
Proportional Representation is a Must

by Nick Loenen

Public discontent with government and politicians has increased over the last two decades, is greater in Canada than in the US, and greater than most places world-wide. Canadians think government is not responsive to them, or their needs. We are supposed to be a representative democracy. Elected members are supposed to speak and act for their constituents. What then is wrong? This article argues that institutional change to render government more responsive should start with the electoral system.

The past decade has seen many proposals for reform. For example, the 1985 McGrath Report suggested many parliamentary reforms. The purpose was to give elected members an effective legislative function. The Report raised great expectations. In 1992 a group of parliamentarians, and academics studied the Report's impact and sadly concluded nothing has changed. Party discipline was strong as ever, and private members still had no legislative function. Other popular proposals include direct democracy measures, such as, Referendum, Recall, and Initiative. These aim at participatory democracy, and increased government responsiveness to the people.

All such attempts to shape a more democratic system are futile. Parliamentary reforms fail, because in spite of reforms, power remains with the cabinet, and elected members lack the power to hold cabinet accountable.

Direct democracy fails, because it is ill-suited for the parliamentary system.

A proportional system delivers votes of equal effectiveness. Most modern democracies use it.

Our British Single Member Plurality (SMP) electoral system pre-dates universal suffrage and large extra-parliamentary political parties. It is not designed to serve the needs of modern, participatory democracies. Typically, SMP allows a minority to elect government. In BC, the New Democrats formed a majority government with 40% of the popular vote. Sixty percent of the people did not support Mr. Harcourt, his platform, or his party. In Ontario, Bob Rae did the same with even less popular support. SMP over-rewards the party with the most votes and under-rewards parties with fewer votes. For example, in the 1991 BC election, Social Credit won 24% of the popular vote, but just 7 seats; even worse, in 1993 the federal Progressive Conservatives received only 2 seats for their 16% of the popular vote. Under a proportional electoral system, Social Credit would have obtained 18 seats, the Progressive Conservatives 47 seats,

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and both would still have a substantial parliamentary presence.

Changing to proportional representation is not only fairer to political parties, it also provides more democracy for voters. For example, the unfairness of the last federal election is directed not only at the Progressive Conservative party, but also at the 2.1 million Canadians whose votes were rewarded with just 2 seats. That is over 1 million Conservative votes per seat. In contrast, the Liberals needed only 31,909 votes per seat. The vote of Liberal supporters was 34 times more powerful than the vote of Conservative supporters. The unfairness of our system has become particularly obvious since the courts ruled that section 3 of the Charter guarantees not only the principle of one person one vote, but also that votes should be equally effective.

People deserve maximum choice, and their participation must be meaningful. Change must lead to greater civility in the legislature, decisions by consensus and cooperation.

Our system does not allow the people's will to be represented in government. On election night most voters get a representative they did not vote for. No wonder most people complain government is not responsive. It is not representative of them. In Quebec a separatist minority came to power, ignited a national unity crisis, and is the cause of economic uncertainty for all Canadians. Such extremism in public policy caused by a minority would not happen under proportional representation. Electoral systems should accurately reproduce in the legislature, the will of the majority, and thus meet the requirements of democracy. That is why New Zealand recently cast off the British system in favour of proportional representation — the people's system.

The Legislature

Our present electoral system, gives such limited choice that many voters do not vote for their first preference. But the few voters whose first preference is elected, still have no representation. They elected someone whose first loyalty is to the party. SMP artificially manufactures legislative majorities where no such majorities exist



among the voters. It is this feature of our electoral system which give political parties power over the people's representatives. Legislators cannot get elected as independents. Many of them are trained seals, entirely beholden to their party. Edmund Burke could meaningfully debate whether to follow his own conscience and judgment, or that of his constituents. Today's practitioners have no such choice. They take direction neither from their own beliefs or the wishes of those they are reputed to represent. They are party partisans throughout.

We are said to have responsible government, which in theory means that ultimate control lies with the people's representatives in the legislature. Today, when political parties rob elected representatives of their independence, such control, is a myth. In practice, under majority governments, all government bills pass, as do all ministerial estimates, and every budget. Voters should not think their representative goes to the legislature to participate in law-making, even if only negatively through a veto. All decisions of importance are made outside the legislature. Minds are made up before anyone enters the legislature. The proper power of the legislature, to amend and/or refuse legislation, has been forfeited through party discipline. The legislature is impotent to restrain cabinet. When a voter's representative is impotent, that voter is impotent. The Lortie Royal Commission reports a survey in which 78% of respondents agreed with the statement: "We would have better laws if Members of Parliament were allowed to vote freely rather than having to follow party lines".¹

Proportional Representation

Clearly, we need an electoral system that translates votes into seats such that few votes are wasted, and all politically significant diversities and interests that exist in society are proportionally represented in the legislature. Government responsiveness to people must start by ensuring that the composition of government accurately reflects society. Our problems start on election day.

We need substantial change, yet not a total departure from what we have. The basic components must remain, but changes have to be more than tinkering. Change must satisfy the popular conceptions of democracy held by an increasingly better informed and educated populace. Politically significant diversities must be represented.

Electoral changes must also, respect our vast geography, and especially our history. It is a history deeply shaped by, yet not wholly comfortable with classical liberalism, which understood human rights as rights of individuals, and which conceived the role of government as limited to the protection of private property. Both our sparsely populated geography, and unique history have cultivated governments that are more communitarian and interventionist than those south of the border. This needs to be considered. Fortunately, PR comes in many forms; we must select one suitable to our needs.

Proportional representation differs from SMP most strikingly in how it treats minority values, opinions, and interests. SMP aims to create a two-party system, which presupposes that all public policy issues, and their answers allow no more than two possibilities. Such an assumption does not correspond to reality. Out on the street, within society, there exists a rich diversity of principles, values, ideals, and ideas that people live by and pursue. PR provides a structure to capture that diversity, to bring it into the legislature, and to allow minority opinions to be heard.

Single Transferable Vote

The Single Transferable Vote (STV) is a form of proportional representation that unlike list-PR systems, personalizes voting and representation.² Under STV parties have no formal role; similar to SMP systems, votes are cast for candidates, not for parties. But unlike SMP, STV gives voters significant choice. STV functions with multi-member districts, usually five or more members. Voters are given a ballot paper listing all candidates for that district, but instead of selecting one candidate with an X, voters rank candidates in order of preference by placing 1, 2, 3 etc. behind one or more names. Ballot

papers are counted, and assigned to ensure that candidates are elected according to the expressed preferences of the electorate. If a voter's higher preferences are not needed because those candidates have a surplus of votes, or those candidates are eliminated for having insufficient votes, that voter's ballot paper will be used to lend support to that voter's lower preference candidates. Few votes are wasted. Also, lower preferences cannot hurt a voter's higher preferences, since the lower ones do not take effect until the higher preferences have either been elected or eliminated. There is no incentive to "plump" one's vote.

STV is unique among PR systems in the amount of choice it gives to voters. Voters need not restrict their preferences to candidates of one party, and in addition, voters rank the candidates within the parties. STV provides a built-in primary election. Questions about whether elections should produce representation of geography, personal interest, or a mandate for a particular political program is left up to the voters to decide.

Proportional systems respond quickly to social changes. In Europe, the Greens have been inside the doors of the legislature for over 20 years. In BC, they crash the doors of the legislature, clog the courts at legal-aid expense, and eventually are trundled off to jail.

Because STV permits choice between candidates within the same party, it allows the voter to not only decide which party will govern, but also to influence the policies that party will follow. Parties are often coalitions aggregating under one umbrella a segment of the political spectrum. Voters decide which part of that segment will be represented in the legislature. It is not uncommon for incumbents to be defeated by a candidate of their own party. In the 1977 Irish election, 13 of the 32 defeated incumbents suffered defeat at the hands of their running mates. Voters participate in a party's nomination and candidate selection process. Particularly popular candidates might escape their party's poor performance at the polls during a down-swing. Party machines need not come between voter and candidates. All voters, not just paid up party members, get to select successful candidates. This feature encourages candidates to take positions of greater independence

relative to their party, which in turn lessens the need for more parties. STV prevents party proliferation more successfully than list-PR systems. Taylor and Johnson conclude their study with these words, "If you want maximum choice for voters, then go for STV".³

Our treatment of environmentalists compared to that of PR systems, vividly illustrates SMP's structural incapacity to deliver government that is responsive to the people. STV is transparent, it reflects accurately the current concerns of the people, and responds quickly to changing social trends. People get what they want. If, as is the case in Ireland, voters expect their member to primarily deliver local and personal benefits, then the system will respond to that need. If the focus shifts to law-making, and public policy issues, STV will force the system to respond.

It may appear that STV is designed to give special status and undue prominence to minorities and special interest groups. In fact, the opposite is true; it will give them clout, but only in proportion to their numbers. The current system allows special interests access to the levers of power out of proportion to their numbers. STV would give minorities legislative representation, but not more than their percentage of the population warrants. Special interests would have less access to backroom deal-making than they do now. During the 10 years of constitutional debates following the patriation of 1982, both Aboriginals and representatives of women issues sat at the constitutional table, along with Premiers and the Prime Minister as equals. The Harcourt government has come under severe criticism for negotiating land-claim settlements behind closed doors. Minorities, special interests, and fringe parties, such as Natural Law, Christian Heritage, and Libertarians should be given their rightful, proportionate place. If not, they are either suppressed, or given favoured treatment. Both are unhealthy.

Suppose STV was adopted. What effect would this have on the composition and functioning of the legislature? The details depend on particular circumstances, but comparative studies, based on long experience with PR in countries not much different from ours, suggest some general changes can be predicted with considerable confidence.

For example, the composition of the legislature will be more representative. Aboriginals, women, ethnics, racial minorities, and small political parties will be represented to the extent society wants them to be represented. It will happen without the coercion which taints affirmative gerrymandering when imposed on society by politicians, the courts, or Boundary Commissions. A wider range of ideas, interests and policy proposals will make it to the floor of the legislature. Power will be shared, as in

Europe, coalitions that last must be formed, the Premier must consult. Not every bill, budget, and ministerial estimates will be automatically approved. The legislature would have the power to meaningfully hold cabinet responsible. The legislature would shape public policy, and MLAs would have a greater law-making function. As European experience bears out, cabinets with continuity, and MLAs that last beyond their training period, will render public policy less open to short-term, politically driven goals, and more receptive to the long-term public interest. The adversarial, confrontational process would be replaced by a more cooperative, consultative, consensual style. Good manners would start as early as the campaign trail. The need to attract second-place support from voters whose first preference is for an opponent, is a powerful incentive to show considerable civility to that opponent.

Changing the electoral system will not guarantee such results, but it does provide opportunity for new patterns of behaviour. The essential ingredient is choice for voters. That alone is capable of delivering government in a manner responsive to the voters. The oligopolistic patterns of power must give way to the self-correcting mechanism of an open market, free of constraints. Society must assert its preeminence over government. The structure must allow voters wishes to be heard. A low threshold for legislative representation, and a dynamic society with a diversity of issues, will either make existing parties more responsive and diverse, or lead to more parties. In either case, the legislature will fundamentally change in composition, distribution of power, and in its operation. Government will belong to the people, citizens will become participants, and democratic theorists from Aristotle to J.S. Mill, will smile their approval. The need for direct democracy measures and parliamentary reforms will be considerably diminished.

Would Turkeys Vote for an Early Thanksgiving?

William Irvine, a proponent of electoral reform, wrote in 1985, "Election results in Canada are usually accepted, if only because few Canadians bother to think that the results could have been other than what they were."⁴ Technically, changing the system is entirely within the legislature's jurisdiction. The *Constitution Act*, is regularly amended by the legislature. The difficulty is not jurisdictional, but political. Under majority governments, the legislature is impotent to act except on instruction of the government. No majority government is likely to destroy the mechanism by which they obtained their majority. The only persons who can change the electoral system are those who benefit from

not changing it. Even the smaller, and Opposition parties do not want the system changed. While in opposition, political leaders sometimes express a fondness for electoral reform, but such enthusiasm is quickly dampened when in power. For most smaller parties, the unfairness that works against them while out of power, is a guarantee that someday they will have power. Our system has been carefully cultivated over many years to serve the interests of parties, and no party will easily introduce fundamental change. Minority governments open the possibility for change, but SMP provides an incentive to end coalitions quickly for political gain; thus the possibility for change is seldom seriously explored.

Change must come from the people, it will not come from parties.

There are some glimmers of hope. For example, demands for employment equity are based on the principle that a typical workplace should reflect the demographic diversity of society. If, by force of law, the workplace is made more representative, can the Legislature be left unrepresentative? Also, society is increasingly more multicultural; the Charter of Rights and Freedoms has induced Canadians to think of themselves as citizens who possess rights; the Meech Lake process convinced Canadians that political leaders and parties do not represent them, while the 1992 Charlottetown Accord Referendum gave the people a taste of the sovereignty they possess. Some observers see post-materialism as a rejection of the politics of confrontation. Perhaps these social trends, together with the desire for gender equity, inclusion for Aboriginals, and the greater diversity of interests in evidence among all citizens, are harbingers of public attitudes more open to electoral reform. The Lortie Commission reports: "Our

attitudinal survey showed that many Canadians want the electoral process to be made more accessible to the non-traditional parties, so that voters have a broader choice in the selection of their elected representatives."⁵ Sociologist, Reginald Bibby, remarks in the conclusion of his influential book on current social trends in Canada: "The confrontational politics that have characterized our federal and provincial governments are increasingly out of touch with where the world is going. Tired by wars and tension that yield few winners, more and more people in this country and elsewhere are recognizing the need to choose peace and cooperation, then work to bring them about..."⁶

Such positive trends would receive enormous stimulus from some form of PR. If we wish to be a country that encourages political participation from the ground up, that regards diversity as an asset, where differences are respected, and the mosaic of cultures is encouraged, our governmental structures must be more flexible and responsive. Changing the electoral system is a must.

Notes

1. Canada, *Royal Commission on Electoral Reform and Party Financing*, Vol. 1, 1991 Ottawa, Minister of Supply and Services, pp. 226.
2. STV is used in Ireland, Malta, Tasmania and in Australia for Senate elections only.
3. P.J. Taylor and R.J. Johnston, *Geography of Elections*, New York: Holmes and Meier Publishers Inc., 1979 p. 486.
4. W. Irvine, "A Review and Evaluation of Electoral Reform Proposals", in Aucoin P. *Institutional Reforms for Representative Government*, Toronto: University of Toronto Press, 1986 p. 102.
5. Supra note 1, p. 228.
6. R. Bibby, *Mosaic Madness*, Toronto: Stoddart, 1990, pp. 200-01.