that business does not offer an effective way of enlarging private members' influence and contribution. Nevertheless, members have found some innovative devices to help focus parliamentary attention on their concerns by using their brief control of parliamentary business to secure House endorsement of a committee inquiry. This, in turn, can generate more pressure and permit serious examination of the problem.

Committees

Where does the initiative lie?

Critics of Canada's House of Commons have pointed out that until the recent experiment with the provisional standing orders, in practice the government's approval was required before committees could undertake any activities. This situation compares unfavourably with the initiative enjoyed by committees of the U.S. Congress. The usual remedy in Parliament was to propose that the power to decide on a committee's

agenda be passed from the government to the committees themselves. There have also been suggestions that special committees might be established, say, at the formal request of a significant number of private members. Walter Baker, House leader during the 1979 Conservative government, officially advanced such an idea, proposing that an inquiry could be launched on the request of 50 members, including ten from each of two parties. The idea was to enhance the role of private members and to give them some powers to get around the resistance of the government of the day. The Conservative government was defeated shortly after the proposal was presented, so it was never tested.

It must again be insisted that the practice of the U.S. Congress has little relevance in Canada. It is important to note, however, that in 1979, the British House of Commons took a major step and established subject-matter committees with power to determine their own agendas and to hire staff as required. These committees have used their powers assiduously, and well over one hundred substantial reports have been issued. From the Canadian perspective, the initiative of the British Commons committee on foreign affairs in undertaking a study of the amending process of the Canadian Constitution was a landmark development. In practice, that report circumscribed the response of the British government to a Canadian request that Westminster amend the British North America Act and ultimately limited what the Canadian government could expect to achieve. What was noteworthy was that the committee's initiative was only possible under the new rules and practice. It must also be remembered, however, that although the initiative was regarded as controversial by the Canadian government it in no way divided parties in Britain. It would be a mistake to assume that similar bold initiatives are as easily undertaken by British committees on matters of domestic controversy.

The functions and powers of parliamentary committees have been evolving quite rapidly in the Canadian Parliament and these committees have significantly extended their independence. It must be stated, however, that committees have generally not exploited their powers. The following developments are worthy of note and comment.

1. Early in the current Parliament, several task forces — small committees of MPs — were set up to conduct specific studies. Their widely recognized success, and the almost universal satisfaction of the members who actively served on them, demonstrated the advantage of smaller committees and subsequently led to the decision to reduce the size of standing committees from 20 — first to 10 members and now to 15. More generally, these task forces did much to diminish the resistance of ministers to agreeing to inquiries into policy questions by committees. Although in the last couple of years the government has preferred to assign inquiries to standing committees or subcom-

mittees of standing committees rather than to task forces, this is really only a difference of nomenclature. In general, since 1980 there has been a remarkable increase in the number of inquiries undertaken by standing or special committees of the House of Commons.

2. Some orders of reference have been initiated as a result of the introduction of motions or bills under private members' business. This may become an effective route for determined private members to propose inquiries that might have some possibility of success.
3. During the first two sessions of the 29th Parliament (1968–70), the House voted the standing committee on external affairs and national defence a general order of reference, authorizing that committee to undertake any inquiries that the members wished during the session. That authority was not renewed in the third session, probably because the secretary of state for external affairs felt that there had been inadequate consultation between the committee and himself in the selection of topics for study. It is unlikely that this approach will be used again.
4. After 1968, when all estimates were referred to committee, a number of committees initially exploited this opportunity to conclude their examination of the government's expenditure proposals with short reports, commenting on specific programs and making recommendations for future action. For example, in 1969 the standing committee on fisheries and forestry made recommendations regarding the annual seal hunt in the Gulf of St. Lawrence, and in 1973 the standing committee on external affairs and national defence reported in favour of continued Canadian participation in NORAD.

In June 1973 an effort to press this practice a stage further met with unfortunate results. A member of the standing committee on transport and communications sought the concurrence of the House in the committee's third report, which recommended "that the government consider the advisability of undertaking immediately a complete program for improving and upgrading the Port of Churchill including dredging, wharf, grain handling and grain storage facilities." The Speaker ruled that the motion for concurrence was not receivable, arguing that to do so would be to give committees the power to determine by their reports how House time would be used. He drew attention to section 16 of standing order 58, which reads: "There shall be no debate on any motion to concur in the report of any standing committee on estimates which have been referred to it except on an allotted day."

On this point the Speaker's ruling is clear. Committee reports cannot be considered in the House unless an opposition party uses an allocated day or the government decides for its own reasons to hold a debate, as it

did on the report of the special parliamentary task force on north-south relations. But in the course of his ruling, the Speaker asked a rhetorical question on a point which remains in question. "If a standing committee," he said, "is permitted to make reports of a substantive nature when considering the estimates of a department, it would follow that no limit could be placed on the number of reports from a committee. Surely the House would be hard pressed to consider all of such reports."¹⁰ The following year, the parliamentary secretary to the government House leader sent a notice to all committee chairmen, which claimed that reports of standing committees dealing with estimates should consist of "approval, reduction or elimination of estimates only." The notice went on to say: "Reports of a substantive nature, including recommendations on items relating to or contained in the estimates, are clearly not allowed."¹¹ It seems that there are doubtful grounds for making this last assertion since the Speaker's ruling recognized that a motion to concur in a committee report on estimates could be debated only on an allotted day. His very ruling acknowledges that substantive reports under the estimates are allowed.

This procedural point has considerable significance for the effective committee examination of estimates. Committees will rarely be in a position to influence future expenditure unless they are free to report in detail the aims and achievements of departmental programs and to assess the effectiveness of the means adopted for their attainment. The concurrence of the House is not necessary to do these things, however, and indeed concurrence in a complex and extended report can be meaningless. It suffices that a good report exists for it to attract the attention of the departmental minister, his officials and the Treasury Board. But to be persuasive, that report must be carefully researched and fully documented. In short, it must be substantive.

Although it remains possible to undertake mini-inquiries while reviewing estimates, there are considerable obstacles. The estimates have to be reported back to the House within three months and MPs are especially busy during the estimates season. Moreover, committee clerks feel bound by the Speaker's ruling and the interpretation given to it — to advise that a report may not be prepared under the estimates. Because of the risks of embarrassment, ministers can also be expected to discourage efforts by committees to undertake an investigation of their departments. It accordingly takes a determined, well-informed and courageous chairman to persist in the face of these difficulties. Indeed, since the 1973 ruling, only one committee has made observations and recommendations when reporting its estimates to the House. The standing committee on Indian affairs and northern development has done this several times, most recently in its fifth report of the first session, issued in the spring of 1983. Thus, while the Speaker's 1973 ruling on concurrence in committee reports has not entirely prevented committees

from making substantive reports under the estimates, it has made it extremely difficult for them to do so.

5. Since the provisional changes in the rules, proposed by the special committee on standing orders and procedure in 1983, all "reports, returns or other papers laid before the House in accordance with an Act of Parliament shall thereupon be deemed to have been permanently referred to the committee designated by the Member tabling the report, return or paper."¹² The aim has been to enable committees to determine their own agendas. The rules now permit committees to take up any issue covered in the reports and in practice there are almost no limits on what a committee can take up. While some might protest that committees have no authority to hire staff, they are free either to turn to the research branch of the Library of Parliament for support or they can ask the House for special authority to retain staff, in the reasonable expectation that permission would be granted.

The results are disappointing and puzzling. As of 16 April 1984, 13 of the 21 standing committees had held meetings to discuss one or more of the departmental reports referred to them. However, in every instance but one, the committee's aim seems to have been short term and highly political, and has not been followed up by a report to the House. Undoubtedly, members are happy with the extended powers of parliamentary committees, but it is a pity that such committees have not conducted more purposeful inquiries. The one committee that did use the opportunity for a sustained political purpose was again the standing committee on Indian affairs and northern development, which successfully pressed for action on an earlier report it had submitted, calling for reorganization of the Northern Canada Power Commission. Admittedly, the experiment has been conducted during the latter years of the life of the 32nd Parliament, when members were perhaps more concerned about the forthcoming election. Even so, other factors must account in some measure for the failure of members to capitalize more effectively on this major opportunity.

What reformers had been requesting for so long — the power to control their own agendas — committees now have. As long as the provisional rules are maintained in the next Parliament, the challenge that committees will face is to learn how to use that power most productively so as to increase the contribution Parliament makes to the development of policy, the scrutiny of government and the discharge of its numerous responsibilities.

Some critics may continue to insist that opposition members should be free to initiate inquiries, claiming that the majority (except in cases of a minority Parliament) can always prevent a committee inquiry, even under the new rules. They would no doubt cite Walter Baker's proposal

as an example of a procedure that would make such opposition initiatives possible.

There are several objections to such a procedure. First, it is doubtful that opposition parties would wish to follow that course. The opposition gains some advantage when it presses for a political inquiry, and yet finds itself opposed by a government majority. This ensures politically valuable publicity. At this stage, if the subject is appropriate, the opposition could do what the Progressive Conservatives have done with great effect three times in the past two years — that is, mount a party inquiry. In the spring of 1984, the Progressive Conservative party held a much publicized inquiry into the operations of the Department of National Revenue. Eventually, the minister agreed to meet the chairman of the Conservative committee to discuss its findings, a step that ministers often do not take with standing committees. Two years earlier, the Conservatives set up a similar committee to investigate the November 1981 budget; it also toured the country listening to submissions. Another Conservative task force on peace and disarmament, under the chairmanship of Joe Clark, attempted to match the publicity accorded to Prime Minister Trudeau's peace initiative.

Apart from their party political advantage, such partisan initiatives cannot be undertaken by the House itself. If the opposition parties were free to vote under a special procedure to launch a committee inquiry, and no government member supported that initiative, what kind of membership would the committee have? Would government members be in a majority? If so, they could frustrate the committee's work. If they were not in a majority, they would probably boycott meetings, and the committee would lack legitimacy.

The situation would be different in a minority Parliament. Then government supporters would be in a minority on committees, and so a boycott would be counterproductive. But a special procedure would not be necessary anyway. Under the current provisional rules, opposition members, if they combined effectively, could determine a committee's agenda.

Some might still argue that dissidents from the government benches could be found to sit on committees formed by opposition initiatives. This is just not credible; no government member would be accepted in caucus if he did such a thing. The conclusion is inescapable. Committees or task forces operate according to the majorities that prevail in the House. If the opposition finds its way blocked and the subject is sufficiently important, it can set up a party task force.

A more important question to be examined is why Commons committees have failed to take advantage of the major opportunity that they have been given under the new provisional standing orders. One answer seems to be that MPs have many demands on their time, and members seem to be unwilling to launch themselves on a time-consuming inquiry

unless they are persuaded that a minister or cabinet actively wants their advice. It is also difficult for a group of members from different parties and regions to reach agreement on a single problem. The lesson appears to be that, before members can agree to focus their attention and galvanize their energies, normally a committee needs the catalyst of an order of reference, tabled by a minister or at least agreed to by the House, directing the committee to prepare a report.

It is interesting to compare the Senate's approach in a comparable situation. Although the government occasionally takes the initiative and proposes a special inquiry by a Senate committee or the establishment of a joint committee of the two Houses to undertake a study, as it did in 1983 on the issue of Senate reform, most of the time ministers leave the Senate to its own devices. As a result, senators have learned that if they wish to undertake studies — a process that senators and MPs generally find rewarding and productive — committee members must resolve their differences and decide on a topic of current interest. Divisions among committee members in the Senate are less pronounced than in the House of Commons, which makes this process easier: there are only two parties, the Senate is a less partisan chamber than the House of Commons, and senators are not under the same electoral pressure to get into the limelight.

Considering that Senate committees are infrequently asked by the government to undertake an inquiry, it is surprising how often its committees produce timely and influential reports. For example, the Senate committee on foreign affairs has produced successive reports that have had a considerable impact on Canada's relations with the countries of the Caribbean, with the European Community, and on Canada's free trade with the United States. Subsequently, it undertook the first parliamentary study ever launched of Canada's relations with the countries of the Middle East and North Africa. The Senate defence committee completed a very important report on Canada's naval forces in May 1983. A report of the Senate finance committee led directly to a government decision that the Department of Public Works should be subject to the principle of revenue dependency in satisfying the accommodation needs of government departments.

Normally the Senate defers to the House of Commons on legislative matters and does not take an independent position vis-à-vis the federal government. But in recent years the Senate has established a reputation for taking an independent approach to initiatives of its committees to launch inquiries, and the practice of the upper chamber is now quite different from that of the House of Commons. In the lower House, if a minister is concerned that an inquiry or the publication of a report on a current problem could be embarrassing or even inconvenient to him or to the government, he is in a position to block the attempts of members to get House approval for that study. Before ministers are themselves

willing to propose an inquiry in the Commons, they have to see an advantage to the government in their doing so. And without ministerial approval, no House committee receives specific orders of reference.

The Senate has resisted the attempts of ministers to exercise a similar control. Ministers have occasionally tried to prevent a Senate committee from embarking on a study when they felt that the committee might be considering what they regarded as a sensitive subject, only to find their interventions firmly but politely rebuffed. This insistence that Senate committees must be free to examine problems of their own choice is an important but little recognized act of autonomy by the upper chamber.

At the same time, it may be important that all Senate committees receive orders of reference from the Senate. While the initiative may come from a committee or even from a concerned senator, ultimately they have to persuade their colleagues of both parties that an inquiry should be undertaken. Ministers have no power to control this process, something they have in the House of Commons.

Perhaps there is a lesson to be learned from the two committee inquiries launched in 1983, through private members' bills, on the taxation of creative artists and on sexually abusive broadcasting. Bargaining ultimately led to the House's formal endorsement of the mandates for the two inquiries. In a somewhat similar process, the standing committee on Indian affairs and northern development used its power to hold hearings under the departmental estimates. The committee concluded during these hearings that some special studies were required and proceeded to include, in separate reports to the House, recommendations that they be given orders of reference on the Northern Canada Power Commission and on the matter of Indian self-government in Canada. The minister eventually agreed to propose special studies on the two subjects and submitted orders of reference to the House for its approval.

These approaches have two important common characteristics: forcing a process of bargaining between the minister concerned and a group of interested MPs, and achieving the collaboration of members of all parties. With regard to the second of these factors, it is apparent that the political confrontation that characterizes the House of Commons naturally spills over into parliamentary committees. To the extent that it does, it paralyzes and can even destroy a committee's capacity to conduct a constructive inquiry. In order to establish from the first an atmosphere in which effective study can be undertaken, members have to be prepared to sheathe their swords. This means avoiding those subjects over which the parties are already fighting. Normally this is best done by turning to subjects that are looming on the horizon — subjects that parliamentarians recognize they will have to deal with, but on which the parties have not already taken firm positions. There are always enough of such problems to keep all committees busy. But it means that the opposition members of a committee must give up subjects on which

they can attack the government. For government members, it requires the courage to take on genuine problems and to persuade a sometimes reluctant minister that he or she may derive useful advice from a committee inquiry.

At this point, we have already taken up the first characteristic of the successful experience noted above: the bargaining between a minister and private members from all parties. Traditionally, most ministers have been unwilling to initiate committee inquiries because they lose control of the subject and may later face pressure to agree to committee recommendations with which they disagree. For this reason, until 1980, ministers rarely agreed to ask committees to undertake inquiries. When they did so, it was usually to gain protection from opposition criticism of their failure to resolve problems for which they had no answers. Examples of this include the inquiry during the first Pearson government on Canada's policy on nuclear weapons, and other studies on such topics as drug prices, interest rates, bank profits, penal reform and immigration policy. To the surprise of the ministers most directly concerned at the time, the inquiries were undertaken and in several instances committees came forward with recommendations that ministers found to be helpful, to the extent that in some cases they proceeded to implement a number of the proposals. Even when the committee did not find acceptable solutions, the ministers nevertheless frequently discovered to their satisfaction that the political atmosphere had improved.

Politics is often tough and ministers are never safe from attack if they make a mistake or let down their defences. As a result of repeated experience of the question period and the random criticism that they face in committee when defending their estimates, the instinct of many ministers is to try to limit the risk of problems in the future. If a committee inquiry does not take place, this form of argument goes, nothing can go wrong; accordingly, many ministers resist a committee's efforts to undertake an inquiry.

Unfortunately, this calculation is entirely negative because it does not try to assess the potential benefits of new political opportunities or of better relations with private members of all parties. However, in recent years the attitude of ministers, especially younger ones who spent some time themselves on the backbenches, changed. As more committees of inquiry have been set up, there is less expectation that ministers must accept most of their recommendations. Instead, reports are increasingly seen for what they are — an alternate and potentially useful policy guidance to set beside the advice that ministers receive from their departmental officials.

There are several advantages to a parliamentary committee. First, the consultative process provides a good balance between technical awareness and political sensitivity, so that a committee's report is likely to be more politically feasible than advice from officials and to be more

responsive to varying regional concerns. Secondly, if the report has opposition support, the passage of legislation based on it will be much easier. Thirdly, MPs who have worked on the report will often help to explain and defend that policy across the country. Fourthly, a report can serve as a trial balloon, enabling a minister to gauge public reaction to various policy options.

If a committee inquiry is to have some prospect of success, the essential ingredient is that the government should not have adopted a position on the issue that is being studied. Opposition supporters instinctively attack government policies on any controversial issue, which unavoidably places government supporters in the position of defending those views, whatever their personal opinions. When party lines are drawn, there can be no free inquiry. So it is important that a subject be chosen that raises questions on which the major parties have not already taken firm positions.

The changes that have been suggested with regard to the work of committees of inquiry do not require changes in the House's standing orders. The essential reforms have already been accepted in the provisional standing orders. Rather, it is a matter of recognition by ministers and private members alike that committees of inquiry can at the same time enlarge the opportunities for private members to contribute to the development of policy, provide helpful policy advice to ministers, and enhance the role of Parliament.

There are some additional changes, which stand some chance of acceptance by the House of Commons, that could help committees to work more effectively.

Committee responsibilities

Committees as they are now organized in the Canadian Parliament have three distinct functions: legislative, when they consider bills; financial, when they review departmental spending estimates; and investigative, when they conduct inquiries. The legislative function involves having the committees act as an agent of the House in circumstances where party positions have already been generally established in debate in the chamber. The dynamics in committee are comparable to those that prevail in the House, except that the forum is small and informal, and the committee is free to invite witnesses to testify. On contentious matters, the result in the House is often a partisan confrontation, with the outcome determined by votes cast strictly along party lines. In such an environment, there is little opportunity for private members to use their own judgment or to voice the concerns of their constituents.

By contrast, a committee usually conducts its inquiry much more autonomously. The study usually leads to a productive report only when the government has not developed a policy on the question under review,

or has admitted that its former policy has broken down and that it is looking for guidance. In these situations, battle lines are not drawn, the atmosphere is rarely partisan, and the approach is collegial. Differences may arise among members, but they are differences of perception or interest and usually cut across party lines. It would do much to promote good committee work if these different roles could be carried out through separate committee structures adapted to the different functions.

The British House of Commons has long followed the practice of establishing an ad hoc committee to consider each bill. This system has worked well, and it is significant that it was retained after the major reorganization of the committee structure in 1979. The special committee on standing orders and procedure recommended in its sixth report that the same practice be adopted by the Canadian House of Commons. That committee also proposed that a panel of neutral chairmen with members drawn from both sides of the House be established, to chair these ad hoc legislative committees. Neither of these recommendations has been acted upon.

There are several benefits to be derived from separating the legislative and the investigative functions of committees. In the first place, it should smooth a committee's examination of legislation. At present, if two pieces of legislation are referred to the same committee, which happens quite frequently on financial, taxation and transportation matters, one of the bills will have to take second place. With ad hoc committees, each bill would go to separate committees, which could meet concurrently. The second major advantage would be that the standing committees could be free to conduct investigations, since they would have no legislative obligations to which they would have to assign priority. Finally, by removing an unavoidably partisan activity from the agenda of standing committees, the relationships of members of all parties would not risk becoming embittered, as it now often is in House committees, by confrontations over legislation. The suspicion and mistrust that can arise from battles over controversial legislation in committee may have played some part in encouraging standing committees to refrain from using their new powers to initiate inquiries. Indeed, the collegial atmosphere was one of the qualities of task forces that MPs adverted to frequently, and the opportunity this gave for productive work, in contrast with the sterile confrontation that prevailed in standing committees.

Since the consideration of legislation tends to transfer the battles of the House into committee, it follows that when a committee is operating in the legislative mode, the chairman should behave rather as the Speaker does in the House, that is, he or she should act as an impartial referee. Under the current practice, the chairman is simultaneously referee and leader of the government forces. If the government thinks

that things have gone wrong in committee, it blames the chairman. The chairman's dual role is appropriate when a committee is in the inquiry mode. In that situation, the referee function is usually of minor significance and the chairman's main role is to guide the inquiry and to take the lead in the preparation of the committee's report. An important consequence of the present arrangement is that when chairmen are considering legislation, they may be forced to compromise their position as neutral referees, thereby undermining their capacity to direct the committee in a subsequent inquiry.

If the Canadian House were to turn to ad hoc legislative committees, it would be appropriate to set up a panel of chairmen at the same time. But there would be no point in taking this latter step without the former, since a neutral chairman would be entirely unsuited to lead an inquiry.

Over the years, observers of the parliamentary scene and MPs themselves have made many suggestions about modifying the fields for which committees are now responsible or about the addition of new committees. Broadly speaking, committees at present cover the departments of government, and the estimates of each department are assigned to the appropriate committee for review. Until the 1979 reform, the British House of Commons had an estimates committee with a number of subcommittees, just as each house of the U.S. Congress has an appropriations committee. When the British House set up subject committees, it was decided to disband the estimates committee and refer departmental estimates to subject committees, just as the Canadian House of Commons has done since 1968.

Experience has shown that the current Canadian practice has not been an effective way of analyzing departmental expenditures. Members use the occasion for political purposes, grilling the minister on any political question falling within the mandate of his department, and pursuing constituency concerns when officials are being questioned. The Canadian Senate has followed the old British practice of referring all estimates to the national finance committee. While that committee obviously cannot cover the full range of expenditure, it has been commendably thorough and constructive in its review of specific programs and departments.

Walter Baker, in a submission to the standing committee on procedure and organization in 1976, suggested that the House of Commons establish an estimates committee. That standing committee has not met since his presentation, and so the idea was never discussed. It may be significant, however, that the idea was not included in the package of reforms that Baker tabled in 1979 as House leader, suggesting that the present arrangement may be thought to bring some political advantage, even if it does not lead to effective financial oversight or review. Incidentally, the fact that the standing committee on procedure and organization was never convened during the 32nd Parliament and has not met since 1979, is

an indictment of the government's unwillingness to review the effectiveness of the rules and practices, mitigated only by the establishment of a special committee set up to examine the same subject. With the lapse of the House's special committee, the standing committee should be convened in the next Parliament to take up the subject again, a step recommended by the special committee.

Although the idea of an estimates committee has much to recommend it, it has wide ramifications and would be better treated as part of a wholesale reorganization of House committee responsibilities. The present House committee system has several major flaws that should be remedied. No committee is responsible for considering overall levels of expenditure. Since the budget, which actually comprises the government's fund-raising proposals, is considered in the House rather than in a committee, national organizations or knowledgeable individuals have no opportunity to appear as witnesses. No committee has responsibility for considering the general state of the economy; no committee covers federal-provincial relations; and while some Crown corporations come under the responsibility of a subject committee, there is no committee concerned with Crown corporations in general. The responsibilities of an estimates committee would be affected by any decision to establish committees with responsibility for some of these other matters, and therefore any decision to establish such a committee should not be taken in isolation.

The special committee on standing orders and procedure made suggestions in its seventh report for the establishment of four additional committees: a fiscal framework committee; an expenditure proposals committee; a government corporations and agencies committee; and a liaison committee. These proposals have not been considered further. Somewhat similar proposals by the Royal Commission on Financial Management and Accountability also have never been commented upon by the government nor reviewed by a committee of the House.

To be effective, any proposals for change must be worked out and agreed upon by the House in a process involving debate and compromise. It would therefore not be productive in a paper such as this to elaborate on yet another scheme for additions to or modification of the responsibilities of committees. There is already a surfeit of good suggestions, including those emanating from the House's own special committee. There is also a general recognition among members that change is needed, tempered by an awareness that the chairmen of many existing committees will resist reorganization and that there are many competing interests to be reconciled. But the deficiencies of the present situation need to be stressed, and the subject should be urgently considered by a committee charged with working out an up-to-date rearrangement of committee responsibilities.

It would be useful for any such study to examine the present arrange-

ments in the House of Commons for reviewing departmental estimates. This experience should be compared with the practices of the Canadian Senate and the British House of Commons, both before the 1979 reform and since. British committees that have had both investigative and financial functions since 1979 appear to have concentrated on the former and ignored the review of departmental expenditures. This pattern differs from the system that has prevailed in the three Canadian Commons sessions since the provisional rule changes were adopted. The contrast is sharp and difficult to justify. Undoubtedly, the Canadian experience has been greatly influenced by electoral considerations. And since British standing committees have no responsibility for considering legislation, they operate more collegially and therefore can more readily focus on larger policy questions.

The decision to reduce committee membership by about one-half has cleared away an important objection to the restructuring of committees. The number of assignments on committees has dropped by almost one-half to about 200. In the past, most members were assigned to three or four committees, which meant that they frequently faced conflicting meetings. Now, members serve on only one major committee and are in a position to take on special assignments. Even so, to avoid fresh conflicts in members' responsibilities, it would be prudent to reorganize committee responsibilities, rather than to add several new committees.

There is no doubt that the House of Commons committee structure should be reorganized to make it possible for members to call witnesses to comment on the state of the economy and on the role of government in promoting economic development. It would be helpful to have a parliamentary forum for the public review of economic forecasts by economists and by business and trade union leaders. But it would be a mistake to assume that such opportunities would increase the independence of members of Parliament. The subject is almost always controversial, and it is inevitable that committees dealing with these subjects would normally reflect party differences. The argument for establishing such committees is that Parliament's capacity to get information would be enhanced. On that ground alone, change is justified.

Some commentators suggest that joint committees of the Senate and the House of Commons have a special contribution to make. They have done so in some instances, notably on the Constitution in 1981. Clearly, the examination of Senate reform had to be carried out by a joint committee. There are joint standing committees on statutory instruments and on Canada's official languages. But joint committees raise a number of difficulties. There is tension between the two Houses and they follow different calendars, which makes joint committees hard to manage. When the membership of the committees of the two Houses was larger, one argument in their favour was that they reduced the need to find members to serve on a special committee. This problem has now

been resolved, since both Houses have reduced the membership of their committees. In the face of these practical difficulties, joint committees make sense only if they bring special advantages, which in most instances they do not. It is better that each House develops its own committee structure, rather than attempts to integrate the two systems.

Staffing

Many critics of Parliament point to the lack of permanent professional advisors (other than the clerk of the committee) and suggest that a regular staff is among the most important reforms that should be implemented. They support their argument by referring to the large staffs employed by U.S. Congressional committees. There is no doubt that committees need professional support when they undertake an inquiry that will lead to the preparation of a report to the House. But the lack of a regular professional committee staff is not the main reason for the weakness of committee work in the House of Commons. Even though committees do not now have a budget or the power to hire advisors as a matter of right, they can secure help either by going to the research branch of the Library of Parliament or by asking for special authority to hire staff, which is rarely denied.

Practically speaking, the public accounts committee, the joint committee on regulations and other statutory instruments, and the House committee on external affairs and national defence have had permanent staffs. However, for most committees as they are now organized, a regular staff would be unnecessarily expensive: workloads can fluctuate and a staff could be inactive for months. Able people would soon become demoralized. Moreover, when standing committees are dealing with legislation, there is little opportunity for a neutral staff to contribute, because members turn to party advisors for support, and the committee clerk is responsible for recording any amendments to bills before the committee.

In one respect, the U.S. experience with committee staff provides an important lesson. No American staffers have tenure; they can be and often are dismissed on 24 hours' notice, particularly when the chairmanship changes, and even if the successive chairmen belong to the same party. Congress works on the principle that staff must have the personal confidence of the person for whom they work, and for committees this means the chairman. He is entirely free to bring in staff of his choice when he is elected to the chair. There is a conviction that this uncertainty makes the committee staff more responsive. In Canada, the public service and most of the parliamentary staff, including committee clerks, have permanent positions. In the normal course of events, if the principle of permanent professional staff were to be adopted, it might be decided to offer them the same job security as clerks. This would be a

mistake. However, there is another model on Parliament Hill: the personal staff of MPs and the exempt staff of ministers have no tenure. This latter model is the appropriate one for professional advisors of parliamentary committees.

Good staff are a necessary but not a sufficient condition for effective committee inquiries. In general, the principle is incontestable that committees would benefit in their planning if they had authority on their own initiative to hire professional advisors, as long as this staff were not given job security. But permanent staff are not a priority. Since any reorganization of the committee system would drastically modify the requirements for and utility of committee staff, it makes sense to complete that restructuring before the appropriate staffing arrangements are decided upon.

Conclusions

Parliament does not take kindly to outside advice, no matter how well informed and to the point it is. Reform must come from within the institution, and changes must command general support if they are to achieve their objectives.

While the public may object to the partisanship of politics and MPs may sometimes complain about the constraints of party discipline, this commentary has sought to demonstrate that there are internal forces that cause party leaders and private members alike to support the principle of party discipline. Although an adjustment in the standing orders with regard to opposition motions on allotted days might be acceptable to the House, the key to change lies with private members themselves. From this perspective, a greater awareness by government supporters that they can vote against a measure without endangering the government is the most important way to increase the independence of MPs. Such a development would lead opposition members to be more relaxed about cross-voting. The ultimate acceptance, without formal challenge by the opposition, that the Trudeau government was not put in jeopardy by the defeat of a financial clause in December 1983 in the committee of the whole, is an important step towards a more informed recognition of this situation. Similarly, this commentary has concluded that the independence of members cannot be greatly enhanced by giving more importance to private members' business.

With regard to the reform of committee practices and powers, this paper has argued that two important reforms are now needed: first, the establishment of ad hoc legislative committees, separate from standing committees and chaired by neutral chairman; and, second, a reorganization of committee responsibilities so as to include policy questions such as budget proposals, the state of the economy and levels of government expenditure, the management of Crown corporations, and federal-

provincial relations. These are all matters that do not now normally receive committee scrutiny, and private members and the concerned public could benefit from the consultative process that such committees could offer. If reforms along these lines were enacted, committees should have no difficulty in securing the professional staff support they would need.

The result of such reforms could be more purposeful and more useful work in committee, to consider legislation and to review expenditures and the conduct of inquiries. A successful development along these lines would do much to convince private members that they were making a useful contribution to the government of the country.

Notes

This paper was completed in July 1984.

1. Philip Norton, *Dissension in the House of Commons* (Oxford: Clarendon Press, 1980), p. xviii.
2. Gordon Aiken, *The Backbencher* (Toronto: McClelland and Stewart, 1974), p. 118.
3. Ian Gilmour, *The Body Politic* (London: Hutchinson, 1969), p. 261.
4. *Ibid.*, p. 263.
5. "Simple government loss in House no cause for new elections," *Citizen* (Ottawa), January 18, 1984.
6. Norton, *Dissension in the House of Commons*, p. 427.
7. Gilmour, *The Body Politic*, p. 245.
8. *Ibid.*, p. 249.
9. John B. Stewart, *The Canadian House of Commons* (Montreal: McGill-Queen's University Press, 1977), p. 281.
10. Canada, House of Commons, *Journals*, No. 105, June 18, 1973, p. 420.
11. Text included in statement by the opposition House leader; see Canada, House of Commons, *Debates*, April 10, 1974, p. 1319.
12. Canada, House of Commons, *Votes and Proceedings*, 5 November 1982, Third Report of the Special Committee on Standing Orders and Procedures, p. 19.



A Review and Evaluation of Electoral System Reform Proposals

WILLIAM P. IRVINE

Introduction

In the wake of the 1979 and 1980 federal elections, there was a renewed interest in reform of the Canadian electoral system. In fact, the issue had been raised much earlier by Professor Alan Cairns (1968). The limited debate provoked by that article was probably due to its appearance shortly after the experience of Expo, the Canadian Centennial celebrations, and the spread of "Trudeaumania," which seemed to reconsecrate the Liberal party as the major (if not the only) national party in Canada. As important as all those experiences were, it is now apparent that the impressions of nationhood they engendered were mere surface froth, with no underlying roots.

The 1979 and 1980 elections graphically highlighted the regionalism of election outcomes in Canada. The Progressive Conservative party continued to be virtually frozen out of the 75-seat Quebec delegation to Parliament, capturing only two seats in 1979 and one in 1980. Although one voter out of eight in Quebec voted Progressive Conservative, the party won only one seat for every 50 at stake in the elections of 1979 and 1980. The Western fate of the Liberal party was similar. Despite having support from one voter in five in the four Western provinces, the Liberal party won only one seat of every 30 contested in the West in the elections of 1979 and 1980. Nor were these results idiosyncratic. The Progressive Conservative party has generally done poorly in Quebec since the Conscription election in 1917. The Liberal party has been weak in the West since the election of John Diefenbaker as prime minister in 1957. In both cases, the weakness extends beyond federal elections to include, in even more exaggerated fashion, provincial elections.

The electoral system is a major culprit in all this. Our present single-member plurality system expressly favours the local vote leader. The person with the most votes is returned to Parliament regardless of how many votes that person may have. Considered at the level of a single constituency, that strikes most of us as entirely reasonable and desirable. It certainly conforms to our experience with elections.

When this principle is raised to the level of provinces or regions, however, it becomes less reasonable and desirable, because it means that the party favoured in a province gets a disproportionate share of the parliamentary seats from that province. In fact, there is nothing surprising about this. It is simply the constituency effect writ large if there is a dominant party in a province.

Proposed Electoral System Reforms

The "party-building" theme specifies the test to be applied to all proposals for electoral system reform. It is to determine the extent to which a reform would enhance the capacity and inclination of political parties to reestablish themselves as national institutions, and to redirect their attention to party members and party followers or potential followers. Clearly this is not the only test that might be applied, nor is the objective the only one sought by proponents of reform. Among others might be the establishment of electoral equity, making all votes equally effective in returning a member to Parliament. Another might be to enhance the legitimacy of governments, or of Parliament, in Canadian political life by improving the representatives of these bodies.

These goals are not necessarily incompatible and may indeed be complementary. But not all electoral systems address them positively or go far in achieving them. The pages that follow examine data that measure success in achieving these other goals as well.

Electoral systems are among the best studied political institutions. There is a vast world literature on the mechanics and likely effects of alternative electoral systems. This paper does not address that literature exhaustively but closely examines the Canadian literature that blossomed into a veritable cottage industry after the 1979 and 1980 elections. This section summarizes the mechanics of the proposed systems; the next section examines the effects claimed for the various proposed systems.

The proposals can be arranged (and are discussed) according to the following classification:

Proportional representation systems

Exclusively proportional representation systems

List systems (Québec, 1979, proposal 1; MacGuigan, 1983, proposal 1)

- Candidate systems (MacGuigan, 1983, proposal 2)
- Add-on systems
 - List systems (NPD, 1978; Québec, 1979, proposal 2; Canada West Foundation, 1980)
 - Candidate systems
- Compensatory systems
 - List systems (Irvine, 1979; Task Force, 1979; Québec, 1979, proposal 3; Dobell, 1981)
 - Candidate systems
- Non-proportional representation systems
 - Augmented single-member plurality systems (Courtney, 1980)
 - Add-on systems
 - List systems
 - Candidate systems
 - Compensatory systems
 - List systems
 - Candidate systems (Smiley, 1978)

(Note that the MacGuigan (1983) discussion paper officially addresses Senate reform but discusses a number of electoral system proposals. These can be treated as generic proposals applicable to any legislative chamber.)

Not every component of the preceding classification is discussed in the following text. To some degree, this may simply reflect a failure of the imagination of the Canadian scholars who have turned to this problem, although certain types represent logical impossibilities.

The Probable Outcomes of Proposed Electoral Systems

Proportional Representation Systems

A true system of proportional representation seeks to achieve in practice a very simple principle: every person's vote ought to have the same likelihood of electing a candidate, no matter where that vote is cast or for whom it is cast. Our present electoral system clearly violates this principle. Votes cast for a specific party in one region are more likely to be effective than those cast in a different region. In any province, votes will have different weight depending on which party receives the vote.

Consider this illustration from the 1980 federal election, in which the Liberal party gained one seat in Quebec for every 27,259 votes it attracted in that province. The Liberals received 268,262 votes in British Columbia. In Quebec, that support would have been worth close to ten seats, but it was not worth any in British Columbia. Or consider the Ontario case. In that province, the Liberal party received one seat for every 32,000 votes, the Progressive Conservatives one seat for every 37,000 votes and the NDP one seat for every 175,000 votes! Nationally,

the Liberals in 1980 gained 147 seats for 4,853,915 votes, a ratio of 33,019 votes per seat. The Progressive Conservative party won 103 seats on the basis of 3,552,994 votes (34,495 votes per seat); the New Democratic Party took 32 seats with 2,164,987 votes, a cost of 67,656 votes per seat.

A reformed electoral system would seek to narrow the inequity across parties and across regions for the same party. Ratios of more than 30,000 votes per seat leave the individual voter far from casting the decisive vote for a member of Parliament and even farther from being decisive in choosing a government. However, electoral systems based on proportional representation try to equalize, as far as possible, the weight of any bloc of votes. Again in 1980, 10,947,914 people cast valid votes, and collectively returned 282 MPs, a ratio of one MP for every 38,822 valid votes. In the ideally proportionate electoral system, every bloc of 38,822 like-minded voters would return an MP, whether those voters lived in Alberta, Quebec, Ontario or Prince Edward Island and whether they were voting for Liberal, Progressive Conservative, Marxist-Leninist or Right to Life candidates. No electoral system, whether based on proportional representation or other principles, achieves such perfect equality of voting power. Some are designed to achieve less, others inevitably do so because of constituency size or particular rules associated with attributing seats to parties. "Every vote of equal value" remains a useful, if unattainable, objective of proportional representation systems. None falls as far short of the objective as does the simple plurality system.

PROPORTIONAL REPRESENTATION LIST SYSTEMS

The straight list proportional system is used, for example, in the Scandinavian countries, Italy, and the Low Countries. All members of the chamber in question are elected by a proportional representation system. Proposals along these lines, which represent a total departure from the present arrangement in Canada, and correspond to the usual image of a proportional representation system, have been suggested in the Quebec green paper (Québec, 1979) and in the discussion paper on Senate reform presented by former justice minister Mark MacGuigan (1983).

In list proportional systems, voters are presented with rank-ordered party lists, each containing the names of as many nominees as are to be returned by the constituency. The systems vary widely in the amount of discretion voters retain in their choice of candidates. The federal proposal mentioned the Belgian option of allowing the voter to vote for one candidate rather than only for a list or the Italian possibility of ranking three or four candidates on a list. The paper expressed no preference among the options. The Quebec proposal offered the least scope for voter discretion. Voters would cast one vote, indicating the party list

they most preferred. Votes for each list would then be counted, and each party would elect that proportion of the constituency's representation best corresponding to the proportion of the vote that the individual party received. Those actually returned as representatives would be the appropriate number of highest-ranked nominees on the party list.

Crucial questions, obviously are who establishes the list and how tightly voters are locked into any party's list. There are many options. Lists could be drawn up by the prime minister, by the cabinet or, in a more traditional society, by the party's elder statesmen. At another extreme, the party's registered supporters could establish the list by voting at primaries. An intermediate approach would be to have delegates of the party's members draw up the list at a convention. As noted, lists need not be formally decisive: voters may be permitted to select candidates from a list (panachage). These devices give little effective discretion to party voters with limited opportunities to communicate among themselves. It is not clear, however, that this is desirable; perhaps we should give special scope to active party members by making a party convention the decisive site for list formation. Extending this power to a party's voters may favour groups that can afford the cost of overcoming the absence of communication among voters (Dahl, 1961).

Just as there are many options for broadening the amount of voter discretion, so too are there many ways of determining the correspondence between the vote distribution and the seat distribution. The results produced by various counting systems do not differ wildly, but it is possible to adopt rules that tend to favour or penalize small parties. The Quebec proposal chose to favour small parties. The federal proposal listed the possibilities but expressed no preference.

In the Netherlands and Israel, the whole country constitutes one constituency. Other systems and the two Canadian proposals use smaller areas. The Quebec proposal opted for a division of the province into 28 regional ridings, each electing between three and five members. The federal proposal used whole provinces as constituencies, with each province having between six and 24 representatives (in some formulations, four for Prince Edward Island, and one each for the Yukon and the Northwest Territories).

Effective voter discretion probably declines rapidly with the number of choices that voters must make. There will, after all, be three or more full slates of candidates for each position. Voters are unlikely to have much basis for choice among 72 or more candidates and may thus be vulnerable to the publicity efforts of organized groups. These cannot be party groups, since the parties will have to be formally even-handed among their own candidates.

There is clearly a paradox here. Although the necessity of choosing from a large number of representatives complicates and limits the amount of voter choice, it can help achieve the "every vote equal effect"

principle that is the normative basis of proportional representation. The Quebec proposal considered constituencies of three to five members expressly to limit the degree of proportionality achievable. In general, the smaller the number of representatives for each constituency, the higher the proportion of vote needed by a party to guarantee itself representation. Small constituencies would virtually exclude, in practice, successful independent candidacies, or successful minor party candidacies. In a five-person constituency, any party or individual candidate would need 17 percent of the constituency vote to ensure victory. (Recall that these constituencies would be approximately five times the size of present constituencies, and achieving even 17 percent of the vote would be a formidable task.) In some variants of the federal proposal, Quebec and Ontario would be single constituencies electing 24 representatives to the Senate. In those cases, as little as 4 percent of the provincial vote could guarantee election. This would still not be an easy task for an independent candidate, however prominent, but would open the door to many small parties.

CANDIDATE-BASED PROPORTIONAL REPRESENTATION SYSTEMS

One objection to list-based proportional representation systems is that they rob the voter of the choice of candidate, leaving the decision to party bosses or to whoever is most influential in drawing up the list. As a consequence, list-based systems are said to generate excessive partisanship. Members of Parliament are generally assumed to be most beholden to the people with the greatest influence in ensuring their election. If the electoral system puts the party hierarchy rather than the electorate in that position, MPs will, according to the critics, focus their energies on pleasing the party leaders.

List systems are not indispensable to achieving proportionality. A system that preserves a wider range of voter discretion is the single transferable vote (STV) system, which was one of the options offered in the MacGuigan (1983) discussion paper for electing the Senate, but could equally be considered for the House. Such systems achieve proportionality or representation corresponding to the distribution of votes cast in multi-member constituencies. Independents are free to run, and parties may nominate up to the number of representatives allocated to each constituency. These nominations need follow no particular order, and candidates may be listed alphabetically on the ballot paper or alphabetically within party groupings. Voters signify their preferences by rank-ordering all the candidates. It is recognized that voters sometimes tire before they complete the full ballot and that many of the names will be unknown to them. STV systems tend to give a slight bonus to candidates whose surnames are near the beginning of the alphabet.

The process of vote counting is a technical and complicated one. (Examples may be found in Irvine, 1981, app.A, and in Jaensch, 1975.) In brief, the system does achieve a quite good approximation of proportionality. Just how good is again a function of the number of representatives to be returned from the constituency. A three-member constituency provides a less satisfactory approximation of proportionality than does a seven-member constituency. As noted before, the trade-off is therefore between having so many places to fill that the voter knows little about each candidate and having so few that little proportionality can be achieved. In Canada, an effective STV system would require constituencies containing large numbers of people and, outside the major cities, would have the additional disadvantage of covering a large territory. STV is often supported as a way of making candidates independent of party. However, these large constituencies are likely to reintroduce a dependence on other suppliers of campaign resources to finance concerted action among party supporters who are otherwise unable to discuss candidate preferences.

STV systems have the advantage of appearing to be a British proportional representation system. They are used in the Republic of Ireland and in Australia, and have been used in Winnipeg, Edmonton, and Calgary. They claim to afford more voter choice of candidate than would list systems, though some skepticism on this point is justified. Such systems are also incompatible with the party-building objective. Though research in Ireland and Australia suggests that parliamentary parties remain disciplined under an STV system, intra-party conflict is higher.

In effect, an STV electoral system combines the American primary and the general election into one voting day. Major parties typically nominate one candidate for every representative to be chosen in a multi-member constituency, even though the party can realistically expect to elect only two or three of them. A party's nominees must compete with each other to get one of their party's expected seats. This intra-party competition can be to the voter's (and to the constituency's) benefit if it simply takes the form of the more vigorous worker on constituents' behalf replacing the more lackadaisical. It could have other effects, however. Well-financed non-party groups could choose to adopt one of the contending candidates for a Liberal or Progressive Conservative seat and provide that person with the resources needed to overturn the other Liberal or Progressive Conservative candidates.¹

In the long run, of course, such intervention in the electoral system will be ineffective unless it changes party policy or leads to dissenting votes in the Commons. The comparative data do not suggest that such effects will occur. Given cultural and social similarities and communications links, however, perhaps the best case for comparison is the United States, and the effect of the competitive primary. Although American parties have been less disciplined than Canadian parties, the spread of

the primary system has further diminished the impact of the party on the legislator.

ADD-ON LIST PROPORTIONAL SYSTEMS

Three of the proposals — by the NDP in Parliament in 1978, in the Quebec green paper (Québec, 1979), and by Elton and Gibbins (1980) — are add-on (or partially compensatory) systems. Most seats continue to be allocated by simple plurality election, but other seats are decided separately by some principle of proportionality. These additional seats operate quite independently from the constituency results. Add-on systems therefore achieve a lesser measure of overall proportionality because they apply the principle to a restricted segment of the whole Parliament. All such systems involve creating new constituencies, usually consisting of whole provinces or regions, whose representatives are to be selected proportionately to the provincial or regional vote.

The NDP Proposal

This proposal, which Ed Broadbent made in passing in a 1978 parliamentary speech, represented the confluence of a number of NDP aims. It was a proposal to abolish the Senate, as well as being an attempt to introduce some element of proportionality into elections to the House of Commons. Because it had these two goals, the NDP's proposal abandoned strict representation by population for the additional members. Instead, 20 were to represent each of five regions (Ontario, Quebec, British Columbia, the Atlantic provinces and the Prairie provinces). Elections would be conducted as at present, but parties would nominate lists of 20 representatives in each region, in addition to their candidates in the constituencies. Votes would be totalled by region and the parties would be allocated shares of the 20 regional seats equal to their shares of the regional vote.

The Canada West Foundation Proposal

This would have retained representation by population for all provinces, but otherwise resembled the NDP proposal. As suggested by two researchers of the Canada West Foundation, Elton and Gibbins (1980), the 282-seat House of Commons created by the 1975 redistribution would be reduced to 255, and 75 new "provincial representative" positions would be created. These positions would be allocated among the provinces somewhat arbitrarily (15 each to Quebec and Ontario, eight to Alberta and British Columbia, and five to each of the other provinces with the exception of four to Prince Edward Island). The North would receive none of the new provincial MPs. Clearly these numbers do not reflect representation by population, but the whole Parliament would have done so. Under the proposal, Parliament would consist of 330

members, and seats could be allocated among the provinces in accordance with their shares of the population. From each total thus established would be subtracted the number of provincial representatives allocated earlier, to yield the number of subprovincial constituencies.

Parties would nominate lists of candidates equal to the number of provincial representatives. Voters would be given two ballots; they would use one to elect a constituency MP and the other to support a political party. Constituency representatives would be elected as they are now, and the provincial representatives would be allocated among the parties proportionately to the distribution of party support on the second ballots.

The proposal suffers from technical and conceptual problems. It allows only one constituency MP in Prince Edward Island, thus creating province-wide constituencies for all representatives and offering little justification for shielding that one seat from proportional allocation. More consequentially, if the number of provincial seats is used as a measure of the compensatory capacity of a proposal, the Canada West Foundation's suggestion gives maximum capacity to the Atlantic provinces and to the western provinces. In the former case, redistribution is little needed, except to compensate for the relatively minor underrepresentation of the NDP. In the West, underrepresentation is a major problem, but only for the Liberal party. The potential for compensation is limited in Quebec (where the restriction hurts the Progressive Conservative party and, to a lesser extent, the NDP) and in Ontario (where the restriction harms the NDP). The major conceptual problem will be discussed later.

The Second Quebec (1979) Green Paper Proposal

Like the two considered above, this proposal (though restricted to the province of Quebec) creates a second tier of regional representatives. Voters would cast two ballots: one to choose a single representative in one of 110 constituencies, and one to choose a party to receive a share of the regional members. More specifically, this section of the green paper proposed the creation of 13 regional ridings in Quebec, each electing from two to six representatives. Election would be from regional lists nominated by the parties before each election and would correspond to the distribution of party support in the region as indicated on the second ballot.

The major drawback of all the add-on proposals is that they represent a wasteful use of the additional component of seats created — wasteful because the bulk of the additional seats go to parties in the regions where those parties are already strong. Wastefulness is more than an aesthetic judgment. It is entirely possible that Canadian voters will resist expansion of the House of Commons. The resistance might diminish if it could be shown that the expansion was necessary to improve the represen-

tativeness of Parliament and of party caucuses and cabinets. Expansion of the House would be less sympathetically received if it seemed to result mainly in more of the same thing.

This deficiency can be illustrated by analysis of past elections. Judging by elections up to 1980, the Liberal party would get most of the additional Quebec seats and (to a lesser extent) the Progressive Conservative party would get most of the new western seats. Granted, all parties would obtain some representatives in the regions from which they are now virtually excluded, but it would usually be just tokenism. The regional balance of power within party caucuses would not change significantly.

Consider, for example, the outcome of the 1980 federal election under the present system and under the Canada West system. Certainly the latter would have produced a near quadrupling of Liberal strength in the four western provinces, from two seats (or 1.3 percent of the Liberal caucus) to eight seats (or 4.7 percent of the caucus). The fact remains, however, that the Liberal caucus would still be dominated by Quebec. Members from Quebec comprised just over half the Liberal caucus after the 1980 election. Had the Canada West system been in place, Quebec would have continued to supply just under 48 percent of the Liberal members. The effect on the Progressive Conservative party would have been similarly undramatic. Quebec representation in the Progressive Conservative caucus might have gone from 1 percent to 2.5 percent had the Canada West system been in place, and western representation would have slipped from 47.5 percent to 45.4 percent.

In a sense, this may be an advantage of the Canada West proposal. Present parliamentarians might be content to learn that the distribution of interests within the caucus, and the number of new colleagues, would not change significantly. However, this increment in political acceptability is purchased at the cost of persistent party weakness in numbers of MPs in each party's poor regions. The new MPs might be insufficiently numerous to play the roles expected of them. As noted before, this objection is not peculiar to the proposal of the Canada West Foundation but is inherent in any system where the operation of proportionality is restricted to a relatively small segment of the caucus.

TRUE COMPENSATORY LIST SYSTEMS

To avoid the limitation inherent in the add-on systems, other proposals have sought to make the allocation of provincial representatives an integral part of the process of electing all representatives. These proposals are true compensatory systems. They all build on some variant of the additional member system now in use in the Federal Republic of Germany. They are compensatory in the sense that the allocation of the additional seats depends on how disproportionate were the outcomes at

the constituency level. The German system was the model for the proposals of Irvine (1979), of Dobell (1981), and of one of the proposals contained in the Quebec (1979) green paper on reform of the electoral system. A variant on the compensatory model was also proposed by the Task Force on Canadian Unity (1979).

The Third Quebec (1979) Proposal

This proposal was explicitly modelled on the system in the Federal Republic of Germany, where the electoral system achieves proportionality by having two types of representatives: constituency and state. The Quebec proposal suggested, as a parallel to this, creating 28 sub-provincial ridings, each electing 3 to 5 members for a total of 110. A further 100 members, elected by the current simple plurality system, would sit for single-member constituencies, so that there would be equal numbers of constituency and regional representatives in the Quebec legislature.

Under the proposal, voters would receive one ballot on which they would indicate two choices: one for the representative of the local constituency, and one for the party they favoured for the region. The total representation for each region would be the sum of the number of regional members and the number of constituency representatives. (These two quantities would be equal, as both constituencies and the number of members allocated to each region would be a function of population.) Each party's share of the total representation would be determined by its share of the regional vote. If a region were given five regional seats and contained five constituencies, for example, total regional representation would be ten. If party X received 40 percent support, it would be entitled to four of the ten seats. From each party's entitlement would be subtracted the number of constituency seats won. If party X had been victorious in three constituencies, it would receive one regional seat. In general, regional seats would be allocated so as to compensate for any underrepresentation arising from the operation of the plurality system. Party Y might have 30 percent support in the region but win no constituencies. Since this would entitle party Y to three of the ten (regional plus constituency) seats, it would receive three of the five regional seats. In essence, the true compensatory systems incorporate a complementary bias in allocating regional seats. The larger the bias favouring a party at the constituency level, the larger the bias penalizing the party at the regional level. The result is to produce an allocation of the total number of parliamentary seats reflecting as equally as mathematically possible the voters' allocations of their preferences. This effect is common to all proposals based on the West German electoral system.

The Irvine Proposal

By this proposal, seats would continue to be allocated to provinces in proportion to their populations. Each province would have two types of

members of Parliament, however, with roughly equal numbers of each type: constituency MPs and provincial MPs. The former would be elected as at present and subject to the normal distortions inherent in single-member plurality electoral systems. The latter would be initially nominated to ranked provincial lists for each party and elected from these lists by a formula designed to offset the distortion produced by the constituency elections.

Irvine (1981) gives a specific example of this formula: the number of constituencies in the 1979 House was to be reduced by one-third to 188, while the overall size of the House was to be increased by one-quarter to 354. The additional 166 seats would be the provincial seats. Irvine acknowledged that the precise figures were arbitrary. He noted that the contingent of provincial representatives might simply have been grafted on to the existing House, or, indeed, that half the then current House might have been abolished and replaced by provincial members. The important point was that there be a sufficient number of provincial representatives, relative to the number of constituency representatives, to offset the distortions produced by the "first-past-the-post" electoral system.

For purposes of quick illustration of the Irvine proposal, consider a country composed of three provinces only: Quebec, Ontario and Alberta. In that country, Quebec and Alberta are dominated by a single party; Ontario is more competitive. After each census, the House could be redistributed and a new balance struck between local and provincial constituencies. In our fictitious country, the number of constituencies in each province is proportionate to the 1971 population, the distribution in force at the time of the 1979 election. Irvine's proposed allocation of seats to each province is given in Table 3-1. There are somewhat fewer provincial seats (which the additional members will hold) than traditional constituencies. As noted above, the ratio of constituency to provincial members could vary. The essential point, however, is that the

TABLE 3-1 Allocating Additional Members Among Three Canadian Provinces, 1979

Province	Actual	Constituency	Proposed Provincial Members	Total
Quebec	75	50	44	94
Ontario	95	63	56	119
Alberta	21	14	12	26

Source: William P. Irvine, *Does Canada Need a New Electoral System?* (Kingston: Queen's University, Institute of Intergovernmental Relations, 1979), Table C-2.

constituency and provincial representatives can be, as nearly as practicable, proportionate to the provincial populations.

Tables 3-2 and 3-3 show how this electoral system would work in our fictitious country. The actual 1979 distribution of seats in those provinces is reported in Table 3-2 and the inevitable distortions are immediately evident. The Liberal party elected no members of Parliament from Alberta despite winning 22 percent of the vote. The Progressive Conservative party elected 2 (of 75) members from Quebec on 13 percent of the vote. Even in the electorally competitive province, the seat results were far from proportionate to the distribution of votes. The Liberal party was treated quite even-handedly in Ontario: 34 percent of the seats

TABLE 3-2 Actual Outcomes of the 1979 Canadian General Election

	Proportion of Seats				Proportion of Votes			
	Lib.	PC	NDP	Other	Lib.	PC	NDP	Other
Quebec	89	3	0	8	62	13	5	20
Ontario	34	60	6	0	36	42	21	1
Alberta	0	100	0	0	22	66	10	2

Source: Howard R. Penniman, ed., *Canada at the Polls, 1979 and 1980* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1981), app. B.

TABLE 3-3 Possible Outcomes in the Additional Member System

	% Vote	Total Seats	less	Constit. Members	equals	Prov. Reps.
Quebec						
Lib.	62	58		45		13
PC	14	13		1		12
NDP	5	5		0		5
Other	20	18		4		14
Ontario						
Lib.	36	44		21		23
PC	42	50		38		12
NDP	21	25		4		21
Other ^a	1	0		0		0
Alberta						
Lib.	22	6		0		6
PC	66	17		14		3
NDP	10	3		0		3
Others ^a	2	0		0		0

Source: William P. Irvine, *Does Canada Need a New Electoral System?* (Kingston: Queen's University, Institute of Intergovernmental Relations, 1979), Table C-2.

- a. Other parties get no additional members because they represent a scattering of small parties, none of which is entitled to a seat, despite the relatively sizable vote for them in aggregate.

for 36 percent of the vote. The Progressive Conservative party was overly rewarded with 60 percent of the seats for 41 percent of the vote, and the New Democratic Party was heavily penalized. Their 21 percent of the Ontario vote won them only 6 percent of that province's constituencies.

Table 3-3 shows how the seats would be allocated in a compensatory additional member system in accordance with the 1979 election results. As in the Quebec proposal, each province's legislative entitlement is the sum of its constituency members and its provincial members. Each party's share of the entitlement is a proportion of the sum of all seats equal to the party's proportion of votes in any particular province. From the number of seats to which a party is thereby entitled is subtracted the number of constituencies that it won in the single-member contests. The remainder (if positive) is the number of provincial representatives to be allocated to each party. The effect of this operation is to equalize substantially the vote cost for any seat among the parties and among the provinces within any party.

In 1979, the single-member plurality system produced large discrepancies when votes were translated into seats. The year was not at all atypical. For the three provinces considered here, the vote-to-seat ratio for the Progressive Conservative party varied from just under 27,000 votes for an Alberta seat to 216,000 votes for a Quebec seat. The Liberal party got no seats for 188,000 votes in Alberta, but one for every 29,000 votes in Quebec. The additional member system yields much more equality of treatment. Liberal and Progressive Conservative ratios vary in a 3,000-vote range over the three provinces. The range covered by the NDP ratios is slightly wider (7,000 votes) but still much smaller than under the present electoral system. The variance in the ratios across the parties in any province is similarly reduced.

Under this proposal, the balance of power in party caucuses is significantly altered but not overturned. To appreciate this, we must abandon our restricted example and return to Irvine's full results for the 1979 election. With the Irvine proposal, the place of Quebec in the 1979 Liberal caucus would have fallen from nearly 59 percent to 42 percent, while the place of the West and North would have passed from under 3 percent to nearly 16 percent. This would not have dramatically altered the central Canada (or Quebec) focus of the party, but would have generated both the intra-party voice and the manpower to begin and sustain an at least partial reorientation. As for the Progressive Conservative party, western strength in the caucus would by no means have been decimated; it would have declined from 43 percent to 39 percent, while Quebec strength might have gone from 1.5 percent to 10 percent. Again, the differences are not earth-shattering. The major areas of party strength are not overturned. But the changes are substantial, particularly for regions of long-standing party weakness.

Changing the electoral system gives the parties a base for a broadly national policy appeal. The MPs returned under the system could plan on having substantial careers, for they would not be vulnerable to minor vote shifts. This would enhance their ability to develop the political skills and contacts necessary to their being effective provincial representatives in the caucus. Too often in the past, party breakthroughs in their traditionally weak region have been very episodic. The people elected at these times were hampered because other caucus members realized that even the most generous policy concessions would not ensure the reelection of their new colleagues. There would therefore be little incentive to make concessions since these were unlikely to be politically rewarded.

In effect, the Irvine proposal has returned to the full-fledged proportionality considered earlier. In doing so, it has adopted the same operating philosophy. Under his proposal, a vote is a vote no matter where it is cast or for whom it is cast. The proposal follows this principle while retaining a strong constituency component. Like all compensatory systems, it preserves a link to a local member of Parliament but supplements this link with parliamentary representation of minority provincial political outlooks. Because the combination is fully proportional, it also results in a system of virtually permanent minority governments. This is evident even in the restricted example presented in Tables 3-1, 3-2, and 3-3. On a national basis, Irvine shows that the Liberals in 1979 would have obtained 39 percent of the seats for 40 percent of the votes. Corresponding figures for the Progressive Conservative party would have been 37 and 36, while the NDP might have obtained 19 percent of the seats for 18 percent of the vote. Any government would have had to involve a coalition or voting agreement with the NDP. While some might interpret the proposal as a Machiavellian attempt to usher in a permanent Liberal/NDP coalition, this might not be the only, or even the most natural, alliance. Moreover, as West Germany has shown us, the "swing" party is often able to alternate between the major parties if it is courted by both. In turn, both would have an incentive to keep lines out to the small party or parties.

All parties would realize that the prospects of their forming a majority government would be minuscule. However that may be, it is clear that the resulting government will have been supported by more than half the electorate and the coalition will be subject to ratification at future elections. Minority government, or coalition government, could not be dismissed as an aberration that the next election would correct. Whatever the government, it might have survived longer than did the Clark government. Perhaps more important, however, is the fact that most of the postwar governments would have been minority governments. This would have been true for the third system proposed in the Quebec green paper as well. Whether this is inherently undesirable (a point to be considered in depth in the section on objections to reform), the prospect

is quite unpalatable to incumbent politicians, which may be sufficient reason to rule out the idea. Other proposals for compensatory systems have attempted to overcome this disability.

The Dobell Proposal

Professor Dobell (1981) offered a system very close to that proposed by Irvine, except that he restricted the ratio of additional members to constituency members. Dobell recommended that Canada adopt a compensatory additional member system with one additional member for each million population (or 13 to 22 additional members for the post-1945 period). He showed that such a system would not have produced, over that period, appreciably more minority governments than were produced by the existing single-member plurality system. Inherent in this benefit is a corresponding cost: vote-to-seat ratios are not appreciably altered by the Dobell proposal. In 1980 the Liberal party would have obtained two seats in each of British Columbia and Alberta, and one more in Saskatchewan. Despite this, the vote-to-seat ratio in those provinces would have continued to be above 88,000, twice as high as in other provinces. Similarly, the Conservatives would have gained three seats in Quebec, but at a vote-to-seat ratio of more than 93,000. The formula is unable to equalize the weight of votes across the parties or across the provinces. In addition, the Dobell proposal would offset caucus underrepresentation in a party's weak areas by only a modest number of representatives — possibly too few to assume the governmental and political roles needed of such members.

The Task Force Proposal

In their proposed electoral system the response of the Task Force on Canadian Unity (1979) to the problem of minority governments was not to restrict the number of seats available for compensation, but to change the philosophy underlying that compensation. The Task Force recommended that votes cast for any given party be equally effective, no matter where the vote is cast. A Liberal vote is a Liberal vote, whether cast in Quebec or Alberta, and an unrestricted proportional representation system would equalize the effect of all votes. It is this feature that leads to minority governments. The Task Force proposal equalizes the electoral weight of voters within parties, but not between parties. In fact, Liberal and Progressive Conservative voters would have had substantially the same electoral weight, but, in most provinces, two or three times as many NDP voters would have been required to elect a member.

The Task Force proposal focussed primarily on the task of making parliamentary caucuses as representative as possible of each party's electoral base. In doing this, it invoked another well-established principle in Canadian politics: that of redistribution. In effect, surplus Liberal voting wealth in Quebec would be used to claim additional Liberal seats,

which would then be allocated to elect Liberals in the West. The opposite redistribution would have held for the Progressive Conservative party, thus broadening the regional coalitions present in Parliament.

The proposal was to create 60 additional seats, which would initially be allocated among the parties in proportion to their share of the national vote. A party obtaining 40 percent of the vote would get 24 of the seats, 35 percent of the vote would produce 21 seats and so on. The system achieves regional representation by specifying the rules under which the parties would allocate the seats thus obtained. At the beginning of the campaign, parties would be required to nominate rank-ordered lists of candidates in all provinces. After the election, each party would allocate its additional seats so as to equalize its vote-to-seat ratio across the provinces. A detailed example for the 1980 election is presented in Irvine (1981), and need only be summarized here.

The Task Force proposal involves asking the following: if the first seat (of the 27 additional seats the Liberals would have gained in 1980) were allocated to Newfoundland, what then would be the Liberal vote-to-seat ratio in that province? What would the ratio be if that first seat were allocated to Ontario or any other province? Computer calculation shows that allocating the first seat to British Columbia would produce a ratio of 268,000 Liberal votes for every seat won. This was the highest ratio for any province, so British Columbia would get the first Liberal seat. Calculations proceed until all 27 seats are allocated to the 27 highest vote-to-seat ratios. In 1980 this would have added nine Liberal seats in British Columbia, seven in Ontario, six in Alberta, three in Saskatchewan, and two in Manitoba. In sum, 20 of the 27 additional seats go to western Liberal candidates. The effect of this system on the Progressive Conservative party would be equally substantial in making the caucus more representative of the party's voters. Of the 19 additional seats the party would have obtained in 1980, the rules would have required that 11 be filled from the Quebec list.

The large Liberal vote in Quebec helps determine the number of additional seats obtained by the party, but the degree of underrepresentation determines how those seats are allocated. This is what can be described as a process of redistribution. In fact, of course, it is not voting strength that is redistributed but voting power. A party's vote strength in any province is up to the electorate, reflecting the actions of the party. No electoral system should intervene in this decision, and no reform considered in this paper does so. The current inequalities in power are not so much a reflection of voter choice as of biases inherent in the simple plurality system — biases that are then incorporated by parties into their own electoral strategies.

There is a perverse feature of this electoral system that would free a party from any electoral necessity of attempting to appeal to its weak

regions. Any party gets seats, under the Task Force proposal, as a function of its country-wide vote. A party could choose to maximize this by appealing to its good regions and further neglecting its electorally unpromising ones. However, only the excessively cynical could believe that such a strategy would dominate; that view totally neglects the effects of intra-caucus dynamics. The Liberals would have to write off the Prairies for a start and the Progressive Conservatives similarly would have to neglect Quebec. Weak regions for each party are large regions. Only if the party vote were allowed to dissipate almost totally would the vote-to-seat ratios in a party's weak region be less than its vote in the Atlantic provinces, the sole condition under which a party's post-election caucus would contain no representatives from its weak region. In normal circumstances, the Task Force's electoral system would return western Liberals and Quebec Progressive Conservatives. Their presence in the caucus, in turn, would provide a safeguard against future neglect of the region. Under no plausible scenario would the Task Force proposal fail to build up the major parties in their weak regions. It would be mathematically possible, but politically unlikely. This judgment is further corroborated by the apparent, though unmeasured, support that a party gets in Ontario for being a national party. No party that hopes to govern could allow itself to be seen as deliberately neglecting an important region of the country.

After the allocation of all the seats, the 1980 vote-to-seat ratio for the Liberal party would have ranged between 27,000 and 37,000 votes per seat in the seven largest provinces. (In Prince Edward Island, Newfoundland and New Brunswick, none of which receives additional seats, the ratio varied from 10,000 to 21,000 votes per seat.) For the Progressive Conservative party, the ratio in the largest provinces would have ranged from 22,000 to 31,000 votes per seat. For the NDP, the ratios would have been higher and less equal in size. Manitoba and Saskatchewan would have received no additional NDP seats. Even under the current system, their ratios in 1980 were under 24,000 votes for each NDP seat. Newfoundland and New Brunswick would get no NDP representation, despite the 34,000 and 55,000 NDP voters in those two provinces. The highest remaining ratio would be the 89,000 votes required for an NDP seat in Quebec. Unequal as these figures are, they represent an improvement over the current situation.

Like the Irvine proposal, the Task Force plan would also produce a substantial, though not revolutionary, change in the party caucus. The 1980 Liberal caucus would shift from being 50 percent drawn from Quebec and 1.5 percent from the West under the present electoral system to being 43 percent from Quebec and 13 percent from the West. Instead of being 50 percent western and only 1 percent Québécois in 1980, the Progressive Conservative caucus might have been 42 percent western and 10 percent Québécois under the new electoral system.

The new configuration would have enabled all parties to have a more national leadership, better representative of the distribution of party voters across the country, and to have a sufficiently sizable cadre of MPs in each province to organize the party across the country. At the same time, the Task Force's system would not have increased substantially the likelihood of minority government. Although no actual minority governments would have been avoided, of postwar governments only the 1945 bare majority would have become a minority government had the Task Force's system been in operation. It is as effective as the Dobell proposal in avoiding minority governments, while being more effective in nationalizing the party caucuses.

The Task Force's system could even be amended to avoid increasing the probability of minority governments. If we decided that the only proper objective of electoral system reform was to overcome the artificial narrowing of the party caucuses, we could allocate the additional seats in the same proportion as the distribution of constituencies across parties, and fill the seats so allocated according to the Task Force's rules. The electorate's choice of a government would not be altered and the distribution of party supporters would be better reflected in the party's caucus. There is a faint chance that the Task Force proposal, with or without this amendment, would require a constitutional amendment before it could be adopted. This possibility is discussed below in the section on the constitutional question.

Non-Proportional Representation Systems

All the reforms considered to this point have been based on proportional representation, however much some of the proposals attempted to restrict the operation of this principle. This section considers two proposals that seek non-proportional reforms.

The Courtney Proposal

Professor Courtney (1980) has been critical of the proposals for electoral system reform and has argued instead for a doubling of the size of the House of Commons, that is, a halving the size of the constituencies. Apart from the physical constraints in fitting so many new members into the present House of Commons chamber, there are conceptual reasons for not seeing this as an alternative to the proposals so far reviewed. Courtney's proposal really addresses a different question than the other reforms. For him, it is essential to represent in Parliament the variety of political views in the Canadian community, a goal now inhibited by forces of party discipline. This proposal can be expected to generate forces that would tend to relax this discipline. Its underlying model is the 630-member British House of Commons, where there has been a long

tradition of backbench revolt,² a tradition that has recently been reawakened (Norton, 1975).

Courtney's diagnosis of the problem of representation is different from the dominant one of the past few years, and harks back to the anti-party traditions of Prairie populism. The Courtney proposal would probably succeed in having a wider range of views present, and voiced, in the House. It would expand the number of backbenchers without changing the number of rewards that might be used to pacify them. Not all observers would agree that Canadian politics are insufficiently factional, though all might acknowledge that the variety of opinion is not expressed in public often enough. But this is opinion representation, which was the traditional objective of electoral reformers. Like the Prairie populists, reformers such as John Stuart Mill and Thomas Hare were unconcerned with representing or strengthening parties. They espoused goals that would now strike us as excessively individualistic. In the contest for influence, individual MPs are less favoured than such organized opinion groups as civil service bureaucracies and private interest groups.

One function of political parties is to redress this imbalance by developing the collective interest of the party, articulating alternative governing formulae, and developing strategies for exercising public policy. They must appeal primarily to the groups crucial to the party's attaining office, but also to those groups whose disaffection from national political institutions threatens the latter's integrity. The role of MPs, whether backbenchers or party leaders, is to marshal political resources behind the concerns of their constituents and to try, by argument in caucus, to have those needs and wants included in their party's governing formula. This formula may be thought of as a blending of a party's history, ideology, response to current economic and political challenges, strategy for winning election or reelection, and strategy for keeping the country together. The electoral system proposals considered previously were aimed at representing partisan minorities — segments of parties currently excluded by mechanical institutional factors from effectively marshalling the resources needed to have their (and their constituents') views included in their party's governing formula. For these electoral system proposals, the problem was to make governments sensitive to their own present supporters, to broaden the range of options a government might consider, and to make it profitable for them to attempt to broaden their support base. A view aired in the House might have this effect, but this is less likely than a view aired in caucus with some substantial numbers of people to fight for its adoption.

In his study in this volume, Professor Courtney argues that parliamentary committees ought to be given a larger legislative role. He mentions that parliamentary committees and task forces have found that they enjoy an important advantage over cabinets and party caucuses. Because they draw their membership from all parties in the House and

from all regions of the country, they are uniquely qualified to compensate for the interregional and intra-party parliamentary imbalances produced at general elections, he notes.

In fact, parliamentary caucuses staffed from MPs returned under the present electoral system have at least one serious deficiency of representation. They could not represent western Liberalism or Quebec Conservatives. In a country with relatively unprogrammable political parties, this may seem like a romantic and fanciful objection, but it may not be. Would an all-party parliamentary committee fully represent western opinion on language policy or state intervention in energy exploration? Would such a committee be able to represent the full range of Quebec views on the Constitution? Possibly the relaxation of party discipline could accomplish some of this, but many would remain unrepresented in Courtney's parliament.

Courtney does suggest that his proposal would also provide some response to the problem of unrepresentative caucuses. Like the partly compensatory systems, however, it would not be a cost-effective response. Doubling the size of the House of Commons but retaining a simple plurality electoral system would continue to cause the kinds of distortions to which the present House is subject. Courtney's simulation of the 1979 and 1980 elections would have returned 10 additional MPs (out of 282 additional MPs in the Parliament) to underrepresented partisan groups in 1979 and 12 additional MPs in 1980.³ Courtney's proposal might well enhance the legitimacy of Parliament. It would certainly provide more people to undertake the larger legislative tasks now demanded, which are different from the representational tasks addressed by the other proposals considered here. The Courtney proposal has some undeniable advantages in sharing out the work of Parliament, but these are peripheral to the representation issues considered here. Allowing the House of Commons to grow via the present Amalgam Method of electoral redistribution is a useful response to the problem of representing sparsely populated northern ridings.

The Smiley Proposal

Another non-proportional system is the Smiley (1978) proposal, which envisaged adding 100 extra seats to the House of Commons, thus giving one to Prince Edward Island and allocating the other 99 among the provinces (but not the territories) in proportion to their share of the Canadian population. These additional seats would be assigned to the strongest non-elected candidates within each province measured by share of the votes actually cast.

This system favours the top two parties in any province, but it may also help any minor parties making regional appeals. It would be less open to minor parties seeking to make national appeals. In terms of party-building, the proposal would favour the emergence of at least a

two-party system in all provinces. Indeed, it may stimulate three-party systems, with a region-specific party as the third major contender. The result would be a reinforcement of a tendency visible today: the institutionalization of different party systems in different sections of the country.

The Smiley proposal would have a moderate tendency to weaken the governing parties. By definition, more second-place finishers are from non-governing parties. This is especially notable in single-party areas such as Quebec, where in 1980 the Liberals won all but one seat. The party could thus win no more than the one additional seat. Since Quebec is both a single-party province and a large one (entitled to 27 additional seats) it would have yielded the combined opposition a lead of 25 seats in 1980. Alberta, not so large, would only have allowed the Liberals to make up eight of those seats. As a result, had the Smiley proposal been in place in 1980, the government would have been 11 seats short of a majority in the House.

To the extent that a government's lead over the opposition depends on its success in its (large) reserved areas, governments will be weakened by the proposal. In competitive provinces, government and opposition might gain about equal numbers of the additional seats. The majority or minority status of the government would therefore be unaffected, as indeed would have been the case in 1980 in Newfoundland, Nova Scotia, and Ontario. The ratio of constituency to additional seats would also be important in determining whether minority parliaments became the norm. Where minority governments did result, their distance from majority status would be exacerbated in all likelihood.

Because of its tendency to favour the top two parties, the proposal aids the Liberals relatively little in the West. Considered on a province-by-province basis, the proposal only redresses the imbalance in vote-to-seat ratios for the top two parties in a region. As a result, western representation in the Liberal caucus would have only increased from 2 to 13, or from 1 percent to 7 percent of the caucus. Its vote-to-seat ratio would have changed very little outside Alberta. The Progressive Conservative party could expect to do somewhat better, since it is the second party in a major province. In 1980, the Smiley proposal would have increased Quebec's representation in the caucus from 1 percent to 12 percent. Again, the balance of power within the parties would not have been altered to such a degree as to make the reform unpalatable. Quebec would continue to comprise 41 percent of the Liberal caucus, and the West to make up nearly 45 percent of the Progressive Conservative caucus.

In summary, Professor Smiley's proposal appears likely to be asymmetrical in its effects. It has a much larger impact on the Progressive Conservative party than on the Liberal party, despite the fact that the Liberal party had (up to 1980) a bigger electoral base in the West than the

Progressive Conservative party had in Quebec. This asymmetry will make it politically unpalatable to the party that gains the least, and could be expected to impair the general legitimacy of the proposal. Note, however, that the present Conservative advantage could vanish if a new Quebec party were to make a successful breakthrough.

The Smiley proposal is also marred by a certain capriciousness in choosing among candidates. Runners-up in a closely contested three-party constituency may get none of the additional seats. In contrast, a distant second finisher, say with 41 percent to the victor's 59 percent, would quite frequently be able to claim one of the additional seats.⁴ In the 1980 election, the Smiley proposal would have returned neither the Liberal candidate in Simcoe North, who won 36.3 percent to the Conservative's 36.4 percent of the vote, nor the Progressive Conservative candidate in Hamilton Mountain, who obtained 32.5 percent to the NDP's 35.5 percent. (The Liberal candidate in the latter seat also made a very respectable showing with 31.8 percent of the vote.) Moreover, the injunction to elect the second-place finisher whatever the proportion of the vote received means that additional seats in Quebec would be obtained with as little as 17 percent support.

A Summary of Electoral System Reform Proposals

Table 3-4 compares the main features of a selection of the various reform proposals. Though not all the proposals reviewed previously are summarized, the systems excluded are variants of the ones included in the table. Included are the present single-member plurality electoral system, the Canada West Foundation proposal (see Elton and Gibbins, 1980), which has an additional segment of seats to which proportionality is applied, three compensatory systems — the Irvine, Dobell, and Task Force on Canadian Unity proposals — and the Smiley proposal, which has no explicitly proportional aspect. They are compared along four dimensions: the number of seats they envisage, the number of members they add to the caucuses of the major parties in areas from which those parties are usually largely excluded, the degree to which they equalize representation, and some of the common objections raised against each system.

All the proposals involve a net increase in the size of the House of Commons. The largest House would result from the Smiley proposal (a net increase of 100 seats) or from the Courtney proposal which is not included in Table 3-4. The smallest increase was proposed by Dobell — 21 or (in the 1980s) 22 members. Most recommendations involve a net increase of 50 to 60 seats. The Irving proposal has the additional political disadvantage of including a drastic cut in the number of single-member constituencies, though this is not an essential feature of the recommendation. As it was initially described, however, many MPs would find

TABLE 3-4 Main Features of Selected Electoral System Proposals

	Present Single-Member	Canada West Add-on Proportional	Irvine Compensatory	Dobell Compensatory	Task Force Modified ^a Compensatory	Smiley Non- Proportional
Single-member Constituencies	282	255	188	282	282	282
Additional Constituencies	None	75	166	21	60	100
Additional Party- building Potential ^b (1980)	—	14	50	9	37	30
Vote-to-Seat Ratios						
Liberal						
Highest ^c	268,282	134,131	33,532	134,131	36,839	134,131
Lowest ^d	27,259	22,208	26,651	27,259	27,259	23,935
Mean ^d	102,164	62,472	29,844	67,215	31,245	58,318
Vare	0.82	0.64	0.08	0.54	0.08	0.66
Progressive Conservative						
Highest	373,317	124,439	33,472	93,329	35,921	28,988
Lowest ^d	24,575	22,172	25,339	24,575	24,575	19,708
Mean ^d	79,308	45,571	30,238	39,309	29,493	22,780
Vare	1.49	0.75	0.10	0.57	0.13	0.13
New Democratic Party						
Highest	268,409	134,204	39,351	88,052	89,470	134,204
Lowest ^d	22,776	19,929	23,615	22,776	22,776	18,368
Mean ^d	99,289	69,196	29,404	66,493	59,156	64,406
Vare	0.85	0.61	0.13	0.57	0.48	0.61

Additional Chance of Minority Gov't	N/A	Low	High	Low	Low	Moderate
Special Status for Additional MPs	N/A	Yes	Yes	Yes	Yes	Yes
Requires Constitutional Amendment	No	No	No	Possibly	Possibly	No

- a. Modified from the original proposal to guarantee one seat each to Newfoundland, Nova Scotia and New Brunswick. This eliminates the most extreme departures from the representation by population principle that would follow from the application of the Task Force proposal.
- b. Defined as the additional number of Progressive Conservative MPs returned from Quebec plus the additional number of Liberals from the four western provinces.
- c. Where a province elected no MP of the party in question, the figure represents the largest number of party voters *un*represented.
- d. Excluding Prince Edward Island, Newfoundland and New Brunswick whose atypically small ratios distort the picture of the range and the mean.
- e. Reports the coefficient of variability, which is the standard deviation of a distribution (a measure of variability) divided by the mean of that distribution. The higher the figure, the more variable the distribution. Also calculated over seven provinces.

themselves moving into unfamiliar territory (a list or a new local constituency) and many voters would find themselves living in much larger single-member constituencies.

As proposed, these increases would be in addition to the automatic increases written into our current representation act. A possible modification to these proposals (subject to achieving representation by population) would be to freeze the size of the House of Commons as established in 1975. The House could then be adjusted for population shifts by adding a component of constituencies that could be allocated among provinces according to population, and then allocated among the parties according to the principles of whatever reform proposal is being enacted. Some proposals, and especially that of the Task Force, have additional components that are less easy to allocate according to population. Still, proceeding in this manner would often be a way of gradually introducing a measure of proportional representation.

What the voters would think of the additional expense of all these new representatives is uncertain, though an initial hostility is predictable. Probably this would be sharpest where little improvement in representation can be discerned or where most new party members seem to go to areas already surfeited with representatives from the dominant party. The non-compensatory systems — the Canada West, Smiley and Courtney proposals — would generally be unable to avoid returning more Liberals from Quebec or more Progressive Conservatives from the West. The third line of Table 3-4 reports the corollary of this: the additional numbers of Liberals from the West, of Progressive Conservatives from Quebec, and of New Democrats from all the provinces from Quebec eastward. Since in most systems the actual number will be a function of the parties' electoral success in the region or in the country, the number of reinforcements gained by the Liberals will usually be larger than that for the Progressive Conservatives, often a three-to-two ratio.

For the period to 1980, Table 3-4 indicates that the Irvine and the Task Force proposals produce the largest contingents of MPs from the parties' unfavourable areas. The Smiley proposal also elects a large number and, as already noted, being less closely related to total vote, it is more favourable to the PC party. These are the numbers that citizens will see as truly justified. Their presence may make the whole reform more acceptable. More importantly, however, these numbers represent the raw material of party building. First, they are sufficiently numerous to have some weight in the caucus and, for the party in power, to afford substantial representation in the cabinet. Secondly, these people will be able to represent the party to the electorate and to attend to the organizational tasks that will establish the party as an important presence in the province. Whether by election mechanism, or by the total number of additional MPs, the other electoral system proposals return an inade-

quate number of partisans (less than one dozen over two parties) able to show the flag in hostile territory.

The largest segment of Table 3-4 focusses on the vote-to-seat ratios for the three major federal parties. These ratios measure the vote price of a seat for each party. Any proportional system attempts to ensure that these will be substantially the same for any given party across all the provinces. In addition, a fully proportional system, such as that in the Irvine proposal, equalizes ratios across all parties as well. The data are reported in blocks of four lines for each party. The top two lines in each block show the range over which the ratios can vary. Even excluding the small provinces and territories, in the present system the largest ratio is ten times the size of the smallest. All the proposed reforms narrow this range. The Irvine and Task Force proposals do so most successfully, particularly for the major parties. In the Irvine case, the largest ratio is no more than 8,500 votes more than the smallest (a discrepancy of about 33 percent of the minimum vote-to-seat ratio for the party in question). Under the Task Force proposal, the largest ratio is about 50 percent greater than the smallest. The systems are less successful in equalizing chances for the NDP. With Irvine's system, the highest is within 16,000 votes of the smallest, or within 67,000 votes under the Task Force proposal. The latter ratio is entirely by design, and means that the highest ratio is about four times as large as the smallest. Other proposals have results closer to the present system than to the Irvine system, but still offer a high ratio no more than four to six times the smallest. In terms of achieving equality among a single party's supporters across the provinces, the Irvine proposal is superior for all parties, and the Task Force recommendation is almost as good for the major parties. For the NDP, it is no better than many other proposals. The Smiley proposal, again, is quite successful in narrowing the range in vote-to-seat ratios for the Progressive Conservative party, but otherwise resembles the Canada West Foundation proposal in this respect.

These generalizations are confirmed by the measures of variability reported in the fourth line of each block. Up to this point, the examination of electoral system effects has reported on extreme cases. The results for the coefficients of variability confirm that this focus has not been misleading. The Irvine and Task Force proposals are quite successful in reducing interprovincial disparities in the votes required to capture a seat. The present system has the highest coefficient, indicating the most extreme variation, while the other proposals are about equal to each other in smoothing out the interprovincial differences. As noted earlier, the other proposals are rather closer to the current system than to more fully proportional systems.

Comparing the means in the third line of each block reveals the equality of treatment across parties. Only the Irvine proposal succeeds in putting the NDP on a par with both other parties. In all other cases, the

average vote cost for an NDP seat is substantially higher than the cost of the major parties' seats. Most systems, including the present one, are more favourable to the Progressive Conservative party than to the Liberals. This apparent inequity reflects the national presence of that party. Only in Quebec must a normally high vote-to-seat ratio be achieved. Because it is a large province, Quebec obtains a larger number of additional seats with which to do this.

The final segment of Table 3-4 deals with some common political and practical objections to these reform proposals. Would they lead to an excessive number of minority governments? Do they create a privileged stratum of members of Parliament? Could they be passed at will by a federal government or would they require a constitutional amendment? The next few pages consider these issues briefly.

Common Objections to Electoral System Reform

The Minority Government Theme

A common objection to proportional representation electoral systems is that they create perpetual minority governments. What is noteworthy here is that only two of the five new systems surveyed in Table 3-4 would exacerbate this tendency in Canada. It is important to stress "exacerbate the tendency," since simple plurality electoral systems provide no guarantee of majority government. The recent history of Canadian federal politics is the prime example of this. Of the 14 elections since 1945, six have returned minority governments. The majoritarian tendency of the plurality system does work, but only at a provincial or regional level. In federal elections, we have developed a variety of party systems at the federal level: a three-party system with the Progressive Conservatives and the New Democratic Party dominant in British Columbia, Saskatchewan and Manitoba; a three-party system with the Liberals and Progressive Conservative parties dominant in Atlantic Canada and Ontario; and two separate one-party dominant systems in Alberta and Quebec (up to 1984, in the latter case). These separate systems tend to follow the dynamics associated with simple plurality electoral systems, but the whole does not. The three-party systems are gradually becoming two-party systems. The national picture, while showing the characteristic distortions of a simple plurality electoral system (see the first column of Table 3-4), does not evidence the associated simplification of the party system. Regionalism in Canada is too strong to permit the simple plurality electoral system to function the way it theoretically should.

Of the proposed reforms, those from the Canada West Foundation, from Professor Dobell and from the Task Force on Canadian Unity would have no worse a record than the present electoral system. As noted, Professor Smiley's plan would tend to generate more minority

governments because the combined opposition will win more of the additional seats than will the government party. If Canada were a single two-party system from coast to coast, this effect would be less noticeable because the government party would also come second in a substantial number of seats. Because of our variety of party systems, however, there is no guarantee that the governing party (on the initial count) would be able to keep its lead after the allocation of the additional seats. The Irvine proposal is the only one that, by its design, would lead Canada into a system of perpetual minority governments. It is also the only fully proportional scheme, making a party's proportion of parliamentary seats approximately equal to its proportion of the popular vote. Rarely have Canadian governments been elected with more than 50 percent of the popular vote.

An adaptation of Irvine's electoral mechanism appears in the Dobell proposal, which simply restricts the number of seats available for smoothing out the inherent distortions in the plurality electoral system. Like the Dobell proposal, the suggestions from the Canada West Foundation and from the Task Force on Canadian Unity modify proportional representation systems to restrict the play of the principle of proportionality and so minimize the effect of these proposals to increase marginally the likelihood of minority government in Canada. Neither the Dobell nor the Task Force proposals substantially increase the chances of minority government. Electoral outcomes would remain as decisive or indecisive in selecting governments as they are under our current system.

To be sure, any element of proportionality, however modest, will diminish the margin of seats enjoyed by the governing party. This may not be a bad thing. Our rules of parliamentary procedure confer power on a government, whether its margin in Parliament is 5 seats or 50, and give delaying or veto power to a determined opposition, whether its total size is 30 or 130. Whatever the electoral system, governments will be vulnerable to obstruction. Where the obstruction is not completely uncompromising, governments ought not to have their legislation unnecessarily delayed under any of the modified proportional systems. Governments elected under strictly proportional electoral systems will not be able to proceed as they have in the past, but this is not necessarily a disadvantage.

Before leaving the topic, however, it is important to raise certain other considerations. First, minority governments produced under a proportional electoral system would not be the same as minority governments produced under the present system. Under a new system, minority governments would become accepted as a fact of life — unlikely to be changed by clever manoeuvring. While a new Parliament might have a different composition from the preceding one, a new governing party would still have to find allies from among the other parties in Parliament.

Knowing this, it would have every incentive to behave cooperatively from the start. It would be hazardous to attempt to judge the way the parties would act under proportional representation from the way they now act in situations of minority government.

Secondly, would such a government be strong enough to manage a complex economy or to handle political challenges to its authority? After all, the Weimar government in Germany was deficient in both these respects. Its history has blackened the reputation of proportional representation for two generations. Only considerable new research would even begin to cast light on these questions, but several points deserve thought. Is the economic policy of countries with proportional representation systems less far-seeing, more inflationary, less well managed than that of countries with plurality electoral systems? Are the former less able to handle terrorist threats to governmental authority? There is also the question of whether governments elected under a system of proportional representation would have more difficulty getting their programs through Parliament. There are fragments of relevant evidence on the first of these questions. Political economists have lately been interested in the existence of a political business cycle in which governments stimulate the economy in the six to 18 months before an election and then seek to dampen it down after the election. Edward Tufte found eight OECD countries with proportional representation electoral systems where such a cycle was not in evidence, including Austria, Denmark, the Federal Republic of Germany, Italy and the Netherlands (Tufte, 1978, p. 12).

These results are entirely plausible. They stem from the same dynamics that influence minority governments generally. No government's political position would change dramatically from one election to another. The political effects of shifts in voter preference would not be exaggerated as they were in the 1974–80 period. From 1974 to 1979, the Liberal vote declined by 3 percentage points while the Liberal share of the House declined from 54 to 40 percent of the seats. From 1979 to 1980, Liberal voting support increased by 4 percentage points while its share of the House increased by 12 percentage points. Where an electoral system can generate such large effects in Parliament, it behooves a government to take all the short-run advantages it can find, just as an opposition is encouraged to make life as difficult as it can for a government (particularly if opinion is running in the opposition's favour). A more proportional electoral system would remove some of the incentive to maximizing short-term advantages.

The Question of Special Status

Politicians generally react against proposals for reform of the system under which they themselves have been successful, usually claiming

that those elected under the new rules would have too easy a time. A good example of this view is the following statement by former prime minister Joe Clark (1980):

I think that my Party is at fault for our failure in the province of Quebec and we will not become appreciably stronger by being able to have some people sitting there without doing the hard work that sinks roots in individual constituencies and results in election. I think you have to earn your way in politics as elsewhere. I think that the present electoral system ensures that the people who are sitting in the House of Commons are people who have a direct connection back to a particular constituency, a particular section of the people of Canada.

In all these statements, it is never clear what the concept “special status” implies. Quite evidently, the new MPs would be elected under different rules. This is as true for the Smiley proposal as for any of the others: under the electoral system, some MPs might be returned with as little as 17 percent of the vote, while others might be required to capture two or two and a half times that much.

Given that the rules would be different, would they necessarily be any easier? To be sure, candidates placed high on a list might be virtually assured of election. But then, so are Progressive Conservative candidates nominated in Alberta, Liberal candidates nominated in Quebec, or NDP candidates nominated on the north side of Winnipeg.

Perhaps, then, as Mr. Clark suggested, these candidates would be spared the hard political work of cultivating a constituency? There are two aspects to this. In the first place, the additional MPs (under most proposals) would have very different constituencies. They would be expected to speak for, meet with, and generally cultivate those interests that are not territorially concentrated. They would have to be immersed in their province’s political and business life. They would be based in the major metropolitan areas, but would otherwise have a constituency to tend. Failure to do this would have to be punished at the (re-)nomination stage, though it might well be punished by voters shifting in such numbers that even apparently secure list positions would become shaky. Secondly, there is no evidence that electoral vulnerability does determine how assiduously members of Parliament work on behalf of their constituencies (Irvine, 1982). It seems to be much more a matter of personal predisposition. Hard-working or lazy members of Parliament are likely to get elected under any electoral system. It is hard to believe that members elected from a list would shun the sorts of requests that now come to constituency MPs.

Perhaps the special status will come in the form of easier access to the cabinet? On this issue, the different proposals vary — largely in terms of the numbers of additional MPs to be returned from each party’s wastelands. A proposal that returns no more than one or two Liberals from any western province, or two or three Conservatives from Quebec,

virtually guarantees them cabinet seats. The Irvine, Task Force, or Smiley proposals return enough additional members that no party would be obliged to give preference to any particular MP but could reward talent or political hard work. One advantage of these proposals already noted is that they return sufficient numbers to undertake the political tasks of party building. Because these members can be placed in situations of competition with each other for advancement, the systems help ensure the motivation as well as the numbers for party building.

For all these reasons, the question raised in Table 3-4 about special status for the additional members could be answered negatively. In terms of their own incentives and the reward system shaping their future, the additional MPs are unlikely to be distinguishable from their colleagues. Indeed, they may find that they must function under the glare of higher expectations (from peers and press) than do most members of Parliament.

There are three other issues which it is interesting to consider in this section. One involves the claim that the current election outcomes seem "right" and that outcomes under proportional representation would seem to be giving the parties "something for nothing." One could assert, for example, that the 1979 election outcome was "right" and that the election faithfully registered the 1974-79 sentiment for change. In fact, however, it did not. The 1979 election put into office a Progressive Conservative party whose Canadian vote proportion was hardly different from what it had been in 1974. It would be hard to marshal evidence for claims of the popular legitimacy accorded the 1979 result. If there were such evidence, it would probably differ substantially by province — the very phenomenon that electoral system reform is supposed to address. In fact, the Progressive Conservative party saw a rollback from its 1974 vote levels, not just in Quebec, but also in Newfoundland, Nova Scotia, and Manitoba. Election results in Canada are usually accepted, if only because few Canadians bother to think that the outcomes could have been other than what they were. This kind of traditional legitimacy might be destroyed for a time by a changed electoral system. Even at that, however, popular objections would probably not penetrate very deeply into the Canadian population, particularly if the objections could be shown to be self-interested. Moreover, it must be remembered that some proposals, like the Task Force proposal, would be unlikely to alter the national result and might generate provincial results more in keeping with provincial shifts in electoral support.

Another objection might question the presumed effectiveness of the additional MPs. This will depend in substantial measure, as argued above, on the type of electoral system adopted. My preference is for a reform that could be shown to return substantial numbers of additional MPs, and to do so consistently from election to election as long as vote shares remain essentially the same. Without question the MPs' effec-

tiveness will be a function of their numbers as well as of their dedication. A variant of this objection would claim that the numbers of new MPs thus elected would never be large enough to overcome the central Canadian or Ontario bias in our political parties. That is probably true given the present and foreseeable demography of Canada. But let us deal with one problem at a time! A chamber based on representation by population (especially where population concentrations reflect concentrations of wealth and economic activity) will never be fully responsive to all problems of representation. If the less populous provinces are dissatisfied with their political influence, the best remedy is probably representation in other bodies.

Finally, one must address a third variant of the "special status" objection: that electoral system reform comes on the agenda only when the West seems to be augmenting its political role in Canada, and may be designed by central Canadians to hobble that rise. In fact, it was known even in 1974 that in subsequent elections, the West would equal the weight or have greater parliamentary weight than Quebec, but the electoral reform question only arose when it became evident that one of the three large regions of Canada was going to be excluded from government. In 1979 and into the future, it was and will be mathematically possible to govern Canada by scoring a sweeping victory in two of the three large regions under a simple plurality system. In practice, we are more likely to see two-region governing coalitions built from Ontario eastward (as in 1980) or from Ontario westward. Neither the eastern strategy nor the western strategy seems politically more feasible than the other in the foreseeable future.⁵

The Constitutional Question

The Constitution of Canada makes no explicit reference to electoral systems, so the issue might seem not to arise. Section 51 of the British North America (BNA) Act does seek to mandate representation by population and a redistribution of seats in the House after each decennial census. To accomplish this, the original BNA Act specified a formula for redistribution — a formula that has been amended three times in 1946, 1952 and 1975, each time solely by the Parliament of Canada. Section 42 of the Constitution Act, 1982, reserves the principle of "proportionate representation of the provinces in the House of Commons" to amendment by the Parliament of Canada and by seven provinces containing fifty percent of the population. It does not, apparently enshrine any particular formula for arriving at that principle.

Electoral system reform would raise a question of constitutional amendment only if the reform seemed to infringe the principle of proportionate (to population) representation in the House of Commons, as is the case with the proposal from the Task Force on Canadian Unity.

Under its electoral system, the total number of seats from any province is not fixed. It would change slightly after each election, as a function of the degree of misrepresentation of the aggregate distribution of voter preferences, in the seats electing members by the simple plurality system. Under the Task Force's electoral system, provinces could have a guaranteed number of territorial constituencies, subject to appropriate redistribution, but no province would have a fixed total representation in the House.

The question remains whether this constitutes such a departure from the principle of representation by population as to constitute a new regime and hence requires a constitutional amendment that would require support from seven provinces. Based on results contained in Table 3-5, I believe that it does not. There is only a small discrepancy between each province's representation after the redistribution of 1975 and its representation after the Task Force formula is applied to the 1979 and 1980 elections.

After the 1979 election each province's representation in the House would have been within 1 percent of its current representation (with the slight exception of Ontario, at a 1.1 percent higher representation). In most cases, the tolerances would have been much closer than that. In six provinces (Newfoundland, Prince Edward Island, Nova Scotia, Manitoba, Saskatchewan, and British Columbia), representation would have been less than 0.33 percent different from its present level. Overrepresentation for Quebec and Alberta, the single-party provinces, would appear at a relatively modest 0.59 and 0.44 percent, while New Brunswick would have been underrepresented by 0.53 percent.

TABLE 3-5 Representation of the Provinces Under The Electoral System Proposed by the Task Force on Canadian Unity

Province	Actual Representation	Under Task Force Proposal		Modified Task Force Proposal ^a	
		1979	1980	1979	1980
Newfoundland	2.48	2.05	2.05	2.32	2.32
P.E.I.	1.42	1.17	1.17	1.16	1.16
Nova Scotia	3.90	3.80	3.51	3.77	3.77
New Brunswick	3.55	2.92	2.92	3.19	3.19
Quebec	26.60	27.19	26.61	26.96	26.38
Ontario	33.69	34.79	34.21	34.49	33.91
Manitoba	4.96	4.68	4.68	4.64	4.64
Saskatchewan	4.96	4.68	4.97	4.64	4.93
Alberta	7.45	7.89	8.19	7.83	8.12
British Columbia	9.93	9.94	10.82	9.86	10.72
Total Seats	282	342	342	345	345

a. With one additional seat fixed for Newfoundland, Nova Scotia and New Brunswick.

Applying the Task Force formula to the 1980 election, no province would have departed from its fixed proportion of seats by as much as 1 percent of the House. There would have been some other changes. Using the more rigid standard of discrepancy of 0.33 percent, Newfoundland and Nova Scotia would have moved slightly beyond it (with discrepancies of 0.43 and 0.39 percent, respectively) while British Columbia would have moved substantially beyond, becoming over-represented by 0.89 percent. Conversely, Quebec would have moved well within the more stringent limits, while New Brunswick's position would have stayed the same. Alberta would continue to be overrepresented by 0.74 percent. Ontario's overrepresentation would be reduced to about 0.50 percent of the House.

Over- and underrepresentation does have a tendency to accumulate on a regional basis. The four Atlantic provinces comprised 11.35 percent of the House in 1979 and 1980 but would represent 9.94 and 9.65 percent of the House after the application of the Task Force proposal to the 1979 and 1980 elections. Because of the constitutionally protected four-seat representation of Prince Edward Island, the appropriate issue may be restricted to the representation of the other three Atlantic provinces. Newfoundland, Nova Scotia, and New Brunswick together constituted 9.93 percent of the House in 1979 and 1980 and would have been represented by 8.77 and by 8.48 percent of the House after the Task Force formula was applied to the 1979 and 1980 elections.

Parliamentary representation of regions has no constitutional protection. If these discrepancies (of up to 1.45 percent) seem unacceptable politically (or constitutionally), they would be reduced by awarding one seat to Newfoundland and New Brunswick, the provinces too small and too competitive to benefit from the Task Force formula. These fixed seats would have to be allocated according to the Irvine or Dobell proposals, with the other 60 seats allocated under the Task Force proposal. After this modification (shown in Table 3-5 as the Modified Task Force Proposal), collective underrepresentation of the three largest Atlantic provinces would have been no more than 0.62, and granting a seat to Nova Scotia as well would reduce the underrepresentation of those three provinces to 0.36 and 0.62 in the 1979 and 1980 elections, while underrepresenting Quebec and individual Prairie provinces by about 0.25 percent in any election, and underrepresenting B.C. and Ontario not at all. Adding a fixed seat for Newfoundland, Nova Scotia and New Brunswick would have also meant that in 1979 and 1980, no province would have been underrepresented by as much as 0.40 percent.

It is unclear how typical the 1979 and 1980 elections were as candidates for the Task Force (or the modified Task Force) electoral system. The fact that there were two major regions with serious problems of underrepresentation undoubtedly contributed to permitting the Task

Force proposal to work without leading to serious distortions in provincial representation. If one region, but not the other, were to have a lessened representation problem, the overall distortion would be greater. Conversely, if all parties moved to approximately equitable representation in all regions, population distortions under the Task Force proposal would disappear. With no major distortions in translating voting support into constituency victories, the Task Force proposal would become an ongoing system for redistributing the House to reflect population trends. Rapidly growing provinces would receive more of the additional members than would provinces with declining or stable populations. This effect is correctly overwhelmed by the need to correct the underrepresentation that does exist. The point is, however, that the Task Force's electoral system would not be rendered superfluous if the party system were to become more nationalized.

This long excursion into the effects of the Task Force formula on provincial representation in Parliament was prompted by a desire to ascertain whether the Task Force's electoral system could be taken as infringing the principle of proportionate representation of the provinces. The problem is unlikely to arise, but simple modifications to add seats to the Atlantic provinces could forestall any political sense that norms had been violated.

As mentioned earlier, the Task Force proposal could be made neutral with respect to the majority or minority position of the government by initially allocating the seats among the parties in proportion to their shares of the local constituencies, rather than in proportion to their shares of the national vote. Apart from reducing Quebec's position in Parliament by 0.58 percent in 1980, this would not have major consequences on the representation of provinces. It would diminish the representation of the NDP or of any other minor party that does not win a seat in Parliament. The bias against the NDP is an indirect bias against Ontario, and the bias against very small parties (like the Creditistes and the Rhinos) is a bias against Quebec. However, such an approach would also increase the number of seats held by the traditional parties. This effect indirectly strengthens Ontario, so its net position is relatively unchanged. There would seem to be no constitutional barrier to modifying the Task Force proposal in this way, but there may be a political obstacle. Fewer, proportionately, of the additional seats will be used to fill gaps in parliamentary caucuses.

The Best Candidate for Electoral System Reform

The electoral system proposed by the Task Force on Canadian Unity most successfully deals with the problems that arise from the present electoral system without creating new problems of its own. It might be expected to contribute substantially to the building of national parties in

the regions from which they are effectively excluded from Parliament. It would provide a substantial number of assured seats for the Progressive Conservative party in Quebec and for the Liberal party in the West. These seats would afford potential candidates the prospect of a political career, rather than simply an opportunity for self-immolation in public. Such a possibility would encourage supporters to work within the parties in the hope of being nominated for a seat or of being influential in determining who does get the nomination. At the parliamentary level, it would assure a sufficient contingent within the caucus for the new members to reinforce each other and find strength in numbers. There would also be enough parliamentarians to take on the political, as well as governmental, tasks required.

The proposal is relatively easily modified to accede closely to the principle of representation by population. With those modifications, and probably even without them, the proposal should lie within the exclusive authority of Parliament. It need not exclude the regular adjustment of constituency boundaries, though some new principle should be found to prevent the House from growing indefinitely. The proposal might well be partially implemented in place of the current redefinition of constituency boundaries, but more research would be needed to determine whether this would lead to unacceptable departures from the principle of representation by population. The Task Force proposal could also achieve its objectives without institutionalizing minority government, if it is deemed necessary to avoid this. Indeed, it could be modified to be completely neutral on the issue of majority or minority government. The proposal deliberately places electoral equity rather low on the scale of values to be achieved, though it does a creditable job even there — at least as good as any other reform proposal except for suggestions for explicit proportional representation.

Notes

This paper was completed in August 1984.

1. A different kind of objection to STV systems is raised by students of electoral systems: that STV elections can violate a number of principles of fairness. Among the undesirable results possible under STV are the following: (a) voters who indicate their last choice among the candidates may contribute to the election of their most undesirable candidate, whereas he could have been defeated had they not indicated their distaste for him; (b) a candidate who can defeat every other candidate in paired votes may lose the election; and (c) ranking a favoured candidate higher by some voters could lead to his losing to another candidate. These and other paradoxes of voting are discussed in Fishburn and Brams (1983) and Brams and Fishburn (forthcoming). While other electoral systems are not immediately subject to these defects, any voting procedure to determine a candidate list for a proportional representation system would be subject to them. The probability of most of these paradoxes is undetermined.
2. This is not a symmetrical tradition. There are more backbench revolts by those who feel that the party has become too ideologically moderate and who wish to push the

party toward a more extreme position than there are by those who feel the party is too extreme and who seek to push it, by their rebellion, back toward the centre. See Epstein (1956).

3. As indicated in Tables 3-4 and 3-5, the following are considered underrepresented partisan groups: Liberals from west of Ontario, Progressive Conservatives from Quebec and New Democrats from east of Ontario.
4. Some of these objections are overcome in a proposal by Brams and Fishburn (forthcoming). Variable-sized legislatures are of dubious constitutional validity. Moreover, Brams and Fishburn suggest that their proposal does not work satisfactorily or straightforwardly in multi-party systems.
5. Using population projections to 2001, the chief electoral officer projected that Quebec's share of the House of Commons would decline from 26.6 percent (in 1971) to 23.2 percent. The four western provinces plus the territories were believed likely to increase their share of the House from 28.4 percent to 32.5 percent. Throughout the period, Ontario would supply just over one-third of the Commons seats. Chief Electoral Officer, Contact 38, June 1981, Mimeographed.

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The Referendum and Canadian Democracy

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There has been a tendency toward increased use of referendums in Western democracies, although this has not been the case in Canada. Here as elsewhere, however, the referendum process is a method used to resolve certain problems in the organization and operation of the political system.

This study first considers the general relationship between referendums and democracy, and then examines how other countries have used them. It next considers how referendums have been used in Canada, as well as the nature of the discussions that have taken place about their use. Finally, it presents a number of suggestions for future use of referendums.

The Referendum and Democracy

In his book *After the Revolution* (1973), Robert Dahl defined referendum democracy as opposed to primary and representative democracies. According to Dahl, the perfect form of democracy is committee democracy, in which there are a limited number of participants, each of whom may, within limits, speak and express an opinion. Clearly, the number of participants must be restricted if such a situation is to be attained; otherwise a great deal of time will be needed for deliberations. In Dahl's opinion, the optimum number of active members in a committee should not exceed ten or twelve, with the average probably being below that number.

Primary democracy, as it has been practised in some communities, seems to be a diluted form of committee democracy. In ancient Greece, in the Swiss cantons or in small New England towns, not all citizens

could go to meetings, even if they were entitled to do so in theory. Nor did all those who attended participate in the deliberations. However, as Dahl wrote (1973, p.69):

Even if there is nowhere near time enough for every citizen to speak at the *ekklesia* in Athens, the New England town meeting, or the assembly of citizens (*Landsgemeinde*) in a rural Swiss canton, quite possibly everyone may speak who really wants to, and so everyone may feel that his viewpoint has been adequately expressed. In *primary* (or *town meeting*) *democracy*, then, the citizens may have a well-justified confidence that they really do govern directly themselves, particularly because participation is not confined to the town meeting proper but is interwoven with the totality of community life.

The constraints of space and time that limit the operation of primary democracy when there are too many participants justify the move to *representative* democracy. If there are 20,000 people at a meeting that lasts six hours, and each speaker is allotted two minutes to speak, fewer than one percent of the citizens will have the opportunity to be heard. Some type of representation system must be adopted: drawing lots to choose speakers; assigning positions beforehand, with the assurance that each position may be defended by one or more spokespersons; or electing representatives. These problems transform direct democracy into representative democracy.

In representative democracies as we know them, the system most commonly adopted is the election of representatives, who are generally divided into parties. The election will take place according to certain methods taken from primary democracy, since each citizen may participate in the debate, at least by casting a vote. The body of elected representatives will operate according to the rules of a primary democracy within the assembly in which they meet. In complex societies, however, primary democracy has disappeared from the entire political system for at least three reasons, reasons that provide ammunition for those who advocate *referendum democracy*. First, because of the very process of representation, citizens delegate their power to participate directly in decisions that affect them to the representatives they have elected. Democracy operates on two levels: the election of representatives, and their deliberations. At each level some form of primary democracy exists, but it no longer exists in the system as a whole.

Second, although the party system is necessary in representative democracy, it introduces what some people consider to be distortions in the election of representatives and in their deliberations in the assembly. The positions represented in both the electoral arena and the legislative arena are the parties' positions; they are no longer the citizens' positions, even if the parties attempt to adapt to the citizens' wishes. Some ideas may no longer be advocated, and still others the parties cling to might run contrary to what some citizens believe.

Third, the tendency toward oligarchy or “principat” (according to Bertrand de Jouvenel, 1972) that we find in the political system gives some participants a more important role in the decision-making process than others. Decisions are negotiated among parties, governments and interest groups, which are often themselves oligarchies. If the citizens no longer have any direct effect on decisions, neither do most members of the organizations that participate in that process.

The use of the referendum, or what Dahl calls referendum democracy, attempts to correct such defects in representative democracy. Dahl describes the ideal form of democracy as follows (1973, p. 71):

An association in which the number of members is too large for primary democracy might nonetheless try to keep the decisions directly in the hands of the members in the following way. A specified number of members would be entitled to present a proposal to all the members of the association, who would then vote upon it (and upon any other alternatives presented) in an election. This is *referendum democracy*.

The three defects of representative democracy noted above are apparently corrected in this ideal form. Citizens, not oligarchies, take the initiative in consulting the people. Parties are ignored in the process, and there is a return to direct democracy, insofar as all citizens participate directly in decision making by voting.¹ As Maurice Champagne (1977) noted, we can use the term “semi-primary” democracy to describe this amalgam of representative democracy and democracy by referendum.

Clearly, this ideal form is not the situation found in actual practice in the Western democracies where referendums are employed, as Dahl has acknowledged. However, it has the merit of indicating the main aspects that must be taken into consideration when holding referendums, and the criteria that can be used to evaluate a referendum in relation to the democratic ideal.

A Schematic Diagram

We will consider three aspects that are also found in most studies of referendums.

- How does the referendum originate? Does the government or the populace propose that one be called, or do both entities participate in the suggestion?
- How does the referendum process take place? What are the rules governing the process, who can participate in the debate, what does the referendum relate to, how are the questions drawn up, and how often is a referendum held?
- What is the nature of the result? Is it mandatory or merely advisory?

These three broad questions may be interpreted using a schematic diagram, as is shown in Figure 4-1. The first relates to the origin of the

process; the second, to the process itself; and the third, to the result and whether or not it is binding on the political system.

Three Main Aspects of the Referendum

Let us now discuss the basic procedures used in holding referendums in more detail, based on the three aspects set out above, and then look at how they are related to the political system. In subsequent sections, which review the referendum's record in other countries and in Canada, these procedures will be evaluated in terms of the political system.

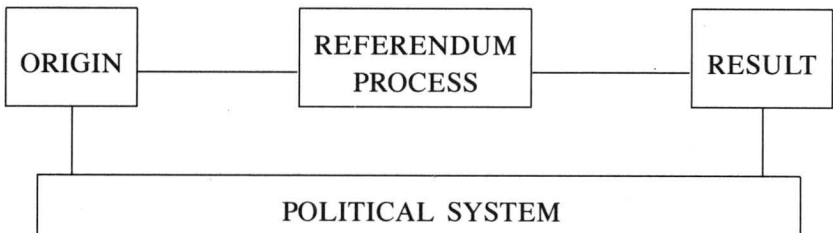
1. The origins of referendums can be narrowed down to two or three methods. When the decision to hold a referendum is optional, the governing body — parliament or the government — or the public might decide to call for one.² On the other hand, it might be mandatory to hold one because a law, usually the constitution, contains a provision that stipulates it. This legal provision, in short, sets the wheels in motion.

As the next section will show in greater detail, referendums are usually proposed by a government or parliament rather than by the people. The latter is referred to as public initiative, and it is found only in Switzerland and in certain American states. When the call for a reform comes from the governing body, it is most often the result of a government's action, with or without the collaboration of a parliament. We should note at this point that such a preponderance of government-originated referendums limits the referendum's value as a substitute for primary democracy.

2. The procedures for holding a referendum are more complex. At least three broad categories may be observed:
 - procedures relating to the substance of the referendum;
 - procedures relating to the participants; and
 - procedures relating to the frequency of referendums.

Generally, in matters of substance, a distinction is made between referendums dealing with constitutional questions and those dealing with

FIGURE 4-1 The Referendum and the Political System



non-constitutional matters. Champagne (1977) divided non-constitutional into legislative, administrative and financial categories. There are also referendums that could be called “political” or strategic, since they deal with a plan of action for a government — head of state, prime minister, minister, and so on.

Voters who are entitled to participate in elections may usually also vote in a referendum. There are restrictions in local political systems for financial or administrative referendums but at the national level universal suffrage is usually accorded. Restrictions can also be imposed on the number of sides that may take a leading role in the referendum campaign. In two significant instances, the British referendum in 1975 and the Quebec referendum in 1980, the parties were required to form “umbrella” committees. This is not common practice, however.

The frequency of referendums in a political system may appear to be a less important procedural element than the two other, but it must not be left out of this examination. The referendum process, particularly from the point of view of participation, will differ depending on whether referendums are used often or seldom.

3. Three major procedural elements can be described that affect the results of the collective decision expressed through the referendum process. Champagne (1977) referred to ratification referendums, arbitration referendums and consultation referendums.

The results of a ratification referendum (or, more generally, a mandatory referendum) will be binding on the government, whether it relates to the ratification or rejection of a constitutional or a legislative provision. An arbitration referendum, on the other hand, is used to settle a disagreement among members of the governing body, such as the head of state, executive and parliament. Finally, a consultation referendum is used to seek the opinion of the electorate before a law is voted on or ratified, or before the government takes a particular political step.

The three procedures set out by Champagne can be reduced to two, the mandatory referendum and the advisory referendum, since the final result of an arbitration referendum is either an order or an opinion. Properly viewed, the arbitration referendum is not a procedure that affects the overall result. Instead, it is a characteristic of referendum activities as a whole, including the origin, process and result. Furthermore, most works written on referendums, including the Hansard Society (1921), refer to two main procedures: the mandatory referendum and the advisory referendum.

Relationship to the Political System

The political system, considered here as the specific environment in which the referendum system exists, is the place in which the referen-

dum originates and effects results. The nature of the political regime and the party system, the main divisions in the community, the major rules in the system, and the political culture are all aspects that must be considered as conditions that exist before the referendum. They are also the consequences of the referendum process on the political system. For example, a referendum does not take place in the same manner when it is held by a parliamentary system as it does when held in a presidential system. By the same token, referendums differ when they are held in a two-party rather than a multi-party system, in a homogeneous rather than a divided society, in a pluralist political culture rather than in a more monolithic one, or in a society where opinion polls are the rule rather than in a society where they are the exception. These characteristics of political systems will be considered in the study of referendums held in Canada and abroad, in the evaluations of these referendums, and the suggestions concerning the use of referendums in Canada in the conclusion.

Referendums in Other Countries

This section will primarily deal with experiences in other countries that have occurred within political systems comparable to the one in Canada, since they can furnish insight into the means of extending the use of referendums in Canada, if so desired. For each of the countries considered, we will begin by pointing out the characteristics of the political system in brief. Then the referendum process will be discussed: the procedural aspects, the origin of the referendum, and its result. The evaluations and other general comments relating to the use of referendums in these countries will be noted in the conclusion.

Switzerland

In the opinion of the experts, Switzerland is the true land of the referendum. Without a doubt, this method of public consultation finds its most important place in the Swiss political system. From a Canadian point of view, Switzerland is interesting to observe, because of its federal political system and the divisions among the various ethnic groups. The organization of its government and party system are, however, quite different. There are four major parties in Switzerland, which have religious and ideological roots; together with several small parties, they operate in a moderated multi-party system. The federal parliament is composed of two chambers, but the government is directed by seven people (the Federal Council) chosen from the various parties, who are elected by parliament for a period of four years.

The referendums held at the federal level are the most instructive. The

discussion will hence be limited to federal referendums, omitting the ones that occur at the municipal or canton level.

Process All constitutional amendments must be voted on by referendum, whether the entire constitution or a section is to be changed. The constitution of 1848 was adopted pursuant to a referendum, as were the major changes of 1874 and the more limited changes made since then. Since 1874, the referendum process has been also used to challenge a law enacted by the federal parliament, or major treaties. There are, however, provisions made for exceptions in the case of an emergency or if the law is not of general application.

There is no significant difference between a referendum and an election in terms of participation. The debate ensues among parties and groups, but they are not required to form umbrella organizations.

Referendums are used very frequently in Switzerland. At the federal level only, 297 questions have been put before the public between 1848 and 1978 (Aubert, 1978). The turnout for these consultations by referendum is not very high, a disadvantage that some observers believe is caused by their excessive use.

Origin The governing body must hold a referendum if it is proposing a constitutional change. The nature of the referendum is therefore obligatory, and it is proposed by the government. However, the public may also provide the impetus for a constitutional referendum, should people take the initiative in proposing an amendment to the constitution. If a petition is signed by at least 100,000 voters, it is then submitted to the referendum process in which procedures will vary, depending on whether the proposed change is of a general or specific nature (Aubert, 1978, p. 43).³

The impetus for a legislative referendum or a referendum dealing with international treaties may also come from the public. This provision is not designed to permit the public to propose a new law or changes to a bill, but rather to prevent a statute or a treaty the government has adopted from coming into effect. A referendum must be held if at least 30,000 voters demand one within 90 days after a statute or treaty is made public.

Although the scope of the public initiative in legislative matters seems restricted, it is compensated by these factors: the Swiss constitution is quite precise, and the public may well influence the enactment of a statute should it request a constitutional amendment. For example, if the populace wants to increase the amount of old age pensions, it cannot seek an amendment to the social insurance act, but it may propose an amendment to the section of the constitution that deals with the area.

Result All referendums are mandatory in nature in Switzerland. Using the referendum process, the public can give orders, not simply opinions, to the government. In constitutional matters, the decision is binding if a double majority is attained with the voters throughout the country and the vote in each canton. In legislative matters, the canton results are not considered: only a majority of voters is required.

United States

Although the political system of the United States is presidential, it is similar to the Canadian situation by virtue of being a federal, two-party system. Nothing of great importance can be found in the American record as far as referendums are concerned, since they are restricted to the states and municipalities. There has never been a referendum at the federal level, and it is not likely that any will be held in the near future. However, in 1977, the subject was broached when parallel bills were presented in a joint effort before the Senate and the House of Representatives. Although nothing ensued from this debate, a survey taken at the time revealed that 57 percent of Americans were in favour of using referendums at the national level, with 21 percent opposed and the rest expressing no opinion (Ranney, 1978, p. 75). Accordingly, this study will be limited to a brief review of how referendums are used at the state level.

Process Constitutional amendments must be voted on by referendum, in all the states. The referendum may also be used in legislative matters in a majority of them. Generally, referendums — whether constitutional or legislative — are combined with elections which take place, of course, on fixed dates. Referendums are used relatively frequently at the state level. If we consider only the referendums resulting from public initiative, 685 were held between 1898 and 1976 in various states. In these states, nearly 1,800 propositions initiated by governing bodies were also submitted to referendum during the same period (Ranney, 1978, pp. 77–82).

Origin All constitutional amendments must be decided by referendum, except in Delaware. The call for legislative referendums may come from the government or the public, and use of a referendum is optional. Public initiative is possible in more than 20 states, depending on various conditions. Public initiative may also be exercised in constitutional matters in 14 states. When the proposal comes from the government, it is often to arbitrate between the two Houses, which are divided on a question.

Result In 45 states, a simple majority of the votes cast is needed for a constitutional amendment to be ratified. The requirements are some-

what stricter in the other four states (Ranney, 1978, pp. 69–70). A simple majority is sufficient for legislative matters in all of them.

All referendums, whether constitutional or legislative, are mandatory. They give an order, not simply an opinion, to the government. This characteristic arises from American political culture, which places great emphasis on the electorate's decisions and requires politicians to comply with them.

France

From our point of view, the Fifth Republic's system is quite different from the one in the United States. Moreover, the French political system bears little resemblance to the Canadian, since it is a unitary, presidential state. The social divisions, the political culture and the party system are quite different from what we find in Canada. Nevertheless, it is worthwhile to study referendums in France, because presidents Charles de Gaulle and Georges Pompidou have used them at the national level for questions that are not dissimilar to those that could be put to a referendum in Canada.

Process Referendums, as they have been used in France since the beginning of the Fifth Republic, have dealt with problems of national concern, relating particularly to the organization or functioning of the state. Two referendums dealt with constitutional questions. The constitution of the Fifth Republic was approved by referendum in 1958, then amended in 1962 to allow for the direct election of the president. On four occasions, referendums have dealt with a "political" or strategic subject, including President de Gaulle's policy on Algeria (1961–62), and his plan to reinforce regional government and change the Senate (1969). The only referendum held under President Pompidou, in 1972, dealt with the expansion of the European Economic Community.

Origin Traditionally in France, the head of state provides the impetus for a referendum, with the result that he has often been accused of trying to change the referendum into a plebiscite, that is, an expression of confidence in the person as well as approval for his policies. This criticism was made of the two Napoleons and de Gaulle.

However, the constitution of the Fifth Republic does not stipulate that the president can initiate a referendum but only that he can veto an initiative taken by the National Assembly. There is no provision in the constitution for public initiative, and any such initiative would be quite contrary to French political culture.

Result Unlike referendums in the United States, French referendums are advisory, although the president generally ties his own fate to

the result. After losing the 1969 referendum, de Gaulle retired as he had threatened. Referendums are neither truly advisory nor truly mandatory in the legal sense of the terms. The president is instead morally bound to respect the result.

Scandinavian Countries

Although Scandinavian countries have multi-party systems that are quite different from the party system in Canada, the political system is parliamentary. Referendums have seldom been used in Finland and Iceland, but are more frequent in Sweden, Norway and Denmark. The procedures are quite different from those we have observed in Switzerland, the United States and France.

Process The only constitution that provides for holding referendums is that of Denmark, which requires that one be held for constitutional amendments and permits a referendum for legislative questions if certain conditions are met.⁴ The situation is different in Sweden and Norway, where referendums are generally used for both political and legislative matters. In 1905, for example, when a referendum was held on the question of Norway's secession from Sweden, Norwegians voted overwhelmingly in favour of secession. In 1972, referendums were held in Norway and Denmark on the question of joining the European Economic Community. Norwegians voted against joining, while Danes voted in favour.

The referendum process always takes place separately from elections. Occasionally the turnout is higher for a referendum than it is for elections (for example, 90 percent of Danish voters participated in the "European" referendum in 1972), but as a general rule it is lower.

Referendums are rarely used in Scandinavian countries. It is an exceptional procedure, which does not seem likely to be extended in future years (Nilson, 1978, p. 190).

Origin Only in Denmark can a referendum be held because the law, or more precisely the constitution, provides for it. In the other cases, the impetus is always provided by the government; since no provision is made for public initiative.

Nilson (1978, pp.180-90) has shown that referendums are most usually the result of tactics on the part of the opposition parties, who use this strategy to embarrass the party or coalition in power. Divisions within parties may also result in a referendum being called; in such cases, the public is asked to settle disputes that the parties are unable or unwilling to settle for themselves. Party leaders may also set off a referendum campaign in the hope of creating new unity within the party.

Result Once again, Denmark is different from Sweden and Norway. The results of Danish referendums, which are provided for in the constitution, are mandatory on certain conditions. For a constitutional amendment to be enacted, it must be accepted by at least 45 percent of the entire electorate. Voters who do not cast a vote are thus considered to be opposed. This provision makes it very difficult to change the constitution, unless the amendment relates to problems that are of great concern to the voters.

In Sweden and Norway, as in Denmark, non-constitutional referendums are only advisory, although in some cases party leaders will feel compelled to respect the results out of a sense of moral obligation.

Australia

In many ways the Australian political system is similar to the Canadian political system. Both countries are federations with a bicameral parliamentary system. Their party systems are also analogous: each country has three major parties, although some observers (Aitkin, 1978) acknowledge that there is a greater degree of politicization and party identification in Australia than in Canada.

Process The Australian constitution stipulates that constitutional amendments cannot be ratified without public approval, which has to be obtained by means of a referendum. From 1901 to 1978, some 36 referendums were held mainly to ratify proposed amendments designed to strengthen the central governing body. Australians have been asked on three occasions to vote in a non-constitutional referendum (twice in relation to conscription, and once for the national anthem), even though their constitution makes no mention of this particular type of referendum. The states in the Australian federation also use referendums, but these are not of great interest to us.

National referendums are sometimes held at the same time as general elections, but the public has also been consulted at other times. Voting has been mandatory in Australia since 1924, so that there is little difference between the citizen turnout for elections and for referendums. Before that date the turnout for referendums was about the same as for elections.

Origin Only the governing body can propose that a referendum be held on both constitutional and non-constitutional questions. Any amendment to the constitution will be subject to a referendum if an absolute majority of both Houses (the House of Representatives and the Senate) so decide. If an absolute majority exists in only one chamber, the governor general is asked to settle the question if that chamber endorses the amendment in a second vote. These conditions are quite strict,

particularly since the majority party in the House of Representatives does not always form the majority in the Senate; between 1906 and 1978 referendums were thus held on only 36 of some 80 proposals made by parliament.

Result Of these 36 referendums, only eight resulted in the ratification of the proposed constitutional amendments. Here again, the conditions are quite strict: in order to be ratified an amendment must receive a majority of the votes cast throughout the entire country and in a majority of the states, or in at least four out of six states.

Aitkin (1978) notes that the federal parties do not have perfect control over their state counterparts. An agreement they reach relating to a constitutional amendment in no way ensures that the vote in a majority of states will be favourable, particularly if the amendment is intended to strengthen the central governing body, as is often the case.

Constitutional amendments have been ratified only twice in the 18 times a referendum has been held at the same time as general elections. Greater politicization at that time, manifested in divisions between federal and state parties, would seem to explain these results.

United Kingdom

This review of how other countries have dealt with referendums will conclude with a brief look at the only referendum to have been held in the United Kingdom in which the entire electorate voted. This referendum was called in 1975 on the question of whether the country should continue its membership in the European Economic Community. The referendums on Scottish and Welsh devolution, held in 1979, will also be discussed because of the original procedures they entailed.

Process These three referendums were non-constitutional, dealing more or less with what Bailey (1971) called the “encapsulation” of political structures: the encapsulation of the United Kingdom into a broader arena in the case of the 1975 referendum; the encapsulation of two component parts of the United Kingdom in the case of the 1979 referendums. The referendums were the subject of special votes held separately from the elections. In 1975, those favouring “yes” and “no” were required to form umbrella committees, which were regulated and financed by the state.

Origin In both cases, the impetus came from the party in power, which at the time was the Labour party. Given the doctrine of parliamentary sovereignty and the oligarchical nature of the political system in the United Kingdom, it is hard to imagine that the public would ever be allowed to propose that a referendum be held.

Result The Labour government decided it was morally obliged to respect the results. When the referendum was held on the U.K.'s membership in the European Economic Community, a majority favoured remaining in the EEC. Both the Labour and Conservative parties were in favour of this position on the whole.

Before consenting to the devolution of legislative power in Scotland and executive power in Wales, Parliament required that at least 40 percent of registered voters vote in favour of the proposal. In Wales, the turnout was nowhere near this level, while in Scotland 38.5 percent of the registered voters voted for devolution, which was not enough. Opponents of devolution obtained only 30.8 percent of the potential vote.

Evaluation

In all countries in which referendums are held — and even in countries where they are never held — their use has been debated. Referendums have attracted both advocates and critics. This section will review the arguments advanced by both sides, together with the standard reflections made about them, under the headings the origin of the referendum, the referendum process, the results of the referendum, and the relationship to the political process.⁵

THE ORIGIN OF THE REFERENDUM

The public can propose that a referendum be held only in Switzerland and in some 20 of the United States. The political culture of these two countries, where the government is valued less than elsewhere, and the non-parliamentary nature of the political system explain this particular characteristic. In other countries where referendums are in use, public initiative is not possible, nor is it likely to win the general approval of the governments. This is then the first limitation to the model of referendum democracy, as Dahl defined it, discussed in the first section of this study.

In practice, in both Switzerland and the United States, public initiative often represents an opportunity for pressure groups to demand that a referendum be held. The fact that the process has been set in motion does not necessarily guarantee that the oligarchical nature of representative democracy is countervailed. The success of a pressure group's call for a referendum is limited in the sense that the group needs to gather a fairly large number of signatures, which is difficult without wide popular support on its side.

In most countries that have a history of using referendums, the governing body initiates the process, or there is a legal provision, usually in the constitution, that sets the wheels in motion.

In certain situations, particularly when the constitution is to be passed or amended, this legal, binding provision for referendums poses few

problems. It may even be considered an appropriate procedure for passing or amending basic laws in a political society. Putting the question before the people, especially when the constitutional amendments were not an election issue, implies that the constitution is the concern of the entire country; the task of adopting a constitution or amending one cannot be delegated, even to elected representatives. When the government proposes that a referendum be held and is not bound to respect the results, it becomes an issue for debate.

Most observers acknowledge that it can be a convenient way of settling an impasse between two chambers of a parliament, or one within a party or a governing coalition. However, the government's prerogative also provokes reservations and criticism, especially when a referendum often turns into a plebiscite regarding the head of state, as in France. Another common criticism relates to the government's prerogative to formulate the question or questions submitted to the people however it pleases. But studies on this point seem to indicate that the wording of the question or questions in a referendum comes to mean little once the parties have staked out their positions. In any event, most voters do not take the time to read the question when they vote (see Butler and Ranney, 1978).

THE REFERENDUM PROCESS

The primary argument of advocates of this method of consultation is that an election does not permit citizens to express their opinions on specific problems. Although some problems and solutions are discussed during an election campaign, voters decide not only on the basis of these problems, but also on the basis of such criteria as their party identification and their opinion of the parties, the leaders, and the candidates. In a referendum, voters do not necessarily disregard all these elements influencing their perception of political situations, but their attention is more focussed on the question or questions put to them.

As for the content of referendums, the international record shows that for a long time, prohibition was the subject of referendums in various countries. The adoption or amendment of a country's constitution is another common subject, and one that is generally accepted. More and more the same is true for what, following Bailey (1971), we have called political "encapsulation": membership in the European Economic Community, devolution, changes to borders, and so on. However, national referendums throughout the world have been held on various questions, as may be seen in the table, dated 1978, reproduced in Appendix A of this study. Most of these other questions, such as those dealing with encapsulation or the constitution, however, are linked to the general rules of the political system, or to extraordinary political situations: the electoral system, the structure of the government, wartime conscription.

Referendums are frequently criticized when they are used to decide such questions, on the basis that they are too complicated to enable the public to form a clear opinion. This elitist view of voters, which is also seen in election campaigns, becomes more apparent in referendums, since they deal with specific problems. For example, the voting system is said to be such a complicated mechanism that Irish voters, in 1959 and 1968, could not understand its subtleties, or that some constitutional amendments, in Switzerland or elsewhere, are so technical that the population is unable to judge the subject matter intelligently.

In response to this criticism it is argued that the referendum campaign is designed to inform the voters and to develop their judgment — a characteristic that distinguishes it from a simple public opinion poll. Opponents of the referendum process reply that referendum campaigns have many faults, one of which is to create the formation of two camps, the “yes” side and the “no” side, unless the referendum question allows for more than two options.

The division into two camps poses problems in systems which have more than two parties, whether or not they are united in umbrella committees, committees we will return to later in examining the Quebec referendum of 1980. It could even pose problems in a two-party system if the parties were themselves divided internally on the position they should take. We will come back to this question at the end of this discussion in considering how it relates to the political system.

The pessimists’ criticism regarding the formation of two camps somewhat contradicts their other argument — that referendum questions are sometimes so complicated that the public is unable to understand them clearly. The either-or nature of the question effectively simplifies a choice that might have been too complicated to make. Bertrand de Jouvenel, who cannot be accused of being a populist, gives the following arguments in favour of an either-or format in electoral bodies (1972):

If you offer only A and B, and A wins, those who favoured B will be dissatisfied, but at least those who favoured A will be happy. However, if there is a broad range of choices, the great majority of voters will be unhappy with the final decision.

As a result, this reasoning leads us to conclude that there is an essential difference between the choice offered to an individual and the choice offered to a group. An individual may be asked to choose one of several possibilities, but a group cannot be given such an option without incurring the risk of creating almost universal dissatisfaction with the final choice. As a result, the selection to be made must be narrowed down to a simple choice between two alternatives, if possible. (translation)

Finally, the frequency with which referendums are used, particularly in Switzerland, has been considered in a number of studies. As we have seen, referendums are held often in that country. At the federal level alone, there is a referendum every three months on the average, and

voters must often answer more than one question (Aubert, 1978). The fact that they are held so frequently would turn them into routine affairs, which might explain the low turnout of voters.

THE RESULTS OF THE REFERENDUM

Given the possibility that the results of a referendum may be determined by too few registered voters, some countries have decided that a specific proportion of votes is necessary to establish a sufficient majority. Such a condition has also been applied to specific referendums. This condition is found in several American states, Denmark, and the United Kingdom (where it was imposed in the referendum on Scottish and Welsh devolution). It tends to be the exception rather than the rule. In countries like Australia, where voting is mandatory, it is unnecessary. Generally speaking, its value is debatable, especially in connection with the ideal model of referendum democracy, since the governing body then imposes arbitrary conditions on the validity of the public's vote. Why should a referendum require 40 percent of the registered voters rather than 45 or 33 percent? Why not have the same requirement as for parliamentary elections?

On the other hand, it would seem more justified in a federal system to require not only the majority of votes cast by citizens, but also the majority of the votes cast by the constituent political units. This requirement is found in Switzerland and Australia. Clearly, it should be stipulated in Canada in the event of national referendums on the constitution.

The question of whether the results of a referendum will be mandatory or only advisory in nature has also been debated at some length. Likely the reader has already noted the close link between the nature of the results and the nature of the original call that a referendum be held. Both the results and the call are either binding or simply advisory. In the case of a constitutional referendum, particularly when it is obligatory, the result will normally be binding. Since the constitution is the most general and fundamental rule in a political society, it is appropriate that it be passed or amended in the form of a referendum, whose results are then binding on the government. In non-constitutional matters, whether the result is binding or simply advisory depends on the manner in which we view referendum democracy in relation to representative democracy. If the referendum is seen merely as a supplement to representative democracy, it would be understandable if the government were to use it only to gather opinions on specific questions. However, if the referendum is seen as a process that is occasionally used as a substitute for representative democracy, the results must be binding, just like the results of a parliamentary vote when a law is passed. In this regard, the fact that governments consider most non-constitutional referendums to be advisory reveals a great deal about their conception of how this type of referen-

dum fits into a representative democracy where they are masters of the game.

Progressives are often pleased that referendums are only advisory, since the results are frequently said to be rather conservative compared to positions taken by governments on similar problems. Such a conclusion, however, cannot be drawn from the evidence regarding referendums held elsewhere; Butler and Ranney (1978) found instead that the results are "conservative" or "progressive," depending on the reference point provided by the government of the day. National referendums on constitutional matters, on the other hand, such as the ones held in federations like Switzerland and Australia, have generally shown popular resistance to the centralization of power sought by the central governments. There is an important lesson here for the ensuing discussion on the use of referendums in Canada.

Relationship to the Political System

This cursory examination of how some societies similar to ours use referendums nevertheless leads to a number of conclusions. These involve the conditions that govern the use of referendums in a political system, as well as some possible consequences for the system.

Referendums are used at the national level in Switzerland and Australia, both of which are federations, but not in the United States. Several factors could explain the absence of national referendums in American political society: the division of powers, and particularly the importance of the courts and the upper chamber, which is the guarantor of federalism; the actions taken by pressure groups, which are often successful; and the frequent rate at which elections are held. All these elements may be considered as substitutes for referendums, as methods of consulting the population.

This does not in any way mean that the presidential system shuts out the use of referendums. The Fifth Republic of France is an eloquent example of their use within a presidential system. Inevitably, there is a risk that the referendum will be seen as a plebiscite, particularly if historical tradition tends to favour that direction, as in France. There is less risk of this happening in parliamentary systems, because prime ministers are not directly elected by the population and so would find it more difficult to present a referendum as a test of their popularity or of the public's confidence in them.

A society's political culture, especially the political culture of the elected representatives, influences the extent to which referendums are used. It is quite clear that in Britain or Germany, where the elected representatives, particularly the governing bodies, have a rather elitist culture, there is greater resistance than elsewhere to implementing democracy by referendum as opposed to representative democracy.

This resistance on the part of politicians, no matter how elitist their political culture is, can be explained by the fact that referendums put parties to a difficult test regardless of where they are held. Elections have the virtue of bringing together the various tendencies in a party to ensure that its candidates are elected. There is no such requirement in a referendum. The top people in a party may find it easier to work for different sides; however, when there are more than two parties, the formation of two sides (the “yes” and the “no” camps) can mean that parties that rarely cooperate may defend the same side. In both cases, tensions so produced can make the subsequent organization and operation of the parties more difficult. A call for a referendum, however, might also be a deliberate attempt to unite party members — a way of getting rid of internal tension.

Finally, according to Butler and Ranney (1978), the widespread use of opinion polls by political parties and the publication of the results to some extent justifies referendums. Polls reveal people’s opinions on specific problems. They also show that the majority opinion is not always in favour of the government’s positions. Thus it is normal to think of a referendum as a kind of official poll that serves to correct defects in representative democracy. Some would add that rapid developments in the communications field will soon facilitate the organization of referendums.

Referendums in Canada

Let us now look at the Canadian record, focussing first on how referendums are proposed, then the process and the result. The section will conclude by looking at how the referendum relates to the Canadian political system.

The review of referendums held in Canada will first look at those held at the provincial level, including the “political encapsulation” referendums in Newfoundland and Quebec, and then those held at the national level. (Only two national referendums have ever been held in Canada.) Recent proposals that have not resulted in any concrete action will also be examined.

Provincial Referendums

All the provinces, with the exception of New Brunswick, have held referendums, as shown in Appendix B, based on Boyer’s book (1982) on referendums in Canada. Most have dealt with the prohibition of liquor and related problems, which were the classic subjects of referendums in Canada and elsewhere in the world at the end of the 19th and the beginning of the 20th centuries. There have been only a few other issues covered in provincial referendums, mostly in British Columbia and the

Prairie provinces, in addition to the “encapsulation” referendums held in Newfoundland in 1948, and the one held in Quebec in 1980. The latter three will be considered individually.

ORIGIN

Four Canadian provinces — British Columbia, Alberta, Saskatchewan and Manitoba — have enacted statutes making public initiative possible. The Saskatchewan Act was the subject of a referendum in 1913, as shown in Appendix B. To be ratified, the act required the support of at least 30 percent of the electorate, which was not obtained. It was then repealed, with the result that the public can no longer call for a referendum to be held in Saskatchewan (Boyer, 1982). The five referendums held since that time were called by the government.

In Alberta, a 1913 act that was subsequently amended several times provided for public initiative on very strict conditions (a petition signed by 20 percent of the electorate). Since 1958 this has no longer been possible. All Alberta referendums at the provincial level have been proposed by the government.

The Manitoba provincial legislature enacted a statute in 1916 that allowed for public initiative. This act was challenged in the courts and finally declared to be *ultra vires* by the Judicial Committee of the Privy Council. The Privy Council held that under the British North America Act the provinces could not amend their constitutions regarding the powers of the lieutenant-governor (Boyer, 1982). All Manitoba referendums, including the 1983 referendum on the recognition of the French language (which does not appear in Appendix B), have been proposed by the governments.

Only a few months before the Privy Council’s judgment, a law was adopted in British Columbia that allowed the public to propose a referendum. When the case was decided, the government decided not to proclaim the statute. The nine referendums that have been held in this province since it entered the Canadian federation have all been proposed by the government.

The laws in the other provinces make no provision for public initiative in this regard, and all referendums have been proposed by the governing bodies.

PROCESS

All provincial referendums held in Canada, with the exception of the Manitoba referendum of 1983, have been non-constitutional in nature. The political encapsulation referendums held in Newfoundland and Quebec did not deal directly with the constitutions of those provinces. Most referendums have dealt with the question of whether to impose a

prohibition on liquor or related problems. The second most popular subject is switching to daylight-saving time, followed by a broad range of questions: votes for women, public health, ownership of electric companies, grain marketing.

Canadian provinces have seldom called referendums, compared to Swiss cantons or American states (see Appendix B). Since the early 1950s, only five provinces (the four western provinces and Quebec) have used referendums, hardly an impressive record.

There is no fixed rule as to the time at which referendums are held. Some have been set up so that voters state their preferences on the election days, but others have been held separately from the electoral process.

Only Quebec has required the parties to form umbrella committees. This provision does not exist elsewhere, nor has it ever been seriously considered. Referendums do not appear to have caused serious internal tensions within party organizations, since most provinces tend to have only two parties except in times of transition.

RESULT

Strictly speaking, a mandatory referendum has never been held in a Canadian province. Those governments that have used the referendum process have made a moral commitment to respect the result. There have been exceptions, however, such as the 1983 referendum held in Manitoba: the NDP government decided to pursue its policy to recognize French as an official language despite the results.

Provincial referendums in Canada are thus traditionally consultative or advisory in nature, although some have been considered binding on the part of the governments that have called them.

Relationship to the Political System

All Canadian provinces have the same political system. They all tend to favour a two-party system because of an electoral system which, except during rather brief periods in a few provinces, has always been the first-past-the-post system. The party with the single or relative majority of the votes wins. In the western provinces especially, there have been reform parties, some of which were populist. This fact appears to be related to the greater use of referendums in those provinces than in the central or eastern provinces. The practice in various U.S. states also seems to have influenced the Prairie provinces and British Columbia more than the other parts of the country.

The nature of the referendums in Newfoundland in 1948 and Quebec in 1980 were very specific because they were concerned with how these entities would relate to the Canadian political system. These referendums will first be compared before the nationwide record is discussed.

The Newfoundland and Quebec Referendums

The referendums in both provinces took place in very different circumstances. One was on whether Newfoundland would join the Canadian federation; the other, whether Quebec would remain in it. Nevertheless, it is interesting to compare the two processes, since they can shed light on the particular aspects of referendums that deal with the fundamental problems regarding the encapsulation of one political system in a larger system.

ORIGIN

The way the two referendums came to be held in Newfoundland in 1948 was complicated rather than simple, as may be seen in the Canadian Unity Information Office document (1978) prepared on the eve of the Quebec referendum. The Assembly elected in 1946 held debates on the use of the referendum, as did the Commission government (which was then responsible for the island's government), and the Canadian government. In the end, however, the British government decided, as was its duty, that the referendum would be held and what the question would be.

The origin of the referendum in Quebec, after the 1976 election victory of the Parti Québécois, was very different. The Parti Québécois had committed itself to holding a referendum on the political future of Quebec during its first term. However, there was no Quebec law which authorized the holding of referendums. The Union nationale government, under Premier Jean-Jacques Bertrand, had tabled a bill on the question in 1969, but it had never been passed. The Lévesque government passed the Referendum Act in 1978, which authorized the government to organize both constitutional and legislative referendums. The Parti Québécois government took advantage of this act in late 1979 to announce that a referendum on sovereignty-association would be held in 1980.

PROCESS

Both cases involved what is termed encapsulation referendums. They may be considered constitutional in the broad sense, since the results could have led to changes in the Canadian constitution. The wording of the question was widely debated, both in the Newfoundland referendum and in Quebec.

In Newfoundland, the problem was whether the option of confederation with Canada should be included in the referendum question, in addition to the other two options which both sides had agreed to: retaining the Commission government and returning to responsible government as it existed before 1933. The inclusion of a third option pre-

sented problems of form as well as of substance, since one of the options would no longer guarantee an absolute majority of the votes. If an absolute majority was required, the possibility of a second referendum would have to be considered; this was what the government of the United Kingdom decided. In the event of a second ballot, the option that had received the fewest votes would be eliminated.

The presentation and order of the questions on the ballot were as follows:

- commission government for a five-year period;
- confederation with Canada; or
- responsible government as it existed before 1933.

In Quebec, at least two aspects of the referendum question were debated both among the parties and within the Parti Québécois government itself: the wording of the government's option, and the nature of the mandate sought from the voters. The government chose the option of sovereignty-association, although some PQ members and its opponents would have preferred that the question mention simply sovereignty or even independence. Opponents went so far as to say that if the Parti Québécois government wanted to be honest with itself, it should refer to the separation of Quebec from the rest of Canada. In the event that the government won the referendum, should it decree sovereignty-association or something else, or should it instead negotiate with the rest of Canada? In order to have the best chance of winning, the government, influenced by the polls, finally confirmed in a white paper that its option would be sovereignty-association, and that it would ask the voters for a mandate to negotiate with the rest of Canada. The referendum question similarly assured voters that any change of political status resulting from these negotiations would be submitted to them in a further referendum.

The referendum question, announced at the end of 1979, read as follows:

The government of Quebec has made public its proposal to negotiate a new agreement with the rest of Canada, based on the equality of nations.

This agreement would enable Quebec to acquire the exclusive power to make its laws, levy its taxes and establish relations abroad — in other words, sovereignty — and at the same time to maintain with Canada an economic association including a common currency;

On these terms do you give the government of Quebec the mandate to negotiate the proposed agreement between Quebec and Canada?

The wording of the question was adopted by the National Assembly, with a slight alteration. The addition read: "No change in political status resulting from the negotiations will take place without the people's approval at another referendum."

The two referendums in Newfoundland and the one in Quebec were held outside the context of election campaigns. The battle between opposing groups was quite different in both cases. In Newfoundland, there were no political parties in the strict sense of the term at the time. Each of the three options was defended by a coalition of groups. The Commission government did not have many supporters, but major groups were organized in support of the confederation option and the one for responsible government. Joseph Smallwood was one of the leaders of the Confederate Association, which was close to the federal Liberal party, and in 1949 this association gave rise to the Newfoundland Liberal party. Some of the supporters of responsible government saw it as a first step toward joining the United States, and they formed the Party for Economic Union with the United States. Still other supporters of this same option formed the Responsible Government League.

The situation in Quebec in 1980 was quite different. Inspired by the British referendum in 1975 and undoubtedly for strategic reasons, the Parti Québécois government had included in the Referendum Act a section providing for the creation of national committees to represent each of the options submitted. This applied to any referendum called. Both members of the National Assembly and groups supporting either of the options had to register with umbrella committees. The act imposed restrictions on the activities of the parties and groups in the national committees, but it also provided that financial assistance would be made available to them by the Quebec government.

Although the federal parties were not bound by this provincial law, the campaign proceeded in a relatively orderly manner. All the federal parties, together with the Quebec Liberal party and some Union nationale members of the National Assembly joined the "no" committee, while the Parti Québécois and some former Union nationale members of the Assembly, including party leader Rodrigue Biron, belonged to the "yes" committee.

The existence of national committees did not prevent the governments in Ottawa and Quebec from taking fairly direct action in the campaign through "public interest" advertising. As Boyer (1982) has correctly argued, these interventions generally cancelled each other out. On the whole, they probably had little influence on the voters, despite what the losing side thought.

RESULT

In Newfoundland, two referendums were needed to decide among the three options. The participation rate in the vote held on June 3, 1948, was 88 percent, with 44.55 percent of the vote going in favour of the responsible government option and 41.13 percent for confederation. The Commission government received only 14.32 percent of the vote. This last

option was therefore eliminated, and a second referendum was called to choose between responsible government and confederation.

For the second referendum, there was much debate over the kind of majority that the winning option should obtain to make it binding on the governments of the United Kingdom and Canada. The referendum was not intended to be binding, in the strict sense of the term, so that the question about the size of the majority seemed crucial. The United Kingdom clarified it would feel bound by any majority vote favouring confederation, however small, but the positions of the Canadian and the Commission governments were not as clear. Both let it be known that in the case of a small majority, it might not be wise to undertake significant changes.

In the second referendum, held on July 22, 1948, 52 percent of the vote went to the confederation option. The turnout was 85 percent. The Responsible Government League claimed that the majority was insufficient to justify such a major step as joining the Canadian confederation, but the public in general seemed to accept the verdict. On July 30, in a joint declaration, the governments of the United Kingdom, Canada and the Commission stated that the result was clear and that steps would be taken to implement it.

As in Newfoundland, the Quebec referendum was not considered to be mandatory. The government, however, was morally obliged to respect the results because it had made this commitment. As we all know, the Lévesque government did not obtain a mandate to negotiate sovereignty-association with the rest of Canada on May 20, 1980. Eighty-five percent of the registered voters turned out to vote; approximately 60 percent of them refused to endorse this mandate. The government accepted the public's verdict, but has nevertheless maintained the option of sovereignty-association as its goal, at least in the long term.

The 1942 Canada-wide Plebiscite

There is little to say about the 1898 Canada-wide plebiscite on prohibition. As Boyer reports (1982), the issue did not seem to interest many Canadians at the time, since fewer than half the registered voters participated in the vote. Those supporting prohibition won the vote with 278,487 votes, as opposed to 264,571 votes against. Instead, the "plebiscite" held on conscription in 1942 will be considered under the usual headings.

ORIGIN

The Liberal government of the time, led by William Lyon Mackenzie King, proposed the 1942 plebiscite. In the federal election campaign two years earlier, the leaders of the two major parties, King and Robert J.

Manion, had promised French Canadians that they would not impose conscription. French Canadians had tacitly agreed to take part in the war but only voluntarily, (Théorêt, 1978) while English Canadians agreed not to use conscription to boost the war effort.

However, between 1940 and 1942, other factors had changed the political situation. Ernest Lapointe, King's right-hand man and a fierce opponent of conscription, died at the end of 1941. Arthur Meighen, the new leader of the Conservative party, was an ardent supporter of conscription. The war in Europe was going badly for the Allies, and the United States declared war on Japan after the attack on Pearl Harbour. Giving in to the pressure, the Liberal government announced in early 1942, in a speech from the Throne, that a plebiscite would be held to authorize the government to go back on the promise it had made in 1940 not to impose conscription.

PROCESS

The question put to the public read as follows:

Are you in favour of releasing the government from any obligation arising out of any past commitments restricting the methods of raising men for military service?

As Théorêt reports (1978), King, who was a skilled politician, believed at the outset that he could reconcile everyone by means of this question. Supporters of conscription could not accuse him of inaction. The opponents, primarily those in Quebec, would not be able to accuse him of springing conscription of them, since the government was asking only that it be freed of past commitments.

The two main Canadian parties, the Liberals and the Conservatives, were in favour of the yes option, whereas the Co-operative Commonwealth Federation (CCF) under J.S. Woodsworth supported the no option but then took no stand after Woodsworth's death. In Quebec P.-J. Arthur Cardin, Lapointe's successor, stated that he would resign if the government ever imposed conscription. This promise, however, proved ineffective in calming the opponents of conscription. They formed the *Ligue pour la défense du Canada*, bringing together such individuals as Gérard Filion, André Laurendeau and Jean Drapeau. The *Ligue* was not entitled to have free air time on the CBC, since this privilege was only reserved for political parties according to government policy, but nevertheless it conducted an active campaign (Laurendeau, 1962).

The Conservative party would have preferred lowering the voting age to 18 for the plebiscite, given that was the age at which one could be drafted, but King refused to do so. However, anyone who served in the Armed Forces, regardless of his or her age, was allowed to vote.

RESULT

The results of the referendum, held on April 27, 1942, showed the deep division between English and French Canadians. In Canada as a whole, 63.7 percent of the voters voted yes and 36.3 percent voted no; in Quebec, however, 71.2 percent of the voters refused to release the government from its past commitment. It appears that more than 80 percent of Quebec francophones voted no, and the opposition to the government of francophones in other provinces was almost the same (Laurendeau, 1962).

The government was not bound by the results legally, only morally. On May 8 it announced that it had decided to revoke the section of the Mobilisation Act that prevented the government from "requiring persons to serve in the military, naval or air forces outside of Canada and the territorial waters thereof." The bill revoking this section was adopted on July 23, 1942.

Bill C-9

Despite the bad memories left by the 1942 plebiscite, politicians and royal commissions have continued to show sporadic interest in the referendum mechanism. During the federal-provincial discussions that took place in the 1960s concerning an amending formula for the constitution, the possibility of using referendums was raised, but received little support. In the 1970s private members suggested using the referendums for such issues as bilingualism, capital punishment, the metric system, the right to abortion, and Quebec's separation from the rest of Canada (Boyer, 1982). The Pepin-Robarts Task Force on Canadian Unity (1979) was also interested in referendums, as we will see in the following section.

The Quebec problem and specifically the enactment of the Referendum Act in Quebec apparently prompted the central government to act in 1978. Bill C-40 was given first reading in April 1978, and became Bill C-9 in the following session, during the fall. The bill provided that a referendum could be held on questions concerning the Canadian constitution or amendments to it, at the government's initiative. The referendum could be held in Canada or in certain parts of the country. This procedure clearly was intended for Quebec, which at that time was heading toward holding a referendum on its political status within Canada.

The decision to hold a referendum required the consent of the House of Commons and the Senate to the government's proclamation. Both the political parties and the referendum committees could officially participate in the debate, provided that they registered to do so. Bill C-9 also included sections dealing with the groups' income and expenses, the

provision of financial assistance to them on the part of the government, the use of the airwaves, and more generally, the dissemination of information.

This bill was never adopted. It died on the order paper when the 30th Parliament was dissolved for the general election of May 22, 1979. Neither the new Conservative government nor the Liberal government that succeeded it in 1980 saw fit to re-introduce the bill. The refusal of Quebec voters to endorse the Parti Québécois mandate to negotiate sovereignty-association undoubtedly played a role in the federal government's decision to abandon its referendum tactic.

The question of referendums was also included in the 1981 discussions on the patriation of the Constitution. In the federal government's original bill, there had been provision for holding referendums on constitutional amendments. To be enacted, the amendment would have to receive a majority of the referendum vote in each of the four major regions of the country: the West, Ontario, Quebec and the Maritimes. The provincial premiers and the Conservative opposition were fiercely opposed to this proposal. At one point, Prime Minister Trudeau raised the possibility of calling a referendum on the federal bill as well as the proposal of the eight provincial premiers, but he backed off because of the opposition of all the provincial premiers except Quebec's.

The Charter of Rights and Freedoms received wide public support. Although many voices were raised against excluding the rights of women and native people from it, no one spoke out against the absence of a referendum provision in the final draft sent to London.

Some Proposals for the Future

We must recognize that there are numerous obstacles preventing the greater use of national referendums in Canada. Canadian parliamentarians remain deeply attached to British traditions, and the fact that referendums are used only in exceptional situations in the United Kingdom hardly favours a wider use of the procedure in Canada. Our southern neighbour, the United States, employs referendums frequently at the state level but has never done so at the federal level. More importantly, the 1942 plebiscite left bad memories in Canada. Referendums have often been criticized for two failings linked to their wording: governments employ them to extricate themselves from embarrassing situations, and they create divisions among the people. We should add that the somewhat opportunistic introduction of Bill C-9 in 1978, designed to counteract the Quebec decision to hold a referendum on its political future, undoubtedly did not contribute to improving the referendum's image among Canadians.

In federations where referendums are used with some success, national referendums are held mainly to seek ratification for constitu-

tional amendments. This is the case in Switzerland and Australia. The Pepin-Robarts Task Force on Canadian Unity proposed a similar use of the referendum in Canada for amendments relating to both levels of government. Rather than delegating their ratification to the provincial or federal governments, the Task Force proposed the following referendum procedure (1979, p.104):

Our proposal for the approval of constitutional amendments of concern to both orders of government then would be passage in the House of Commons and in the Council of the Federation,⁶ in each case by a simple majority of votes, plus ratification by a Canada-wide referendum with a majority vote in each of four regions consisting of the Atlantic provinces, Quebec, Ontario and the western provinces.

A further recommendation proposed that any province which contained at least 25 percent of the Canadian population at a given time would be counted as a separate region. As noted earlier, the federal government later used parts of this proposal during the debate on the patriation of the Constitution. Clearly, the proposal is not presented in quite the same way since the upper chamber is not constituted in the way the Pepin-Robarts Task Force envisioned. Regardless of how the Senate is constituted or called, however, using a referendum to ratify constitutional amendments can be justified on a number of grounds.

Deciding what is good or bad for Canadians must not be left to governments alone, especially when such decisions concern fundamental issues. Except in unusual cases, governments have not received the mandate to amend — or not amend — any specific aspect of the Constitution when they are elected. Holding a referendum would let the public give its decision on the matter. If a government's position is truly representative of the voters, it should win the referendum.

Some provincial governments — or possibly the federal government — may be starting their term when the constitutional discussions take place, while others will be nearing the end of their term. Given our party system and the voting process, some governments have a large majority of elected members; others barely have a few more than the opposition, or may even have received fewer votes than the combined opposition parties. Holding a referendum would have the advantage of transcending these various fluctuations, revealing to what extent the governments truly represent their constituencies.

The Australian record has shown that using a referendum for constitutional issues does not tend to endorse the federal government's desire for centralization.⁷ If, as the Pepin-Robarts Task Force recommended, a majority were necessary in each of the four major regions of Canada, it is very likely that the thrust towards centralization, or more generally advantageous arrangements among governments, would have to be received favourably by the Canadian public to be accepted. Putting the

brakes on government projects seems appropriate in an era when governments must appear more modest and must be more attentive to the aspirations of their constituents.

Still another advantage could result from using referendums more often in Canada: they might promote a greater sense of attachment, on the part of Canadians, to the central institutions of the country, as well as a stronger feeling of participation in the decisions that concern us all. It is time to replace the executive style of federalism by a more participatory model. However, putting questions with a marked ethnic dimension to the voters, as was the case in the 1942 plebiscite, should be avoided. There are many other important questions relating to the future of the country which Canadians are divided about on the basis of regional, economic or ideological differences rather than ethnic differences. Democracy would be well served in the country if the voters themselves, rather than just their premiers, could express such differences in a referendum. The need for a majority in each of the four major regions would undoubtedly make it difficult to obtain a favourable decision, but the results would clarify public opinion in any event.

Reforming the Senate, if it is realized, would provide an excellent opportunity for testing the referendum process. Given the importance of such a reform in a federal system, it would not only be desirable for the provincial governments to contribute to the decision, but also for the general public to do so. This would be a good way of involving people in the reform of our institutions, a way of seeing whether the intensity and direction of their interests coincided with their governments' interests.

In addition to constitutional amendments, other significant changes to government organization or policies could be put to referendum: capital punishment and abortion might be considered, as well as major changes in health policy, or questions relating to disarmament or environmental protection.

In closing, we would note that the more frequent use of referendums in Canada, either to supplement or substitute for the central government, will certainly encounter many obstacles. The difficulties the central and provincial governments encounter in governing a country with so many regional and ethnic divisions has contributed to our search for compromise solutions, especially on constitutional questions or issues relating to federal-provincial policy. It may be time to turn to the people and ask their opinion about the proposals their governments are putting forward.

As for those who would oppose further complicating a process that is already complex enough, it is worth recalling that there are as many risks — even more risks in the long term — if our governments are allowed to settle such problems among themselves because of our indifference.

Political polls are in widespread use in Canada. They could be viewed as fulfilling the same function as referendums, making the latter unnec-

essary to a certain degree. However, a poll does not provide for public debate, as the referendum does. It also limits the right to “vote” to a sample of electors, however representative they may be.

Because of the development of opinion polls and communications technology, to the objective and subjective limits reached by the state and by the governments that officially manage it, it is our conviction that referendums must be used more frequently. Possibly provisions could be made to allow people to call for a referendum. It is up to governments to pave the way to the future, not submit to it blindly.

Appendix A Referendums Throughout the World

Country	Date	Subject	Percentage Voting Yes	Percentage Turnout
Europe				
Austria	10 April 1938	Approve Anschluss	99.7	99.7
Belgium	12 March 1950	Return of Leopold III	57.6	92.4
Bulgaria	19 November 1922	Approve trials for "war crimes"	73.1	—
	8 September 1946	End monarchy	95.1	89.2
Denmark	16 May 1971	Approve constitution	99.7	99.7
	14 December 1916	Cession of Virgin Islands	64.2	38.0
	6 September 1920	Incorporation of North Schleswig	96.9	50.1
	23 May 1939	Voting age lowered from 25 to 23	91.9	48.9
28 May 1953	Landsting abolished			
Bulgaria	30 May 1961	New Constitution	78.4	58.3
		Voting age 23 not 21	54.6	62.2
		Voting age lowered from 23 to 21	55.0	37.2
		Approve agricultural acquisition law	38.4	73.0

Appendix A (cont'd)

Country	Date	Subject	Percentage Voting Yes	Percentage Turnout
	25 June 1963	Approve state small-holders law Approve municipal pre-emption law Approve nature conservancy law Voting age lowered from 21 to 18	38.6	73.0
			39.6	73.0
			42.6	73.0
			21.2	63.6
	21 September 1971	Voting age lowered from 21 to 20 Join European Economic Community	56.5	83.9
			63.3	90.1
			53.9	63.4
			71.7	66.2
	17-19 February 1923	Restore religious instruction Constitutional reform Presidential government Presidentialism with ministerial responsibility Convene constituent assembly	49.2	90.5
			32.6	66.5
			72.6	77.9
			76.1	80.0
	23-25 February 1936	Abolish prohibition of alcoholic beverages	70.5	44.4
Estonia	2 October 1972			
	19 September 1978			
	10-12 June 1933			
	14-16 October 1933			
	29 December 1931			
Finland				

France
before
1900

4 August 1793	Approve constitution	99.3	26.7
6 September 1795	Approve constitution	95.6	13.7
30 August 1799	Approve constitution	63.8	3.8
7 February 1800	Approve Napoleon as consul	99.9	43.1
August 1802	Approve Napoleon as consul for life	99.8	51.2
18 May 1804	Approve Napoleon as emperor	99.7	43.3
30 May 1815	Restore imperial constitution	99.7	18.8
21 December 1851	Ten-year presidency	92.1	79.7
21 November 1852	Restore empire	96.9	79.7
8 May 1870	Parliamentary rule	83.1	83.5

France
after
1900

21 October 1945	Assembly to draft constitution	96.3	79.9
5 May 1946	Interim power for assembly	66.8	79.9
13 October 1946	Approve constitution	47.1	80.7
28 September 1958	Approve constitution	53.2	68.8
8 January 1961	Approve constitution Algerian self-determination	79.2	84.9
8 April 1962	Agreement with Algiers	75.3	76.5
28 October 1962	Direct election of president	90.7	75.6
		61.7	77.2

Appendix A (cont'd)

Country	Date	Subject	Percentage Voting Yes	Percentage Turnout
	27 April 1969	Senate power and regional devolution	46.8	80.6
	23 April 1972	Expand European Economic Community	67.7	60.7
Germany	20 June 1926	Confiscation of royal property	92.3	39.3
	22 December 1929	Repudiation of war guilt (reparations)	94.5	14.9
	12 November 1933	Approve Nazi government	93.4	92.2
	19 August 1934	Approve Hitler as leader and chancellor	88.2	94.7
	29 March 1936	Approve Reichstag list and Führer	98.1	98.9
	10 April 1938	Approve Anschluss	99.0	99.7
German Democratic Republic	16 April 1968	Approve constitution	94.5	98.1
Greece	19 November 1862	Election of Prince Alfred as king	95.4	—
	5 December 1920	Return of Constantine I	98.6	—
	14 April 1924	Institute republic	70.0	—
	3 November 1935	Restore monarchy	97.9	—
	1 September 1946	Return of George II	69.0	90.0
	29 September 1968	Approve constitution	91.9	77.7

	29 July 1973	Institute republic	77.2	74.7
	8 December 1974	End monarchy	69.2	75.6
Iceland	19 October 1918	Union with Denmark	92.6	43.8
	21 October 1933	End prohibition of alcoholic beverages	57.7	45.3
		Separate from Denmark	99.5	98.4
	29 May 1944	Institute republic	98.5	98.4
Ireland	1 July 1937	Approve constitution	56.5	68.3
	17 June 1959	Abolish proportional representation	48.2	58.4
		Increase variation in electorates	39.2	62.9
	16 October 1968	Abolish proportional representation	39.2	63.0
	10 May 1972	Join European Economic Community	83.1	70.9
Italy	7 December 1972	Lower voting age to 18	84.6	50.7
		Remove special constitutional position of church	84.4	50.7
	24 May 1929	Approval of fascist regime	98.3	89.5
	26 March 1934	Approval of fascist regime	99.9	99.5
	2 June 1946	End monarchy	54.3	89.1
	12-13 May 1974	Repeal divorce law	59.1	88.1

Appendix A (cont'd)

Country	Date	Subject	Percentage Voting Yes	Percentage Turnout
	11 June 1978	Repeal state financing of parties	43.7	81.3
	Summer 1931	Repeal anti-terrorist legislation	23.3	81.4
Latvia	28 September 1919	Minority religious rights	No	—
Luxembourg	6 January 1937	Confirm grand duchess Economic union with France not Belgium	77.8	68.0
	13 August 1905	Restrictions on extremist parties	73.0	65.3
	12-13 November 1905	Separation from Sweden	49.3	—
Norway	6 October 1919	Approve monarch	99.9	84.8
	18 October 1926	Retain prohibition of alcoholic beverages	78.9	75.3
	24-25 September 1972	Repeal prohibition of alcoholic beverages	61.6	66.5
	30 June 1946	Join European Economic Community	55.8	64.8
Poland	30 June 1946	Abolish Senate	46.5	77.6
	30 June 1946	Make economic system permanent	68.0	87.6
		Approve Baltic and eastern frontiers	77.1	87.6
			91.4	87.6

Portugal	19 March 1933	Approve constitution	99.1	97.6
Roumania	2 May 1866	Approve Prince Charles Louis as reigning prince	99.9	—
	24 February 1938	Approve constitution	99.9	92.0
	2 March 1941	Approve Antonescu government	99.9	—
	9 November 1941	Approve Antonescu government	99.9	—
	6 July 1947	Approve succession law	95.1	94.0
Spain	14 December 1966	Approve constitution	95.9	89.2
	15 December 1976	Approve political reform program	94.2	77.7
Sweden	6 October 1922	Prohibition of alcoholic beverages	49.0	51.1
	16 October 1955	Drive on right	15.2	53.2
	13 October 1957	Three alternative pension plans	47.7 (1) 36.7 (2) 15.6 (3)	72.4
Switzerland	Since 1866	297 national referendums	61.2	78.5
Turkey	9 July 1961	Approve constitution		
United Kingdom	5 June 1975	Stay in European Economic Community	67.2	64.5
Africa and Near East				
Algeria	20 September 1962	Approve assembly's powers	99.6	81.5
	8 September 1963	Approve constitution	99.6	82.7
	27 June 1976	Approve national charter	98.5	91.4
	19 November 1976	Approve constitution	99.2	92.9

Appendix A (cont'd)

Country	Date	Subject	Percentage Voting Yes	Percentage Turnout
Benin (Dahomey)	5 January 1964	Approve constitution	99.8	92.1
	31 March 1968	Approve constitution	93.2	81.2
Cameroon	21 February 1960	Approve constitution	58.8	76.6
	21 May 1972	Unite East and West Cameroon into one republic	99.9	98.5
Comoros	28 October 1977	Continue Ali Soilih as president, not elect new one	56.6	92.2
Congo	8 December 1963	Approve constitution	86.1	91.7
	24 June 1973	Approve constitution	94.6	77.0
Egypt	23 June 1956	Approve constitution and Nasser	99.8	—
	20 February 1958	Approve union with Syria	99.9	—
	15 March 1965	Re-elect Nasser and approve policies	99.9	98.2
	2 May 1968	Approve statement of March 30	99.9	99.8
	1 September 1971	Approve Federation of Arab Republics	99.9	97.2
	11 September 1971	Approve constitution	99.9	—
	15 May 1974	Approve "October paper"	99.9	—

	10 June 1976	Approve extension of presidential term	99.9	95.7
	16 September 1976	Re-elect Sadat and approve policies	99.9	95.8
	10 February 1977	Approve decree against rioters	99.4	96.7
	21 May 1978	Approve measures against opposition	97.8	85.2
Equatorial Guinea	29 July 1973	Approve constitution	99.0	—
Gambia	November 1965	Approve republican constitution	62.3	—
	20-23 April 1970	Approve republican constitution	70.4	—
Ghana	17-30 April 1960	Approve republican constitution	88.4	54.3
	24-31 January 1964	Approve one-party state	99.9	96.5
	31 March 1978	Approve no-party constitution	55.6	—
Iraq	August 1921	Approve Feisal as king (consultation through headmen)	96.0	—
Liberia	7 October 1975	Limit to presidential term	90+	80+
Libya	1 September 1971	Approve Federation of Arab Republics	98.6	94.6
Madagascar	8 October 1972	Approve constitution	95.6	84.3
	21 December 1975	Approve constitution	94.6	91.7
Mali	26 June 1974	Approve constitution	99.7	92.1

Appendix A (cont'd)

Country	Date	Subject	Percentage Voting Yes	Percentage Turnout
Morocco	7 Decemb., 1962	Approve constitution	95.3	84.2
	24 July 1970	Approve constitution	89.7	93.1
	1 March 1972	Approve constitution	98.7	92.9
Senegal	3 March 1963	Approve constitution	99.5	—
	2 February 1970	Reinstate post of prime minister	99.9	94.9
Sierra Leone	5-12 June 1978	Approve one-party constitution	97.1	96.2
Somalia	20 June 1961	Merger of two Somalias	90.6	—
South Africa	5 October 1960	Change to republic	52.3	90.7
Sudan	3 April 1977	Re-elect Numeiri and approve policies	99.1	—
Syria	25 June 1949	Four questions on constitution reform	90+	60+
	10 July 1953	New powers for president	99.7	86.8
	20 February 1958	Approve union with Egypt	99.9	—
	1 September 1971	Approve Federation of Arab Republics	96.4	89.7
Togo	12 March 1973	Approve constitution	97.8	88.9
	8 February 1978	Re-elect President Assad and approve policies	99.9	97.0
Togo	9 April 1961	Approve constitution	—	95.0

Tunisia	5 May 1963	Approve constitution	98.3	90.6
	November 1974	Life presidency for Bourguiba	99.9	96.8
Upper Volta	27 November 1960	Approve constitution	99.5	90.2
	14 June 1970	Approve constitution	98.4	75.9
	27 November 1977	Approve constitution	98.7	78.6
Zaire	27 June-10 July 1964	Approve constitution	92.0	—
	4-16 June 1967	Approve constitution	97.8	—
Zambia	17 June 1969	Approve ending of entrenched clauses	91.0	53.0
Asia				
Bangladesh	30 May 1977	Approve constitution and President Zia	98.9	85.0
Burma	15-31 December 1973	Approve constitution	94.4	91.1
Cambodia	7 February 1955	Approve Sihanouk and independence	99.8	—
	1958	Reduce number of representatives	99.0	—
	5 June 1960	Approve Sihanouk and his policies	99.9	91.8
	30 April 1972	Approve republican constitution	97.5	75.0
Iran	26 January 1963	Approve Shah's reform program	99.9	92.0
Maldives	March 1968	Republic, not sultanate	90.0	—
Philippines	11 March 1947	Approve American business rights	88.4	40.0

Appendix A (cont'd)

Country	Date	Subject	Percentage Voting Yes	Percentage Turnout
	27-28 July 1973	Approve Marcos and martial law	90.7	—
	27 February 1975	Approve restructuring of local government	69.0	90.7
		Approve Marcos's handling of martial law	87.6	90.7
		Approve continuance of martial law	86.7	90.7
	16-17 October 1976	Approve continuance of martial law	97.9	97.2
	18 December 1977	Approve constitutional amendment	90.6	97.2
		Approve Marcos as president and prime minister	89.5	98.0
South Korea	17 December 1962	Approve constitution	78.6	85.0
	18 October 1969	Third term for president	65.1	75.9
	21 November 1972	Approve constitution	92.2	90.0
	12 February 1975	Support constitution and president	74.4	79.8
South Vietnam	23 October 1955	Depose Emperor Bao Dai	98.9	—

North and South America

Bolivia	11 January 1931	Approve constitution	—	—
Brazil	5 January 1963	Full power for president	84.2	66.2
Canada	29 September 1898	Prohibition of alcoholic beverages	51.3	44.0
	27 April 1942	Military conscription	63.7	71.3
Chile	30 August 1925	Approve constitution	94.7	86.3
	4 January 1978	Approve Pinochet defence of Chile's stand	78.6	91.4
Columbia	1 December 1957	Approve constitution	94.6	72.3
Cuba	15 February 1976	Approve constitution	99.0	98.7
Ecuador	15 January 1978	Approve new constitution, not revised 1945		
		version (24.9 percent spoiled ballots)	58.1	90.0
Guatemala	22-24 June 1935	Extend President Ubico's term of office	99.9	—
Guyana	10 July 1978	Abolish referendums for constitutional change	97.4	70.7
Haiti	14 June 1964	Life presidency for Duvalier	100.0	—
	31 January 1971	Duvalier given power to choose his successor	100.0	—
Newfoundland	November 1915	Approve prohibition of alcoholic beverages	82.4	71.3
Panama	15 December 1940	Approve constitution	—	—
	23 October 1977	Approve canal treaty with United States	67.4	94.0

Appendix A (cont'd)

Country	Date	Subject	Percentage Voting Yes	Percentage Turnout
Paraguay	4 August 1940	Approve constitution	92.4	—
Peru	18 June 1939	Amend constitution	87.4	—
Uruguay	25 November 1917	Approve constitution	95.2	—
	19 April 1934	Approve constitution	95.6	54.9
	27 March 1938	Approve constitutional amendments	93.8	55.0
	29 November 1942	Approve constitution	77.2	66.9
Venezuela	24 November 1946	Approve constitutional amendments	42.6	79.9
	16 December 1951	Approve constitution	54.2	36.7
	27 November 1966	Return to presidential government	64.9	70.0
	28 November 1971	Two constitutional amendments	30.0	92.0
Venezuela	15 December 1957	Approve President Perez's rule	86.6	—
Australasia				
Australia		39 referendums since federation		
New Zealand	17 November 1908	Prohibition of alcoholic beverages (if not continuation, 32.9		

7 December 1911	percent; reduction, 28.4 percent	38.7	79.8
10 December 1914	Prohibition of alcoholic beverages	55.8	83.5
30 April 1919	Prohibition of alcoholic beverages	49.0	84.6
9 March 1949	Prohibition of alcoholic beverages	48.6	—
9 March 1949	Allow off-track betting	68.0	56.3
3 August 1949	Maintain 6 p.m. drink curfew	75.5	56.5
23 September 1967	Maintain conscription	77.8	61.5
	Three- not four-year parliaments	68.1	71.2
23 September 1967	Longer drinking hours	64.5	71.2

Source: David Butler and Austin Ranney, eds., *Referendums* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1978), pp.227-36.

Appendix B Referendums in Canada

Electoral Jurisdiction	Date of Voting	Issue
Canada	29 September 1898	Prohibition of liquor
	27 April 1942	Releasing the government from its 1940 promise of no conscription for military service overseas
British Columbia	25 November 1909	Local option policy for liquor control
	14 September 1916	Women's suffrage
	16 December 1916	Prohibition of liquor
	20 October 1920	Temperance
	20 June 1924	Beer by the glass
	1 June 1937	Public health insurance
	12 June 1952	Daylight-saving time
	12 June 1952	Regulating sale of liquor
	30 August 1972	Daylight-saving time
		Provincially conducted plebiscite but voting in five electoral districts only
Alberta	21 July 1915	Prohibition of liquor
	25 October 1920	Prohibition of liquor
	5 November 1923	Temperance
	17 August 1948	Ownership of power companies
	30 October 1957	Additional outlets for sale of liquor
	23 May 1967	Daylight-saving time
	30 August 1971	Daylight-saving time
Saskatchewan	27 November 1913	Approval of the Direct Legislation Act

11 December 1916	Abolition of liquor stores
25 October 1920	Importation of liquor into Saskatchewan
16 July 1924	Prohibition of liquor
16 June 1934	Sale of beer by the glass
31 October 1956	Choice of local time zones
3 July 1892	Prohibition of liquor
2 April 1902	Prohibition of liquor
13 March 1916	Temperance Act
22 June 1923	Government control of liquor sales
11 July 1923	Amendments to Temperance Act
28 June 1927	Three questions on the sale of beer
24 November 1952	Marketing of coarse grains
4 December 1902	Prohibition of liquor
20 October 1919	Four questions respecting repeal of the Ontario Temperance Act and sale of beer
18 April 1921	Liquor importation referendum
10 April 1919	Prohibition of beer and wine
20 May 1980	Sovereignty-association
25 October 1920	Regulation of liquor sale
31 October 1929	Retention of prohibition
28 June 1948	New Temperance Act
4 November 1915	Prohibition of liquor
3 June 1948	(1) Responsible government (2) Join Canada, or (3) Stay under commission government
22 July 1948	(1) Join Canada or (2) Responsible self-government
Manitoba	
Ontario	
Quebec	
Nova Scotia	
Prince Edward Island	
Newfoundland	

Source: J. Patrick Boyer, *Lawmaking by the People* (Toronto: Butterworths, 1982), pp. 39-41.

Notes

This study is a translation of the original French-language text, which was completed in October 1984.

1. Of course citizens who take the initiative in calling for a referendum may be motivated by a party.
2. In this text, in order to follow an irritating but generally accepted tendency, we shall use the term "government" to refer to the executive branch, as opposed to the legislative branch of Parliament. The term "governing body" will be used (as Bergeron, 1977, used "gouvernants") to refer to those who are responsible for governing the public in a political collectivity.
3. Before 1977, only 50,000 signatures were required. The increase is explained by the fact that women were given the right to vote in 1971.
4. The request must be made by one-third of the members of Parliament. In the event that a law leads to handing over the powers of the kingdom to an international organization, there must be a referendum, unless the proposal is supported by five-sixths of the members of Parliament.
5. This section draws particularly from Butler and Ranney (1978) and Ranney (1981).
6. The Task Force recommended that the Council of the Federation be composed of representatives of the provincial legislatures, appointed by the provincial governments.
7. The Swiss record tends to show the opposite, but Swiss society is more different from Canadian society than is Australia.

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