

The democracy deficit in Canada

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The past decade has seen intensified calls for the reform of democratic political institutions in Canada, on the grounds that there is a “democracy deficit” at the level of federal politics. Some commentators have even begun to describe the country as a “banana republic,” or a “friendly dictatorship.”¹ Yet any attempt to assess the state of democracy in Canada must naturally presuppose some theory of what democracy is – how to identify it, and how to tell whether it is performing well or not. Unfortunately, there is no widely accepted theoretical account of what makes democracies democratic – or more specifically, there is no account of precisely how democratic institutions serve to confer legitimacy upon the power of the state.

Public debate in Canada over the “democracy deficit” has been implicitly dominated by the populist tradition, which identifies democracy with the practice of voting. Thus most of the proposals for correcting the democracy deficit involve having more people vote on more issues, more often. Yet democratic societies function through a complex set of institutions and practices, which include but are not limited to the practice of voting. Democratic societies are also characterized by the rule of law, the protection of individual rights and liberties, the freedom of assembly and debate, a free press, competitive political parties, consultative and deliberative exercises, and a wide variety of representative institutions. If any of these elements were absent, we would hesitate to say that the society was fully democratic.²

¹ For an example of the former, see Ian Hunter, “It’s a lonely time to be a conservative,” *National Post*, June 26, A18. On the latter, Jeffrey Simpson, *The Friendly Dictatorship* (Toronto: McClelland & Stewart, 2001).

² In the Supreme Court’s reference regarding the secession of Quebec, the Court began by outlining what it saw as the fundamental principles informing the Canadian constitution. They were: federalism, democracy, constitutionalism and the rule of law, and respect for minority rights. In this case, “democracy” is given two meanings: the procedural process of suffrage and representation, and also the substantive goal of self-government. On this second meaning of democracy, it includes not just voting, but also “respect for the inherent dignity of the

The assessment that one is likely to make of the state of democracy in Canada depends heavily upon the background theory of democracy that one endorses. In this paper, I would like to present three of the major models of democracy that currently dominate the academic literature: the aggregative, the deliberative, and the competitive. Each different model identifies different institutional practices as the core features of a democratic society, and thus each model generates different recommendations when it comes to the task of making society “more democratic.” From this perspective, I discuss some of the major proposals for reform of the Canadian system – such as proportional representation, an elected Senate, and free votes in parliament. I try to show that, in these debates, the issue at stake is not whether our institutions should be made more democratic, but rather which conception of democracy should be assigned priority.

I

Considerable caution must be exercised when evaluating the claim that Canada suffers from a democracy deficit. Many of the proposals that we have seen for democratic reform in Canada in the past decade have been rather self-serving attempts on the part of minority interest groups, of one type or another, to gain an influence over political affairs that is disproportionate to their numbers. Much of the support for proportional representation, for example, comes from the extremes of the ideological spectrum, where strategists see it as a way of forcing coalition governments (which would in turn give small ideological parties disproportionate influence, much as the religious parties in Israel enjoy).³ The debate over Senate reform has also been

person, commitment to social justice and equality... respect for group identity, and faith in social and political institutions.”

³ For an explicit articulation of this strategy, see Judy Rebick, *Imagine Democracy* (Toronto: Stoddard, 2000).

dominated by proposals, such as the famous “triple-E,” that would tip the balance of power toward less populous provinces to an even greater degree.

There is some irony in the fact that these sorts of proposals, which are motivated in many cases by a fundamentally countermajoritarian impulse, have dominated the debate over how we should correct a “democracy deficit” in the country. It is perhaps for this reason (combined with the moratorium on large-scale amendment to the constitution imposed by former Prime Minister Jean Chrétien) that we have seen over a decade of institutional stasis with respect to democratic reform. Of course, whether one judges this to be a good or a bad thing will depend upon how one feels about the merits of the status quo, relative to the set of proposed reforms that have been rejected. It is certainly the case that Canada has fallen behind the other countries that share the Westminster parliamentary system – particularly Britain, Australia and New Zealand – when it comes to tinkering with democratic procedure. Not only has there been no change in this country, but there has been very little sustained public debate over the relative merits of proposed changes. Some of this is due to the usual sources of failures of public discourse in this country: an excess of provincialism, widespread ignorance of how the Canadian political system functions, and inappropriate reliance upon American experience as a guide to Canadian reform. But some of it also has to do with the influence of specific domestic political traditions.

The primary factor in this regard is the populist tradition, which remains extremely powerful in Western Canada. Populism is based upon a theory of democracy that places particular emphasis upon the act of voting and its role in a democratic society. In many respects, this represents the received view of democracy in this country. According to the populist view, politicians are not appointed in order to pursue their own agenda, they are there to serve as agents of the public will. It is the preferences and values of the population at large that should

determine government policy. Unfortunately, there is seldom a popular consensus on any given issue. The public is divided not only by differences of interest, but also by a pluralism of fundamental values. Thus the public cannot be immediately sovereign, it requires some mechanism through which the various individual preferences can be *aggregated* into a coherent social preference ordering. This is the primary function of *voting*. Voting is not simply a mechanism through which the public communicates its wishes, like a glorified opinion poll. It is the institutional practice through which the public exercises its will – through which it takes the decisions that allow it to *rule* a democratic society.

The primary characteristic of these sorts of aggregative theories of democracy is that they view the representative as merely a conduit for the transmission of the preferences and interests of constituents. The ideal is one in which the political system is as transparent as possible to the popular will. Instead of the “elite” imposing its own goals and preferences upon the public, the public itself determines what should be done, and the political leadership simply implements its decisions. In a sense, the representative is a necessary evil. Whenever possible, it is best to cut the representative out of the loop entirely and hold a citizens’ referendum. Thus the idea of an “e-government,” in which citizens are able to participate on a day-to-day basis in the affairs of state through referenda conducted on-line, represents the ultimate expression of the aggregative ideal.

One can see an aggregative theory of democracy at work most clearly in the political tradition that runs from the old Social Credit party, through Reform, the Canadian Alliance, and (potentially) the Conservative Party. Canadian Alliance representatives often maintained that their job in parliament was not to present their own point of view, but simply to channel the preferences of their constituents. Similar thoughts underlie their proposals to hold referenda on

controversial issues (such as abortion and the death penalty), to institute electoral recall, and to institute more free votes in the House of Commons.

Proponents of the aggregative model tend to believe that all political legitimacy must be anchored in a popular vote. This makes them instinctively suspicious of any institutional arrangement that allows individuals who have not been directly elected to wield significant power. The appointed Senate represents the most obvious affront to this sensibility, but many proponents of this model also oppose the power of the judiciary, the idea of constitutionally entrenched rights, and any other countermajoritarian element within the political system. Commitment to an aggregative view also often underlies support for proportional representation, along with the widespread opposition to the exercise of party discipline over parliamentarians.

There is something very attractive and uncomplicated about the aggregative view. In certain respects, it seems to capture most clearly what is meant by the idea of government “by the people.” Yet despite its intuitive appeal, this conception of democracy has a number of very serious shortcomings. These can be analyzed under three major headings:

1. Information. The most well-known objections to “government by opinion poll” have to do with both the consistency and calibre of public opinion. People are often woefully uninformed when it comes to even basic matters of fact concerning the society in which they live. Most have no idea how the economy works, how the political system functions, how the legal system operates, or how much tax they pay. Perhaps a third cannot identify the primary political ideologies, such as “liberal” and “conservative” and “left” or “right.”⁴ Often they do not even know where their own economic interests lie. Perhaps the most remarkable example of this was a

⁴ For discussion see Philip E. Converse, “Popular Representation and the Distribution of Information,” *Information and Democratic Processes*, John Ferejohn, ed. (Urbana and Chicago: University of Illinois Press, 1990).

recent poll, conducted in the United States, which sought to determine why a set of proposed tax cuts, which disproportionately benefited the wealthy, enjoyed such wide popular approval. It was discovered that 19 per cent of Americans believed that they were in the top 1 per cent income bracket (while another 20 per cent thought that they soon would be).⁵

Of course, these sorts of problems could be corrected, in principle, if people were to be supplied with more adequate information and a better education. But that does not guarantee a solution. People need not only information, they also need to be adequately motivated to assimilate it. Unfortunately, in a modern mass democracy, politics is necessarily conducted on a vast scale. This means that the connection between individual action and its eventual consequence will be extraordinarily attenuated. This in turn encourages a sense of irresponsibility in the formation of political opinions. As Joseph Schumpeter observed, one need only compare the care and precision with which, say, a doctor studies a patient's chart with the casual manner in which he reads the morning paper and forms his political opinions. In the former case, he brings the full force of his intellect to bear upon the task, precisely because the quality of his analysis has real consequences for his livelihood. In the latter case, the quality of his analysis has no tangible consequences, so unless he has some particular interest in politics he is unlikely to exercise much care in the formation of his opinions.

As a result, there will always be an important fiduciary element in the role of the parliamentarian. The representative does not simply passively represent the interests and opinions of constituents. He or she is, in many ways, responsible for looking after their interests, exercising judgment on their behalf. Thus the parliamentarian is expected to develop expertise over time, to acquire a deeper understanding both of the constituency and of the broader

⁵ David Brooks, "The Triumph of Hope Over Self-Interest," *New York Times*, (Jan. 12, 2003).

political, economic and social systems. Yet acting on the basis of this expertise will often mean acting as the representative from Ottawa to the constituency, rather than the other way around.

2. *Indeterminacy*. Information problems are somewhat minor, when compared to the central objection to the aggregative theory of democracy. The problem is that often there is simply no way to construct a social preference ordering out of the set of individual preferences. Individual opinions simply do not add up to one coherent general will. The most straightforward example of this is the Condorcet voting paradox. Consider a very simple election with three voters and three parties. They must choose between electing a representative of the Liberal, Conservative or NDP party. Bill prefers the Liberals to the Conservatives, and the Conservatives to the NDP. Ted likes the Conservatives most, followed by the NDP, then the Liberals. Finally, Frank prefers the NDP to the Liberals, and the Liberals more than the Conservatives. Now suppose that they try to hold a vote. In this case, having all three options on the ballot will not work, because each party will get just one vote. So they decide to do a series of pair-wise comparisons, to eliminate the options one at a time. They start by voting for Liberals vs. Conservatives. Bill and Frank vote for the Liberals, and so the Conservatives are eliminated. Now they compare the Liberals to the NDP. Ted and Frank vote for the NDP, and so the Liberals are eliminated.

That would seem to settle the question. But just to make sure that the NDP really is the best choice, they decide to have one final vote to compare the NDP and the Conservatives. Surprisingly, the NDP gets eliminated. Both Bill and Ted vote for the Conservatives. But if the Conservatives are back in, what about the Liberals? The majority prefers the Liberals to the Conservatives. But the majority also prefers NDP to the Liberals. And prefers the Conservatives to the NDP. In other words, the voters are stuck in a loop. Although each person's individual

preferences are coherent, the social preference ordering is intransitive. No matter which option they pick, there will always be a majority that supports it. However, each different option is supported by a different majority. Thus voting can, in principle, go on forever. There is simply no such thing as the “will of the majority” in this case, just three different parties and a different majority that supports each one of them.

It is sometimes thought that more complicated voting schemes (such as Borda counting, in which people rank all the options in order of preference) can be used to resolve these sorts of problems. This is not the case.⁶ Furthermore, one can see from inspection that such systems could not possibly work. In Condorcet-paradox situations, majority rule will always fail to generate a decision, simply because there is no majority preference. Instead, there is a different majority in support of each different option. Of course, it is not always the case that individual preferences will be of the sort that generates an intransitive social ordering. However, it should be noted that as the number of options increases, the probability of an intransitive ordering increases. So while majority rule can be used to settle very simple questions, in which there are only two options, it becomes increasingly useless as the number of options increases.

It would be difficult to understate the importance of this finding. For instance, it suggests that referenda are essentially useless for deciding even slightly complex policy questions. Similarly, electoral recall, which would allow a majority of constituents to “fire” their representative at any time, is unworkable. In a system with more than two parties, it will usually be the case that a majority opposes any one person or party, regardless of who it is. Because electoral recall imposes a pair-wise comparison, it will often generate a constant cycling of representatives, not to mention a state of perpetual electioneering, as representatives seek to defend themselves against the constant threat of recall. (From this perspective, one can see how

⁶ William Riker, *Liberalism against Populism* (San Francisco: W.H. Freeman, 1982), pp. 69-94.

many of the criticisms of the “first-past-the-post” system, which permits the election of a representative based on a mere plurality of votes, are based upon a failure to grasp the limitations of majority rule.)

3. Instrumentalism. The third and final problem with the aggregative model of democracy is that it encourages an instrumental (or strategic) orientation to the political process. The aggregative model conceives of each individual’s private interest as something akin to a vector, with a certain direction and magnitude. The function of political institutions is to take each of these vectors and add them all up, in order to determine the overall direction and impetus of public policy. But if this is how the political system functions, then the only demand that it makes upon citizens is to advance their own interests as vigorously as possible, without regard for the concerns of others. It privileges, in other words, the rational (calculating the most efficient means to the realization of one’s ends) over the reasonable (advancing moderate demands, in recognition of the fact that others have legitimate interests that are in conflict with one’s own).

Such a conception of politics in turn encourages a “checks and balances” mentality toward institutional design. Since political actors cannot be counted on to act reasonably, some formal countervailing power must be erected in every institution, in order to block any one agent from getting his or her way unopposed. And once institutions are designed in this way, the privileging of the rational over the reasonable becomes not just an option, it becomes mandatory for all political actors. After all, if everyone else is going to be acting in an instrumental fashion, pushing as hard as they can to block your agenda, then the correct thing for you to do is to push as hard as you can in return. The onus is no longer on the individual, as a citizen, to moderate her demands in light of what is best for all. The individual’s job is to push as hard as she can for her

own interests, counting upon others to do the same, and for the political system to balance it all out in such a way as to produce the outcome that is best for all.

This may help to explain why formal structures of accountability often coincide with lower levels of actual responsibility. Under the ideology of “checks and balances” no one person is responsible for any given outcome. It is always “the system” that is responsible. This in turn encourages irresponsible and excessively adversarial behaviour. The appointment of Supreme Court justices, for example, is subject to an extraordinary number of controls in the United States. And yet there is no Western country in which these appointments have become as politicized (and as cynically manipulated) as they have in the United States.

Furthermore, the aggregative model of democracy, by encouraging an instrumental attitude toward political action, can have the perverse effect of reducing popular participation in politics, especially voter turnout. After all, if the only reason for participating in politics is to see one’s own interests prevail, then there is no reason to participate once one is reasonably confident that the right side (or the wrong side) is going to win. It is worth recalling that, from a strict cost-benefit perspective it is almost never rational to vote (simply because the chances of one vote determining the outcome is infinitesimally small). Insofar as people do vote, it is because they are acting reasonably, not rationally.⁷ Commentators often take a decline in voter turnout as a sign of disenchantment with the political system. The reality is no doubt much more complex. The tendency to conceive of democratic politics in aggregative terms provides just as powerful a deterrent to participation.

II

⁷See André Blais, Elisabeth Gidengil, Neil Nevitte, and Richard Nadeau, “Where Does Turnout Decline Come From?,” *European Journal of Political Research* (forthcoming), also André Blais, *To Vote or Not to Vote?* (Pittsburg : University of Pittsburg Press, 2000).

The weakness of the aggregative model has prompted a resurgence of interest in so-called “deliberative” theories of democracy. According to such views, the function of voting and elections is not to permit the naked expression of interests, it is to constitute a deliberative body that will be charged with the responsibility of determining where the common good lies. Whereas the American political system tends to be organized on an aggregative model, the Westminster parliamentary tradition has been deeply influenced by the deliberative conception of politics (in part due to the influence of philosopher and parliamentarian Edmund Burke, who provided the most influential articulation of the ideal).⁸

According to the purest version of the deliberative view, voting is not a process of preference-aggregation; it is a process through which citizens express their opinion about where the common good lies. The decision of the majority prevails, not because it represents the popular will, but because the numerical superiority of those supporting that decision makes it most likely to be the correct one.⁹ But voting is only one mechanism among many, and enjoys no special privilege. What matters most is that all of the arguments and perspectives on any given issue be put forward and be given serious consideration.

The deliberative model obviously offers a very different perspective on many familiar political institutions. According to this view, for example, there is very little to be said for free votes in parliament. What matters is not the counting of hands, but rather the deliberation that

⁸ “Parliament is not a *congress* of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a *deliberative* assembly of *one* nation, with *one* interest, that of the whole; where, not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member indeed; but when you have chosen him, he is not member of Bristol, but he is a member of *parliament*. If the local constituent should have an interest, or should form an hasty opinion, evidently opposite to the real good of the rest of the community, the member for that place ought to be as far, as any other, from any endeavour to give it effect.” Edmund Burke, “Speech to the electors of Bristol,” in *Select Works of Edmund Burke, Vol. 4*, Francis Canavan, ed. (Indianapolis: Liberty Fund, 1999).

⁹ The earliest exposition of this view is Jean-Jacques Rousseau’s, who argued that “each by giving his vote gives his opinion on this question, and the counting of votes yields a declaration of the general will. When, therefore, the opinion contrary to my own prevails, this proves only that I have made a mistake, and that what I believed to be the general will was not so.” *The Social Contract* trans. Maurice Cranston (London: Penguin, 1968).

goes on in caucus, and within the political parties more generally. Once caucus has decided, after a free and open discussion, where the public interest lies, it is only natural that party discipline should be imposed upon members. A free vote defeats the purpose of having deliberation in committee and caucus. It also increases the likelihood that parochial interests of one type or another will sway the member's vote. Party discipline holds members accountable in a way that free votes do not, since they are forced to explain their vote to their colleagues, and to the public more generally. Thus the type of horse-trading and logrolling that goes on in the United States Congress and Senate are effectively precluded.

Of course, it would be highly implausible to describe the debate that goes on in the Canadian House of Commons as deliberation. It is only during Question Period that anything approximating an exchange of views takes place, and even then the questions tend to be scripted, and the answers merely obstructionist.¹⁰ Furthermore, the presence of the media introduces a significant element of distortion – such that parliamentarians are not so much talking to one another as they are playing to the cameras. Thus the deliberative perspective assigns much greater importance to parliamentary committees, to caucus, to Royal Commissions, and to the “sober second thought” imposed by the Senate. If it occurs anywhere, this is where genuine deliberation must take place. The fact that the majority party dominates all parliamentary committees, appoints the members of Royal Commissions and the Senate, is of no intrinsic significance from a deliberative perspective. What matters is simply the calibre of the deliberation that occurs within these bodies.

Naturally, such a conception of democratic politics both presupposes and demands a higher level of virtue and responsibility on the part of citizens and politicians. People must use their ballots to express their honest opinion, not to advance their private interests. While strategic

¹⁰ For discussion, C.E.S. Franks, *The Parliament of Canada* (Toronto: University of Toronto Press, 1987).

voting is self-nullifying when everyone does it, it can have a distorting effect if only one portion of the electorate engages in it. Thus deliberative politics requires not only a willingness to assign the reasonable priority over the rational, it also requires a high enough level of trust in the community to sustain the belief that others will do so as well. When it comes to the exercise of power, politicians must also be bound by the constraints of reasonableness. They must remain open and responsive to the arguments and interest of others, willing to moderate their views. In particular, excessive partisanship can be a highly corrosive force, since it easily leads to a “dialogue of the deaf” that can be very difficult to escape.

For this reason, the deliberative model is often treated as a more idealized or utopian conception of democracy than the aggregative. Yet it is also in many respects more realistic. For example, consider that fact that when engaged in political argument, all parties feel an obligation to present their proposals as being either in the general interest of all Canadians, or else grounded in fundamental principles of justice. No one ever presents their position as simply the expression of a private interest. Such a constraint would be difficult to explain, were there not very powerful deliberative norms governing the political process. Furthermore, if the legitimacy of decisions made through the democratic processes was based upon an aggregation of individual interests, it would be difficult to explain why the population at large regards any of the decisions made by the government of Canada as legitimate. After all, in a parliamentary system with a majority government, almost no “aggregative” voting takes place at all; the outcome of almost every vote in the House of Commons is a foregone conclusion.

Rather than voting, what we see in the Canadian parliament is an enormous amount of discussion and debate. This is not an accident. The structure of a bicameral legislature is designed specifically to promote deliberation, both by introducing a second legislative body that

is freed from representative obligations and also by slowing the passage of legislation, allowing ample time for media attention to develop and public debate to occur. One can see the power of this deliberative mechanism at work in the extraordinarily broad, sophisticated discussion that followed the tabling of the anti-terrorism bill in 2001.¹¹

The primary difficulty with the deliberative model of democracy is that it contains an extraordinarily weak decision-making mechanism. If majority-rule voting proves to be indeterminate whenever there are more than two options, deliberation is even more so. Strictly speaking, deliberation only ends when everyone is convinced, i.e. when a consensus is reached. As a result, institutions that function in accordance with a pure deliberative principle, such as juries, often find themselves “hung,” i.e. unable to come to a decision. Furthermore, even when they do achieve consensus, it often takes them an extraordinarily long time to do so. It is also worth recalling that juries are charged with deliberating only over questions of fact, not questions of law, and certainly not questions of value. Intractable disagreements arise *despite* this restricted mandate. In the political arena, on the other hand, where in principle all questions are on the table, there is not even a remote possibility that complete consensus will be achieved on any issue of substance.

Thus deliberation can be extremely valuable way of improving the calibre of public opinion, narrowing the range of preferences in play, and making compromises palatable to the various interested parties. Yet in the end, we usually have to rely upon some other mechanism – such as majority rule or arbitration – to close down the discussion and impose a decision. This

¹¹ See, for example, Ronald Daniels, Patrick Macklem, and Kent Roach, *The Security of Freedom: Essays on Canada's Anti-Terrorism Bill* (Toronto: University of Toronto Press, 2001).

has led various commentators to describe deliberation as something of a warm-up act in the overall process of democratic decision-making.¹²

III

Both the aggregative and the deliberative models are weak when it comes to explaining the role that leadership plays in the political process. This is in certain respects a curious omission. After all, the central function of democratic politics in this country – and the primary mandate of parliament – is to create a government. Yet both aggregative and deliberative theorists regard the appointment of leadership, not as the *point* of democratic procedure, but rather as an instrument used to ensure the smooth functioning of the democratic process. Leadership, in other words, has no *sui generis* status in the political system, according to either of these two views. It is simply there to facilitate public deliberation or the aggregation of interests.

There is another tradition of democratic theory (tracing its roots back to the work of Joseph Schumpeter), which considers the competition for political leadership to be the central feature of democratic institutions. Both the aggregative and the deliberative views tend to focus on what the state does with its power, rather than who gets to exercise it. Democratic institutions, according to these views, are designed to ensure that the *content* of legislation somehow reflects the general will. The competitive model shifts the emphasis away from the content of legislation towards those who enact it. The complexity of human affairs is such that, throughout all of human history, groups have needed leaders to make decisions. Things do not change

¹² Jack Knight and James Johnson, “Aggregation and Deliberation: On the Possibility of Democratic Legitimacy,” *Political Theory*, 22 (1994): 277-296

fundamentally with the transition to democracy. The core function of democratic institutions is simply to impose some constraints on who gets to run things.

Thus democracy takes the informal mechanisms that operate in small groups and turns it into an explicit system of legally regulated procedures. In the case of political leadership, however, this has the potential to create problems. Control of the state apparatus gives the leader the ability to entrench himself in power. This is the classic flaw in monarchies and dictatorships everywhere – even if the leader does perform a useful function at first, the temptation to stay on long after his marginal contribution has fallen below zero seems almost irresistible. Thus Schumpeter put particular emphasis on the mechanism that exists within democratic political systems to “evict” leaders who have outlived their usefulness.

According to this view, effective leadership has a self-legitimizing quality. The important point, from the perspective of the public, is that decisions be made and issues settled, and that these be at least broadly consistent with some widely shared conception of the common good. In many cases, the opinions that members of the public hold on particular issues flow from their support of a particular leader, and not *vice versa*. Thus what matters is not so much that legislation reflect the public will, but that the system generate capable leadership. An effective electoral process can be thought of as a type of filter, which eliminates certain types of people from contention. Competition among candidates is designed to ensure that only the most capable are advanced – and that when they have outlived their usefulness, that they are replaced by new, more vigorous leadership.

The ideal democratic system, according to this view, is one that generates strong, capable leadership, but which does not allow such leadership to become entrenched. This is a delicate balancing act – give too little power, and the result will be ineffective government, institutional

gridlock, and public frustration with the political process; give too much power, and the result will be an ossification of power structures, cronyism, and public discontent with the leadership. The goal is to create a powerful institutional structure, but then to ensure a steady circulation of qualified personnel within that structure.

Someone who subscribes to the competitive theory, when called upon to assess the health of a democracy, will look at two things: First, what kind of filters are in place, and how well do they operate in regulating the competition for leadership? Does the system generate qualified, capable leaders? Or has the competition become corrupted, so that it selects for inessential qualities? Second, does the system generate adequate “renewal” of personnel? Does it ensure seats that are “safe” enough for parliamentarians to develop expertise in the job, but not so safe that they become complacent or corrupt? The kinds of institutional issues that will be of most interest the competitive theorist will therefore be campaign finance regulations, candidate selection procedures, and the set of norms governing party leadership appointment and replacement.

Naturally, there are a number of different objections to this conception of democracy. The standard one is that it is too “realist,” and therefore too normatively weak to explain the legitimacy of democratic political institutions. The competitive perspective sees a lot more continuity between democratic systems and authoritarian systems of one stripe or another. On the one hand, this means that it is able to explain why monarchies, theocracies, aristocracies and oligarchies often enjoy considerable popular legitimacy. On the other hand, this means that it is unable to explain what many feel to be the qualitative superiority of democratic societies, when it comes to legitimacy. In particular, by breaking the connection between the popular will and the specific content of particular acts of legislation, the theory is unable to explain why governments

that are viewed as legitimate in general are nevertheless able to engage in specific acts that are widely viewed as illegitimate.

IV

It is worth observing that all three of these models of democracy have been around for a long time, and not one of them shows any sign of attracting a consensus. It is no part of my purpose to resolve, or even to contribute to, these debates. For the moment, it is sufficient to note simply that all three of these models describe an important aspect of the complex institutional framework that makes up a contemporary democracy. Certain democratic practices do appear to have as their primary function the simple aggregation of preferences. Others are clearly in place in order to promote deliberation, while others are clearly designed to promote effective leadership. The overall structure of our institutions reflects a compromise amongst these various considerations. The important conceptual point is that this compromise is not one between democracy and some other set of values, and it is certainly not just a concession to the realities of political power. In many cases, the compromise that is at the heart of our political institutions reflects an attempt to accommodate different conceptions of democracy.

Of course, it is not always a compromise. In many cases, there are also complementarities between the various conceptions. Deliberation improves the quality of public opinion, and therefore confers further legitimacy upon the outcome of aggregative procedures. Majority rule is often called upon to serve as a dispute-resolution mechanism, in cases where deliberation is unable to produce a consensus. And leadership plays an important stabilizing role, lending an element of decisiveness to aggregative or deliberative procedures that are often too open-ended to produce results.

The multi-dimensional character of our democratic institutions is important to keep in mind when evaluating the various proposals for reform that are in circulation. In many cases, these proposals illegitimately privilege one particular conception of democracy, usually the aggregative. As a result, they exhibit a peculiar blindness to the merits of existing institutional arrangements. Consider the following, specific debates:

1. Party discipline. The most common complaint about current democratic practice is that parliamentarians have become “trained seals,” who blindly endorse (or are strong-armed into endorsing) whatever legislation is tabled by cabinet. Parliamentary debate, according to this view, has become a pointless exercise. The problem also manifests itself in committees, where the unwillingness of majority members to deviate from the party line puts a significant damper on deliberation (since the eventual outcome is always a foregone conclusion). The problem is exacerbated when the opposition members begin to feel that their contributions are pointless, and so become increasingly obstructionist and less constructive in their comportment.

Pretty much all commentators agree that this is a problem. Yet the standard recommendation – that party discipline be loosened up, and that the government allow more free votes in parliament – is rather dubious as a solution. First, it should be noted that party discipline does an enormous amount to promote deliberation, both within parties and in the public at large. This is because with party discipline in place, parties can actually be expected to implement the electoral programme that they run on. Not only do parties in Canada dedicate considerable energy and attention to the development of their platforms, but the tradition that has developed of each party releasing its platform prior to elections has had a salutary effect upon public debate. Free votes, on the other hand, would significantly reduce the importance of this policy process –

since members would be free to pick and choose from it as they saw fit. Free votes also make it far more attractive for interest groups to lobby individual parliamentarians, rather than attempting the more difficult task of influencing the party's internal policy-making process.

To see the effects of unrestricted free voting, one need only look at the United States. There, parties do not bother to develop policy platforms, simply because there is no presumption that any platform adopted will actually be implemented. Bill Clinton was elected with a very strong mandate to reform health care, but the lack of effective party discipline made him unable to implement any significant changes. More significantly, by permitting free voting, the American system generates all of the characteristic forms of instability that a critical analysis of the aggregative conception of democracy would lead one to expect. Their legislative system generates "irrational" outcomes on a fairly regular basis (e.g. protectionist legislation incompatible with the country's treaty commitments), which are usually an artefact of the free voting procedures employed (including the strategic use of amendments).

As a result, informed commentators are more likely to point to Britain as an example of a system in which parliamentarians make a more productive contribution to the political process. Part of this is due to free voting – there is no question that the government of Canada could treat fewer elements of its legislative agenda as items of confidence – but part of it is also due to the greater security that MPs enjoy in Britain. As C.E.S Franks has observed, the electorate in Canada is extremely volatile.¹³ As a result, there are very few "safe" seats. In the average British parliament, only 20 per cent of members will have served fewer than 5 years, whereas over 50 per cent will have served 10 or more. In Canada, typically more than 50 per cent of members will have served fewer than 5 years, and only 10 per cent will have served more than 10. This means

¹³ See. C.E.S. Franks, *The Parliament of Canada* (Toronto: University of Toronto Press, 1987), also C.E.S. Franks, "Parliament, Intergovernmental Relations, and National Unity," (Kingston: Institute of Intergovernmental Relations, 1999).

that not only are MPs in Canada inexperienced, they are also not well-known to their constituents. Both of these factors increase their dependence upon the party.¹⁴

2. *First-past-the-post*. The first-past-the-post rule is the most “competitive” feature of the Canadian electoral system. Proponents of first-past-the-post believe that the primary function of elections is generate effective political leadership, i.e. to create a government. In other words, it is taken for granted that the electoral process should generate a “winner,” the question is simply who it should be. The answer provided by first-past-the-post is that it should be whoever got the most votes. This is why a simple plurality is considered sufficient to elect a candidate under this system.

Most critics of first-past-the-post endorse some form of proportional representation. The primary difference between the two voting systems is that proportional representation downgrades the importance of producing a “winner,” choosing instead to entrench the principle that the number of representatives from a given party should precisely mirror the number of votes cast for it. In this respect, proportional representation is not “more democratic” than first-past-the-post, it merely reflects a preference for an aggregative over a competitive conception of democracy. It treats elections, in other words, as a process of preference-aggregation, and not as a competition for political leadership.

In Canada, the first-past-the-post system has been very good at what it is designed to do, which is to produce governments. In so doing, however, it has generated a number of perverse

¹⁴ The fact that a demand for term limits for MPs occasionally shows up as a proposal in the debates over the “democracy deficit” shows how American political ideology can often serve as a substitute for knowledge of the Canadian political system. Term limits were adopted in the United States to counteract the overwhelming advantage enjoyed by incumbents – an advantage that was grounded originally in the American system of campaign finance and weak parties, but has become further entrenched through gerrymandering of districts. Incumbents in Canada do not enjoy any such advantages.

side-effects. The most significant is that it promotes regionalism. It has also on several occasions at the provincial level allowed parties to form majority governments even though they had come in second in the popular vote (although this is also due to the overweighting of votes in rural regions). There is no question that proportional representation would correct these distortions.

On the other hand, proportional representation has its own peculiar disadvantages. First, there is the well-known fact that it makes the formation of a majority government extremely difficult. Thus it systematically weakens the power of the state. As a result, it is unlikely that one “tier” of government in Canada would adopt this system if the others did not. For example, if the federal government were to adopt proportional representation, while the provincial governments remained first-past-the-post, the result would be a significant shift of power away from the federal government toward the provinces. While it is often noted that the ruling party and the prime minister are exceptionally powerful within the Canadian system, critics often overlook the fact that Canada is in the unusual position of having adapted the parliamentary system to govern a federation. The provincial premiers in many ways counterbalance federal power, and amplify the power of the opposition (just as the federal government counteracts the centrifugal tendencies of the provinces). For the federal government to unilaterally adopt proportional representation would significantly disrupt the existing equilibrium (in favour of a decentralization that is opposed by the majority of Canadians outside Quebec).

Furthermore, while first-past-the-post is extremely effective at producing governments, it is also very good at removing them. A surprising number of commentators simply fail to realize that the Canadian system has an extremely high rate of turn-over. One of the major flaws of proportional representation is that it relies upon lists drawn up by the parties to determine who gets elected to parliament. This effectively turns every parliamentary position into a patronage

appointment. It also makes the 20 or so most powerful individuals within each party effectively “untouchable” by the electorate. As long as they maintain their base of support within the party, it would take near-total electoral elimination to dislodge them. This is a source of considerable complaint in Israel, where politics for many years involved simply a steady rotation of the same old faces. This breeds considerable cynicism in the electorate – creating the impression that no matter how you vote, the same people always get in. In Canada, by contrast, cabinet ministers have often failed to secure re-election (something that would be all but impossible under most systems of proportional representation).

Finally, it is worth mentioning that the adoption of proportional representation would be entirely at cross-purposes with the goal of encouraging greater autonomy among parliamentarians. In most proportional systems, members rely *entirely* upon the support of the party for their position; they cannot develop an independent power base with the electorate in their riding (of the sort that many long-standing MPs in Britain enjoy). Thus MPs are likely to be even more subordinate to the party.

3. *Senate reform.* Any fair-minded observer must acknowledge that, of all the institutions in the Canadian parliamentary system, the one that most closely approximates the *deliberative* ideal is the Senate.¹⁵ The debate that goes on the Senate is generally better informed and less partisan than what goes on the House of Commons. The calibre of reports produced by Senate committees is widely acknowledged to be superior, and interested parties are often given a better hearing by the Senate. The appointment process to the Senate ensures that groups such as women and aboriginals are better represented in the Senate than they are in the House. The Senate also

¹⁵ For a sympathetic account, see Serge Joyal (ed.) *Protecting Canadian Democracy* (Montreal: McGill-Queen’s University Press, 2003).

represents a wider range of occupational groups than parliamentarians. And finally, Senators simply have more expertise at their job than the average parliamentarian, combined with better knowledge of the political system.

The most glaring problem with the Canadian senate is that its members are appointed, not elected. This has led to extraordinarily low levels of popular legitimacy. The media is also, almost without exception, extremely hostile to the Senate. The lack of legitimacy is sufficiently extreme that it has begun to compromise the Senate's ability to carry out its deliberative functions. Unfortunately, the movement to reform the Senate has been almost completely hijacked by smaller provinces, who have used it as an attempt to create a "fifth column" for provincial interests within the federal government. Thus an enormous amount of attention has been lavished upon the proposal for a "triple-E" senate (which would see the Canadian Senate transformed into a precise duplicate of the American Senate – with an equal number of Senators from each province) despite the fact that such a proposal is a political non-starter. A "double-E" Senate, with perhaps some adjustment of the regional balance, is the most that anyone could hope to obtain.

But what is the purpose of a "double-E" Senate? Most reform proposals are based on aggregative views, and so fail to respect the distinctive contribution that the Senate makes to the Canadian political process, as the chamber of "sober second thought." In other words, they fail to take the deliberative function of the Senate seriously. As a result, they either cannot see any function for the Senate at all, and so propose that it be abolished, or else they seek to reconstruct it as a duplicate of the House of Commons, with simply more weight given to regional interests. Both positions essentially see the function of the legislature as counting up heads, balancing

conflicting interests, and handing victory to the majority. They are remarkably blind to important role that informed deliberation plays in the political process.

Ironically, the easiest way to preserve the traditional characteristics of the Senate, while introducing some element of electoral legitimacy, would be to have Senators elected through a proportional representation system. In a sense, this would turn the vices of proportional representation into virtues: Senators would be freed from the necessity of representing particular constituencies, and it would be extremely difficult to dislodge them from their positions (since they would remain essentially patronage appointments of the political parties). Of course, the attractiveness of proportional representation as an electoral system for the Senate in a sense dramatizes its shortcomings with respect to the House of Commons.

V

Most of the problems with the contemporary debate over the democracy deficit can be seen quite clearly in Jeffrey Simpson's book, *The Friendly Dictatorship*. It should be noted that, despite the title, and the obnoxious cover art (which shows Chrétien's head crudely pasted onto what looks like the body of General Pinochet), the book is actually quite balanced in its judgement. Yet Simpson's arguments are implicitly dominated by an aggregative view of democracy. As a result, he treats many features of the political system that promote deliberation, or effective leadership, as deviations from the normative ideal of democracy. In cases where he does regard any of these arrangements as justifiable, it is because he considers them necessary concessions to the "realities" of political power (as opposed to a reflection of a different set of democratic ideals).

The first problem with Simpson's analysis is that he treats voter turnout as a barometer of the "health" of Canadian democracy. This is an extremely dubious point of departure. He implicitly assumes that 100 per cent turnout is the baseline, and that any deviation from this reflects "disenchantment" with the political system. He fails to recognize that people vote out of civic duty, not out of self-interest. When people complain that their vote "doesn't count for anything," in essence their claim is correct. In a mass democracy, each individual's vote has no discernable impact on any outcome, except in extremely infrequent circumstances. This is true regardless of whether the voting system is proportional, first-past-the-post, or some other – it is a function of the sheer number of votes that are cast, not the way in which they are tallied up.¹⁶

In other words, voting is a form of cooperative behaviour, like conserving water during a drought, or taking public transit on a smog day, or declaring casino winnings on one's taxes. The percentage of the population that is willing to cooperate spontaneously, without further incentive, in a large-scale cooperative endeavours, is usually less than half. Thus one might just as easily take this to be the baseline, and define any upward deviation from it as a sign of "interest" in the political process. A study of voter turnout in the most recent federal election showed that the primary reason younger voters stayed away from the polls in greater numbers is that they were less likely to regard voting as a civic duty.¹⁷ This points to a defect in the civic education of Canadians, but not in the democratic system.

Simpson's second major concern is with the excess of prime ministerial power in the current system. This is a serious issue, and there is considerable merit in many of the points that

¹⁶ The chances that your vote will be the tipping point that gives your favorite party one more seat, in a proportional system, are not much higher than the chances that, in a first-past-the-post system, your vote will be the one that grants your candidate victory.

¹⁷ See Elisabeth Gidengil, Neil Nevitte, André Blais, Patrick Fournier, Joanna Everitt, "Why Johnny Won't Vote" *The Globe and Mail* (August 4, 2004).

he raises. Yet the entire discussion is shot through with a “checks and balances” mentality that vitiates many of his suggestions. Simpson is for the most part less concerned with what has actually happened over the past century, given the concentration of power in the Prime Minister’s Office, than with what might happen, were someone to come along and abuse the powers vested in that office. Thus he demands “checks and balances” to ensure that future occupants of that office are blocked in key areas by countervailing powers.

For example, Simpson voices particular concern over the prime minister’s ability to appoint Supreme Court justices. Yet he recognizes that Brian Mulroney and Jean Chrétien both refrained from “politicizing” this process, and made appointments that were of uniformly high quality. Yet the fact “that no poor appointments have yet been made is not a guarantee that a prime minister might [not] be tempted in the age of increasing controversy surrounding Supreme Court decisions to select someone who, if not inadequately qualified, is possessed of a decidedly fixed and controversial judicial philosophy.”¹⁸

But since when is such a guarantee either necessary or even possible? The demand for such assurances is simply incompatible with the fiduciary character of political leadership. I doubt that the *Globe and Mail* hires a fact-checker to sift through every one of Simpson’s columns, in order to ensure that he isn’t making things up. Of course, the fact that he hasn’t made anything up so far is not a guarantee that he, or some other columnist, might not be tempted, in an age of increased competition for newspaper readership, to make something up. But that doesn’t imply that each column needs to be independently fact-checked. Given the role that journalistic integrity plays in structuring the norms and practices of the profession, it is more than adequate for the newspaper simply to institute screening mechanisms at the front end, combined with a general threat of dismissal for egregious violations. Similarly, in the case of the

¹⁸ Jeffrey Simpson, *The Friendly Dictatorship* (Toronto: McClelland and Stewart, 2001), p. 18.

prime minister's office, it may be better simply to focus our attention on the electoral process, in order to ensure that the type of politicians likely to exploit the powers of office never ascend to this position (rather than trying to build checks and balances into every government institution).

Simpson's third major complaint involves party discipline, and the marginalization of backbench MPs. Some of this is sensible, but much of it is based upon a failure to recognize the limitations of majority rule as a decision-making procedure (in particular, those related to intransitive social preference orderings). There is no need to repeat that discussion here. There is only one observation that I would like to make. Simpson claims that the power of MPs has been diminished, not just by the centralization of authority in the cabinet and the office of the prime minister, but through the Supreme Court's increasingly "activist" interpretation of the Charter of Rights and Freedoms. He does not consider the possibility that addressing one of these problems is likely to exacerbate the other. Giving more power to backbench MPs would reduce the power of the legislature to govern effectively, which would in turn increase the pressure on the courts to make social policy. It is easy to forget that there is, in every society, a constant and steady demand for state power. People have problems, and they want them fixed. In many cases, the state is the only institution with the power to impose binding solutions. If the legislature is handicapped, so that it is no longer able to respond adequately to these demands, people will increasingly appeal to other branches of the state. This will result in increased politicization of the judiciary, above all, and of the civil service (especially regulatory agencies). One can see this tendency very clearly in the United States, where because of the failure of legislatures to legislate effectively, social issues ranging from gun control to health care administration are routinely addressed through highly politicized liability suits.

VI

There is no question that democratic institutions, once established, are extremely difficult to reform. This is because the people who ascend to power will usually be those who benefited the most from the existing set of rules. Thus not only do they lack in the incentive to change the rules, but they are heavily invested in believing that there was nothing wrong with the rules to begin with. This makes it easy to believe that the cause of democratic reform in Canada has fallen victim to the harsh realities of political power. Yet despite its superficial plausibility, this diagnosis is ultimately too simplistic. Most of the proposals for reform and the demands for “more democracy” are deeply flawed, and are based on a demonstrably inadequate conception of democratic politics. As a result, it is doubtful that any of these proposals would improve anything in the Canadian system. Furthermore, they exhibit a peculiar blindness to many important features of how the current system works. Thus in many cases these proposals run the risk of destroying elements of the current system that are functioning well, in return for benefits that are, at best, unclear.

As a result, I am inclined to view the institutional stasis of the past ten years with significantly less alarm than many other commentators. While there are clearly defects in the current system, all of the proposals for large-scale reform seem to be equally defective. Furthermore, almost every proposal on the table would have the effect, in one way or another, of weakening federal power. After the narrow defeat of the 1995 Quebec referendum it is hardly surprising that the federal government should be reticent to handicap itself in this way. In this context, electoral and democratic reform would be far more likely to succeed if one or more provinces were to attempt it first (with, of course, the exception of Senate reform). They say that

the American states are the “laboratories of democracy.” Perhaps the Canadian provinces should take on this role as well.