

adherents are probably on sounder ground when they argue that PR will unify Canadian federal politics. No longer confronted by zero-sum electoral politics that threaten to shut a party out of one region even while it sweeps another, the federal parties will adopt truly national political perspectives and stronger links with their provincial counterparts in order to maximize their electoral appeal. This is indeed a possibility, but only that. I remain skeptical that PR can successfully tame Canada's regionalism. First, most PR schemes will advantage Ontario relative to Quebec and the West, and this simply exacerbates the existing situation. Second, because PR lowers the cost of starting up political parties, it cannot guarantee that having gathered regional tensions inside party caucuses, that they will not spill right out again, the old parties simply splintering into a number of smaller regional bodies.

Any hope that a PR system will empower the individual MP relative to the party leadership should also be tempered. Many PR systems assign votes to parties rather than candidates. The parties draw up lists of candidates, with candidates at the top of the lists getting elected before those lower down. Needless to say, those that control these "closed" lists (*i.e.*, the central party leadership) have considerable power. Some supporters of these forms of PR argue that closed lists enable party leaders to ensure the election of a widely representative caucus. This may be true, but that representativeness is obtained at the expense of MPs' independence, a trade-off that some people would be unwilling to make. An alternative is to employ an open list in which voters are permitted to indicate which candidate on the list should receive their votes. Open lists loosen central party control, but are associated with pork-barrel politics, every legislator having a strong incentive to use political pork to develop a personal following independent of his or her party.

PR's proponents need to make a stronger case. In particular, they must carefully examine whether our current electoral system creates our balkanised politics or merely reflects them. I am not suggesting that changing Canada's electoral system would be without political consequences but they are not easily foreseen and will not all be positive. The hope that PR will put an end to the country's current political malaise is most certainly delusive; politics always have and will continue to revolve around power, ambition and self-interest; even wholesale change of our political institutions cannot alter this fundamental truth.

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by Peter Aucoin and Jennifer Smith

PROPORTIONAL REPRESENTATION: MISREPRESENTING EQUALITY

Bien que certaines notions de l'égalité soient nettement compromises par notre système électoral actuel, la représentation proportionnelle ne résoudrait pas ce problème. Le souci d'égalité est appliqué à une fausse interprétation du fonctionnement du système de représentation proportionnelle et n'est donc pas un bon moyen de défendre ce dernier. Si nous décidons d'adopter la proportionnelle, il importe que nous ayons une perception réaliste de la dynamique politique inhérente à la formation des gouvernements dans les régimes parlementaires qui reposent sur ce système.

The electoral system of proportional representation possesses several empirically demonstrated advantages over rival systems. As Pippa Norris confirms in her recent analysis, in *International Political Science Review*, of electoral systems used world-wide, the advantages include fairness to minor parties and more accurate representation of social groupings within the electorate. Unfortunately, many advocates of PR in Canada tout advantages like these under the simplistic slogan of equality. As we argue below, this presumes too much. The equality slogan implies a mistaken understanding of the operation of PR within parliamentary systems and is therefore a poor way to defend it.

The equality critique

The idea of equality is central to the current wave of criticism of Canada's single-member, plurality (SMP) electoral system, otherwise known as a "first-past-the-post system." Thus David Beatty regards the system to be a "gross violation" of the equality rights of Canadians. Being a law professor, Beatty can think of no better course of action than a legal challenge to the electoral system on the ground that the system violates section 15 of the Charter of Rights and Freedoms.

At the heart of the equality critique are two concerns. One is the frequency with which the SMP electoral system produces governing parties with popular vote shares of less than 50 percent, which is a violation of the principle of majority rule. In the recent federal election, for example, the Liberal Party won 51.13 percent of the seats in the House of Commons after having obtained only 38.36 percent of the popular vote. In other words, SMP translated a minority of the voters in the electorate into a majority of the seats in the legislature. This seems unfair to the rest of the voters, who happen to be a majority. These voters elected representatives from various parties, representatives who are now ensconced in a minority of the seats in the legislature, where together they form the opposition.

The second concern arises out of the concept of the "wasted vote" at the constituency level. Like the proverbial horse race, the electoral system features only one winner in each constituency contest — the candidate with the most votes. The losing candidates are just that, and therefore the votes cast for them are thought to be wasted. They are wasted because they vanish along with the candidates on whom they are unfortunately spent. It seems especially galling when these wasted votes are issued by a majority of the voters in the constituency, the most common occurrence when there are more than two candidates in the race.

Both of these concerns are valid. The problem is that neither one of them can be resolved successfully by a switch from SMP to proportional representation. The reason for this arises out of the very nature of the parliamentary system of government.

What are elections for?

In the parliamentary system, elections are meant to produce governments as well as legislatures, which they normally do, and in one fell swoop. Once again, the recent federal election is a convenient example. Since the Liberal Party won a majority of the seats in the House of Commons, it is the governing party. And the governing party forms the government.

However, when no party wins a majority of the seats in the legislature, it is immediately evident that the election has produced only the new legislature, and not necessarily the new government. The production of the new government is complicated immediately — perhaps for the briefest few minutes, perhaps a longer time, but certainly some time. The scenarios are endless. In Canada, the tendency has been for the party with the

most seats, even when it is only a minority of them, to retain (or take over) the government and to hold on until there arrives an opportune moment to call another election and gain a majority of the seats. The habit of negotiating with other parties to form coalition governments has not taken hold; rather, minority governments are our tradition.

A new government is not only the expected outcome of an election but the key outcome in so far as the government can be said to dominate the legislature. The instrument of domination is the cabinet, appointed by the prime minister from the members of his parliamentary party. While the cabinet is part of the legislature, it is also the directing force within it. Therefore, any change in the electoral system that affects the formation of the cabinet is a matter of the greatest interest to everyone.

Equality and the formation of governments

Critics of the SMP electoral system rightly note that a minority of the voters can elect a majority government. Contrary to the prevailing assumptions of many PR advocates, however, PR is not a reliable remedy of this particular equality-based concern. The reason is that PR can resolve the equality concern only in relation to the legislature. PR can produce a legislature that matches the profile of the electorate. Yet, if Canadians continue to support a multi-party system under PR like they now do under SMP — and certainly PR encourages the practice — a legislature comprised of several parties with minority shares of the seats will be the result. But what happens to the equality concern when these parties set about the business of negotiating a government? What happens to the equality concern in the politics of cabinet coalitions?

The answer is simple. The equality concern will become a non-concern. It will be completely forgotten. The political actors involved in putting together a coalition cabinet will possess varying agendas. Members of the largest party will seek a pre-eminence befitting their numbers, a suitable measure of policy agreement with their new partners and the capacity to govern. Members of other minor parties will seek publicly prominent cabinet positions and possibly some policy commitments from the largest party. None will give a second's thought to the extent to which a coalition government or cabinet overall does or does not match the voting profile of the electorate, a profile, after all, that the parties will want to alter in their favour in successive elections. The consequences of this point are worth pausing to consider.

For example, a typical coalition government might include a centre-right party and one or two (or more) tiny right-wing parties, which together face an opposition that is comprised of a centre-left party and some smaller socialist parties. Thus the tiny minority of right-wing voters in the electorate is rewarded while the larger minority of socialist voters is left out in the cold. This was exactly the result in the 1996 New Zealand

election, its first after switching to a proportional (mixed-member) electoral system from a SMP electoral system.

Indeed, to continue with this hypothetical example, there is even no guarantee that the centre-right party is the largest of the two dominant parties. It might well be slightly smaller than the centre-left party, but simply able to patch together a coalition with enough right-wing support to gain a majority in the legislature.

It is clear, then, that the equality principle assumed to be manifest in PR cannot be expected to direct the coalition-forming process that PR is likely to trigger. The formation of coalition governments is a high-stakes activity that proceeds in accordance with well-understood canons of political success, that is, the gaining and maintenance of political power. Successful coalition building requires agility, the capacity to compromise and opportunism. Voters who are led to believe that it has anything to do with voter equality are bound to be disillusioned by this kind of outcome.

Equality and the wasted vote

The second criticism of the existing SMP electoral system, which deplores the wasted vote in constituency races, is also misleading. This is because it confuses the meaning of losing politically in parliamentary politics. The result in the Halifax constituency in the 1997 federal election illustrates the confusion.

The winning candidate was Alexa McDonough, who is also the leader of the NDP. She obtained a handsome vote share of just over 49 percent. So those who voted for her might be thought to have won, so to speak. However, she was one of only 21 successful NDP candidates country-wide, 21 being 6.9 percent of the 301-seat House of Commons. But since the NDP is a minor party lost in the arid wastes of the opposition benches, those who voted for McDonough have arguably lost, even wasted their votes. Those who voted for one of the losing candidates in Halifax, namely, Liberal candidate Mary Clancy, did not “win their vote,” but the party of their candidate formed the government — absent Clancy, of course.

By the standard of winning, rather than losing and thus wasting one's vote, PR has little, if anything, to offer in a parliamentary system. This is because, even under PR, if one continues to use this standard of winning, all those who voted for parties that do not subsequently participate in a coalition government can be regarded as having lost their vote. Hence, while the legislature may be representative in terms of the distribution of party seats to the parties' shares of the popular vote, there are still “losers.”

Conclusion

In his *Considerations on Representative Government*, published in 1861, John Stuart Mill first authored the confusion in which the Beatty-minded critics are mired still. Mill thought that in a parliamentary system, the legislature chooses the executive. Referring to the

British example, he wrote: “In reality, the only thing which Parliament decides is, which of two, or at most three, parties or bodies of men shall furnish the executive government; the opinion of the party itself decides which of its members is fittest to be placed at the head.”

Mill regarded his observation to be a shrewd one, especially since it flew in the face of conventional wisdom at the time, which tended to place parliament, rather than the government, at the centre of the governing process. In reality, however, parliamentary legislatures do not choose the government. In a straightforward two-party system, the voters choose the governing party, and it is mere formalism to insist that the legislature does this. But, even in a multi-party system that generates a minority government, let alone a coalition government, it is equally inappropriate to think that somehow the legislature chooses the executive. There is no willing or choosing by the ordinary members of the legislature. The party leaders seize the initiative to produce an executive, and they do so in a highly partisan context. The eventual product is a done deal among party leaders. For the rest of the members of the legislature, there is only sustaining, and opposing, after the fact.

In short, the equality argument succeeds as a recommendation in favour of PR only on the narrow ground of equitable vote-to-seat conversions. PR can translate accurately the partisan preferences of the voters into the parties' respective seat shares in the legislature. And in doing so, it has the potential to generate more public legitimacy for the legislature, at least on this score. However, the equality dynamic of PR ceases to function as soon as the formation of coalition governments begins.

It follows, accordingly, that proponents of electoral reform who are interested in moving to PR cannot make their case for PR simply on the basis of an abstract conception of equality rights. If pursued on this basis alone, their efforts to promote equality will only wind up producing new, albeit different, forms of inequality. Their efforts will have the effect of deepening the frustrations of the losers who find that they have still “wasted” their votes. If we are to move in the direction of a proportional electoral system, we need to proceed with a realistic understanding of the political dynamics inherent in the formation of governments within the parliamentary system under PR. In other words, we need to be reminded that there is more to representative government within the parliamentary system than the election of members to parliament, whatever electoral system is used.

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