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Democracy and the Canadian House of Commons at the millennium

Abstract: The current debate about democracy in the House of Commons is not a debate about democracy at all. Instead it is a debate about responsible government. The author defines responsible government and links it with other major elements of the system of government, including the concept of political representation that is still widely shared among Canadians, the electoral system, and the organization of the House of Commons. The point is stressed that these elements form a consistent whole. Therefore, reforms that are made to any particular element are bound to affect the other elements. Those who, like members of the Reform party, are intent on pursuing radical reforms to the organization of the House are advised to consider the reverberating effects such reforms are likely to have on the system as a whole.

Sommaire : L'actuel débat sur la démocratie dans la Chambre des communes n'a en fait rien à voir avec la démocratie. C'est un débat sur la responsabilité gouvernementale. L'auteur définit ce qu'est un gouvernement responsable et fait le lien entre ce dernier et d'autres éléments majeurs du système de gouvernement, dont la notion de représentation politique toujours très partagée par les Canadiens, le système électoral et l'organisation de la Chambre des communes. Il souligne le fait que ces éléments constituent un ensemble cohérent. Par conséquent, la réforme de tout élément aura des répercussions sur les autres éléments. Ceux qui, comme le Parti réformiste, préconisent une réforme radicale de l'organisation de la Chambre des communes, auraient intérêt à bien peser les conséquences qu'une telle réforme pourrait avoir sur l'ensemble du système.

Section 17 of the Constitution Act, 1867, states that "there shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons."¹ All three components of the "One Parliament" have been the subject of criticism for the last thirty years, most especially the House of Commons, which is the principal subject here. There

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is no sign of any let-up. On the contrary, as the years have passed, the criticism has only intensified, to the point where it has transmuted into the straightforward charge that the House of Commons is insufficiently democratic, that is, insufficiently responsive to the wishes of the electorate. Thus, a recent editorial in a national newspaper, in which it was urged that members of Parliament be assigned a more purposeful role in the legislative process, was entitled "A project for democracy."²

The state of the debate favours change insofar as there are two reform camps rather than a reform camp versus a status-quo camp. There are the cautious reformers and the radical reformers. The cautious reformers want to reinvigorate the role of ordinary members of Parliament (MPs), that is, opposition members and government members who are not ministers of parliamentary secretaries to ministers. However, they also want to maintain responsible government, the central convention of which is the requirement that the government be supported by the majority of the members of the legislature. This convention enables the voters easily to identify the political players who are responsible for the public-policy agenda of the day and to punish or reward these players at the next general election.³ On the other hand are the radical reformers, who also seek changes that are designed to enhance the role of the MP. However, the changes they have in mind, which would liberate the MP from the thrall of party discipline, are far-reaching and would have the effect of undermining responsible government.

Both sides use the language of democracy in discussing ways of making the House of Commons a more democratic institution. Nevertheless, it is my contention that the fight between them is not a fight about democracy at all. It is a fight about responsible government. Accordingly, I plan to demonstrate that 1) responsible government is indeed the issue that divides the two camps; 2) that many of the radical reformers misunderstand responsible government; and 3) that the correct understanding of it had best be retrieved in order that Canadians not find themselves burdened by ill-considered schemes of reform.

For the purposes of my argument, I identify the radical reformers with the Reform Party of Canada. This is not to suggest that the proponents of radical reform are necessarily members of the Reform party. However, the party has authored the most prolonged and considered of any of the public assaults against current parliamentary practice. Reform's critique has extra punch, too, because it is rooted in the tradition of western populism. As a result, I propose to take the party's analysis as a proxy for the radical-reform position generally and pay it serious attention later in the essay. The cautious reformers, for their part, are often sitting or former parliamentarians who take a serious interest in the procedural life of the House of Commons. And it is useful to say something about them now.

The position of the cautious reformers was illustrated well in the fall of

1998, when some current and former members of the House met to consider the plight of the ordinary MP. In the summary notes of the meeting, that plight was depicted by reference to polls and press reports that revealed the public's lack of trust in Parliament. The public was reported to think that the institution in general is irrelevant; that debate in the House is little more than partisan wrangling; and that MPs are more intent on arguing with one another than in engaging in a collective effort to solve the country's problems. Then the question was posed: "Can anything be done to enhance Parliament's public image and to strengthen the role of Members?"⁴

The meeting took a constructive approach to the question by discussing three particular practices employed by legislatures elsewhere that are designed to include members more fully in the legislative process and thereby establish a more positive image of them and it. One was the *interpellation*, in use in the Quebec national assembly, essentially a question-and-answer session between opposition and independent members and ministers that takes place in a committee setting rather than in the national assembly. Because the session is run informally, participants can get immediately to the issues at hand. The second practice was the flexible whipping system pioneered by the British that permits the party leadership to discriminate between votes that require party solidarity and votes that do not. Finally, there was the inclusion of ministers as members of legislative committees whenever legislation that the ministers are sponsoring is before the committees, a practice that is designed to enable a direct, efficient exchange between the participants.

The participants in attendance found these practices very interesting, and they discussed some of the attitudinal changes on the part of parliamentarians that would be required to establish them as well as the necessary procedural changes. However, they also articulated a strong attachment to party solidarity and an acceptance of one of the logical consequences of it, which is party discipline. They were also sensitive to any procedural changes that would burden further the schedules of busy ministers. In other words, they were keenly aware of the trade-offs involved in changes designed to strengthen the hand of the individual MP.⁵ They were cautious.

Before leaving the cautious reformers, it is essential to point out that theirs is not a record of lack of accomplishment. On the contrary, in the last three decades there have been many interesting procedural reforms instituted in the House of Commons that are designed to strengthen the position of the ordinary member in the legislative process. A leading example is the procedure governing the choice of the Speaker, who presides over the proceedings of the House. Under the Constitution, the members elect the Speaker. In practice, this meant that the members of the majority party elected the individual selected for the position by the prime minister. In 1986, however, the constitutional provision was given full effect by the simple expedient of the

secret ballot. In a stroke, the members were transformed into independent electors, the upshot being that the choice is an unpredictable and interesting affair.⁶

It is not my purpose to present an exhaustive coverage of parliamentary reform, merely some examples of incremental reforms made recently, and in that spirit it would be remiss not to mention the committee system, where there is ongoing experimentation and adaptation. For example, during the Conservative administrations from 1984 and 1993, the traditional committee functions of the scrutiny of government departments and the scrutiny of bills were split between standing committees and legislative committees, respectively. Further, the standing committees were empowered to initiate *on their own* wide-ranging studies of the departments.⁷ When the Liberal party gained government in 1993, further changes ensued, with the standing committees resuming their old legislative-scrutiny role along with their oversight role, the legislative committees being scrapped. In the meantime, standing committees were issuing reports with enthusiasm and possibly some effect on government thinking.⁸ Another change worth noting involves the traditional legislative process according to which a bill is referred to committee following second reading, the stage at which the House votes to adopt the principle of the bill. Now it is possible to send a bill to committee after first reading, thereby enabling the committee to assess the principles of the bill and to propose any changes thought to be necessary.⁹ These developments indicate both the focus of recent reform efforts and their significance from the standpoint of ordinary members. On this last point, the chair of the liaison committee wrote that "the reputation of individual members, and of the institution of parliament itself, now depends as much, if not more, on work done in committee than in the House."¹⁰

Whatever the reason, these and other reforms¹¹ have received little attention beyond the confines of Parliament Hill.¹² It is safe to say that the issue of parliamentary reform, rather like a weather pattern, remains stalled between the two camps. There is the seeming inability of parliamentarians to generate any enthusiasm for the concrete institutional changes that have been made, on the one hand, and an ever-intensifying discourse of public criticism, fuelled by the campaign of the radical reformers, on the other. The reason for the stall is rooted in the confusion surrounding the debate between the two sides. As indicated above, my contention is that the fight between the cautious reformers and the radical reformers is not about democracy at all. To suggest otherwise is carelessness. Instead, the fight is really about responsible government. And this is no small matter, because responsible government cannot withstand the radical reforms of parliamentary procedure in the House of Commons being demanded by the Reform party without losing its internal coherence.

It must be stressed that the organization of Parliament, in general, and the House of Commons, in particular, is meant to house the system of responsible government. Whereas some organizational changes are consistent with responsible government, and may even enhance it, others are not. Further, and most importantly, there is more here at issue than responsible government and the organization of the House of Commons. There is the traditional concept of political representation that prevails in Canada. That concept is consistent with the design of the House and the way in which activity within it is organized to suit the responsible-government system. There is a consistency now between concept and institutional design. It could be stated that these things are of a piece. Thus the traditional concept of representation needs to be recalled and clearly restated before any of the radical recommendations for institutional change are entertained. This is because these recommendations invariably are based on a different concept of representation. Fortunately, the political science of an earlier era is available for the task of retrieving the traditional concept, with which it is necessary to begin.

The traditional concept of representation

The old conception of representation is articulated forcefully by R. MacGregor Dawson in the many editions of his influential text, *The Government of Canada*. The title of the relevant chapter is "The House of Commons: Representation," and the function of the House as a representative body is given pride of place:

The fundamental importance of the House of Commons is ... derived from its essential representative character, the fact that it can speak, as no other body in the democracy can pretend to speak, for the people. It presents in condensed form the different interests, races, religions, classes, and occupations, whose ideas and wishes it embodies with approximate exactness. It serves as the people's forum and the highest political tribunal; it is, to use Mill's phrase, "the nation's committee of grievances and its congress of opinions." One of its greatest merits is derived from the fact that it is not a selection of the ablest or most brilliant men in the country, but rather a sampling of the best of an average run, an assembly of diverse types and varied experience, the members of which are genuinely and actively concerned with the promotion of the national welfare as they see it.¹³

This is grand prose. The House is said to be the principal democratic institution in the body politic because it is the principal agency of representation. But what, exactly, is the conception of representation that Dawson held?

Absent the predictable gender blindness and what remains is the startling sociological literalness of Dawson's conception. He saw the House as a microcosm of the society, its members reflective of the diversity within the body

politic. His list of categories is short by today's standards, since it excludes lifestyle dimensions as well as ethnicity. Furthermore, his list is action-oriented, for want of a better term, since it is focused mostly on what people do rather than what they believe or how they present themselves, and in particular it is focused on what they do from an economic standpoint. So, the list is restricted. Nevertheless, the point is his notion that democratic representation involves the reproduction of the basic categories of individuals to be found in the society – the microcosm. Most touching is the seal of approval that he gives to the members' faithful reflection of the average over the exceptional. "One of its [the House's] greatest merits," he remarks "is derived from the fact that it is not a selection of the ablest or most brilliant men in the country, but rather a sampling of the best of an average run, an assembly of diverse types and varied experience, the members of which are genuinely and actively concerned with the promotion of the national welfare as they see it."

Dawson noticed that the occupational diversity of members of the House was not as wide as it might be. The middle-class professions, for example, were well represented, but not the trades. There were no carpenters, truck drivers or railway porters to be seen, and he regarded it as entirely plausible that the presence of such individuals would produce a better Parliament. However, he enters an important caveat here, cautioning his readers not to place an undue emphasis on the occupational skew because "it is most undesirable that the members should look upon themselves as the exclusive representatives of any special economic or social group."¹⁴ And why was this? The answer was rooted – quite logically so – in Dawson's theory of representation.

In a discussion that recalls the ideas of the eighteenth-century conservative philosopher, Edmund Burke,¹⁵ Dawson compared two competing theories of representation, namely, the delegate theory and the representative theory. According to the delegate theory, he wrote, the elected member is the voice of his constituency and strives to vote in accordance with the constituency's wishes. He noted that some minor Canadian political parties like the United Farmers have adhered to the theory both by urging their members to follow it and by attempting to establish the use of a recall technique that would allow voters to pursue the resignation of a member who opposed their views. According to the representative theory, on the other hand, the member is obliged only to take the views of the constituents into consideration, as one among several considerations, and in the end to exercise his own judgement. According to Dawson, this was the theory that prevailed among Canadian politicians and voters. He writes: "So far as any generalization on such a matter is possible, the bulk of the Canadian constituencies and of the members who sit for them favour the representative rather than the delegate idea, although in most instances a substantial dependence on the constituency is apparent."¹⁶

Given the fact that MPs vote strictly along party lines, this view appears to be hopelessly naïve. However, Dawson's discussion is more nuanced than indicated thus far. He regarded the relationship between the member and the constituency as variable and complex, and in any event he identified the political party to which the member belongs and his loyalty to the party and its leaders as important determinants of the member's position on any particular issue. Indeed, his description of the ideal member-constituency relationship leaves all kinds of room for straightforward partisan behaviour without exactly saying so. In the ideal relationship, he states, "the electors choose cautiously and confide liberally; then, after the term has expired, they will review the conduct of the member and pronounce on his stewardship as a whole."¹⁷ This statement places the onus on the electorate, not the member. And since nothing in it rules out the idea of the member voting along strict party lines, the reader might wonder what is left of the personal judgement that is supposed to be a hallmark of the representative theory. But there is something important left, and it is the national interest.

Under the representative theory, Dawson wrote, the member is supposed to represent the nation as well as the constituency. Thus, the real conflict between the two theories of representation does not turn on a conflict between the judgement of the member and the wishes of the constituency but between the national interest and the local interest. This is clear in the example that Dawson offered to illustrate his understanding of the ideal relationship between member and constituency. In 1942, the governing Liberals decided to hold a national plebiscite on the anti-conscription pledge that they had made in 1939 at the outset of the war. They wanted to be released from the pledge. C.G. (Chubby) Power, the associate minister of national defence and minister of national defence for air, supported the government's action in the full knowledge that his constituents strongly opposed conscription. But he also resigned from the cabinet.¹⁸ At the next election he was returned with a handsome majority. Dawson's reading of the incident is that Power put the national interest over the local interest and left it to the electors to judge his behaviour, although not without paying them respect by resigning from the cabinet.¹⁹

Following Dawson's line of thought, then, it is the need to take account of the national interest as well as the local interest that puts paid to the delegate theory of representation and any other theory that requires an elected representative essentially to act as the agent of those who have voted him into office. Now, the interests of the nation as a whole are bound to come into conflict with the interests of a particular constituency on some issue or other. Thus it is essential to find ways of accommodating local interests within the horizon of a particular national policy, without gutting the national policy. As Paul Thomas argues, the disciplined parliamentary caucus of the political party is an admirable vehicle for this purpose. Its very partisanship is the

engine that drives the effort at reconciliation. The partisanship is the engine that helps to diffuse the "tension between collective policy-making based upon disciplined political parties and the representation of territorial interests through individual MPs and senators."²⁰ The fact that caucus meetings are conducted in private also assists the reconciliation process, although it deprives the public of a glimpse of this aspect of parliamentary politics.²¹

In sum, the priority given to the national interest in the representative theory paves the way for the legitimacy of disciplined political parties. Political parties, after all, are expected to formulate policies that enhance the welfare of the nation as a whole. It is one of the great differences between them and interest groups, which need only to pursue the particular objectives of their membership. The disciplined character of parliamentary parties helps to strengthen their capacity to advance national policies while at the same time to resist the importunities of those seeking policy decisions that favour only themselves. The discipline acts as a kind of an institutional shield behind which the individual member of the party caucus can take shelter from the special pleaders. It also fits comfortably with the way in which the House of Commons is organized in any event.

The traditional organization of the House of Commons

The basic organizational structure of the House of Commons is rooted in the principle of responsible government. The structure has remained unchanged from its establishment in 1867. Certainly, important organizational details have changed as the House has adapted to the requirements of a changing world. But not the basic structure. And that structure remains consistent with the theory of representation that Dawson outlined. It is consistent with the idea that the individual member represents both the nation and the constituency, and it is consistent as well with the development of disciplined political parties as efficient vehicles of this idea of representation. Indeed, as many chagrined analysts have observed, the structure of the House creates an ideal environment for disciplined political parties.

The most famous statement on responsible government was made by Lord Durham in his analysis of the problems in the British North American colonies that was presented to the British government in 1839. His description of it remains one of the clearest available, although he does exaggerate the longevity of its use in England:

This entire separation of the legislative and executive powers of a State, is the natural error of governments desirous of being free from the check of representative institutions. Since the Revolution in 1688, the stability of the English constitution has been secured by that wise principle of our Government which has vested the direction of the national policy, and the distribution of patronage, in the leaders of the Parliamen-

tary majority. However partial the Monarch might be to particular ministers, or however he might have personally committed himself to their policy, he has invariably been constrained to abandon both, as soon as the opinion of the people has been irrevocably pronounced against them through the medium of the House of Commons.²²

Three fundamental organization rules flow from the principle, beginning with the division of the House into government and opposition. This division, seemingly so innocuous, makes the institution adversarial. It is always a matter of government *versus* opposition. The government does not share power with the opposition. In that crucial respect the two are completely separate. Once this is understood, the pattern of House proceedings is recognizable and intelligible, however unappealingly competitive and aggressive it might appear to some observers. The government proposes measures and defends them, while the opposition attacks the measures and occasionally offers alternative ideas. It should be stressed that the opposition *safely* goes on the attack. As Nova Scotia's great nineteenth-century parliamentarian, Joseph Howe, explained, responsible government posits a *constitutional* opposition, by which he meant a focused opposition that would maintain a watchful, critical eye on the government of the day.²³ The idea is captured by the phrase, "official" opposition party, which implies the legitimacy of its critical task. The simple adversarial pattern of government *versus* opposition prevails in everything from formal debates to the daily Question Period to the consideration of bills. And it works better with disciplined political parties rather than undisciplined ones or independents. The former are more likely to assume and maintain their institutional roles. The latter, being unpredictable, are more likely to blur the divide and thereby create confusion.

*[D]isciplined political parties ... are perfect vehicles for
the responsible form of government*

A second simple but deeply significant organizational feature of responsible government is the decision-making rule of the majority of those present and voting, assuming the quorum (generally set very low) is met. The governing party needs the support of the majority of the members of the House to remain safely ensconced in power. Indeed, this need is the mechanism that keeps the government accountable to the legislature and, through it, accountable to the people. Early experience in the practice of responsible government quickly highlighted the utility of disciplined political parties in the search for reliable legislative majorities. It is much easier to form and maintain majority support on the basis of a disciplined, loyal cohort as opposed to a coalition of individuals who fancy themselves to be independent. Moreover, as just indi-

cated in the discussion of government *versus* opposition, what is at stake is governing power – in that sense responsible government is a zero-sum-game in which the winner, the government, takes all. Thus the incentive to form the one-party governing majority in the legislature is overwhelming. While responsible government does not necessarily require party government in theory, it has become party government in practice.

The third set of organizational rules expresses the separation between executive and legislative power that subsists in the House of Commons. As set out in sections 53 and 54 of the Constitution Act, 1867, the rules dictate, first, that taxing and spending bills originate in the House of Commons and, second, that such bills be recommended by the governor general. Without such a recommendation, they cannot be considered at all. But the governor general acts only on the advice of those who command majority support in the House. Obviously, the net effect of the rules is to restrict the capacity to introduce money bills in the House to cabinet ministers. No opposition member can introduce a money bill because no opposition member could get the governor general's recommendation. Thus the governing party gains a complete constitutional monopoly on this hugely important segment of the public's business. Lest the spectre of monopoly appear off-putting in this context, it should be stressed that the money-bill provisions are recognized by some to be the very foundation of the freedom of the opposition, frozen out of power, "to oppose the government without being traitors ... to campaign against laws without undermining the rule of law."²⁴ The government alone must govern, always maintaining its majority; the opposition minority, uncompromised by participation in the government, is free to attack it.

These rules that enable the practice of responsible government render a context in which the development and maintenance of disciplined political parties make eminent sense. Such parties are perfect vehicles for the responsible form of government. Before leaving the traditional institutional structure, however, a word about the electoral system is in order. Strictly speaking, it is independent of the structure of the House. But it is not independent of the system of representation. On the contrary, it is compatible with the representative theory described by Dawson. The electoral system is the single-member-plurality system (SMP), a territorially based system in which the winning candidate in each constituency is the candidate with the most votes. There is a rich literature devoted to the effects of the system on everything from the political-party system to the viability of left-wing politics to national unity. However, the one feature of it that I want to emphasize here is the geography. There are very few truly homogeneous geographically defined constituencies. And where there is homogeneity, it is usually restricted to a particular characteristic. Constituencies might be French-speaking or agrarian. But even in such cases, there are differences among the inhabitants in other important respects, like religion, income or level of edu-

cation. Therefore, and despite the low threshold set by the plurality rule, at the outset candidates learn to find common positions, even the much maligned (by academics) lowest-common-denominator positions, and to try to avoid those that are guaranteed to alienate entire groups of voters. This is most easily accomplished by membership in national political parties, which, in the search for broadly acceptable policy positions, face the same problem posed by heterogeneity compounded many times over – and, whenever possible, address it by enthusiastically embracing generalities.

Demands for change in the House of Commons

In recent years, the Reform Party of Canada has launched a concentrated assault on responsible government in the name of democracy. Interestingly, the party rarely uses the phrase “responsible government.” Instead, it talks about party government and party discipline, practices that it regards as odious in general and undemocratic in particular. The following excerpt from its “Blue Sheet” of principles and policies reveals the populist flavour of the party’s critique:

Years of traditional party government – characterized by broken promises and unfulfilled commitments – have destroyed the faith of Canadians in political promises and platforms. How can that faith be restored? By political reform designed to give the people themselves the democratic tools to hold their politicians accountable and force governments to keep their commitments.²⁵

To rectify the situation, the Reform party proposes some critical changes to the rules of the House of Commons. These include rules to establish “free” (non-party) votes; rules that prevent the outcome of free votes from overthrowing the government; rules that recognize only formal motions of non-confidence in the government and that specify the timing of these motions; rules that establish more powerful parliamentary committees; and fixed general elections every four years, a change that would spin off new rules prescribing the length of parliamentary sessions and the timing of adjournment and dissolution. In addition, the party recommends the routine use of some extra-parliamentary mechanisms, like the referendum, the recall of elected representatives, and the citizen-sponsored legislative initiative.

The likely effects of these proposals deserve careful consideration. The Reform party suggests that they would inject more democracy and accountability into the system. The suggestion is not implausible, but it is vague. More precisely, the party contends that the changes in the House rules would weaken party discipline; give individual MPs more freedom to represent their constituents; and generally strengthen the position of opposition members and backbenchers in the governing party, presumably in relation

to the prime minister and the rest of the cabinet. The party also makes the claim that the extra-parliamentary mechanisms – the referendum, the initiative and the recall – would make the House more subject to the direction of the people in between elections.²⁶

The meaning of opposition members voting with the government or backbench members of the governing party voting with the opposition is not clear in the absence of a robust, unfettered confidence convention

On the face of things, it seems safe to concede that the changes recommended by the Reform party would accomplish the sought-after results of more power and freedom for opposition and backbench members at the expense of cabinet ministers and party discipline. Just how much more power and freedom, however, is quite another matter. In other words, the concession is imprecise, to say the least. In the meantime, there is the consideration of other results that might ensue, results that either are overlooked or unintended or simply not spelled out by the Reform party. For example, it might well be found that the recommended extra-parliamentary mechanisms, in supplying citizens with additional ways to “get at” members, would constitute a kind of disciplinary threat lurking in the background, waiting to be triggered. However, it is equally possible that the opportunity costs of triggering the mechanism would be sufficiently high to ensure that it is hardly ever used. Or, if it is used much, that members would learn effective ways to combat such assaults. In this spirit, the analysis that follows is focused first on the results that might ensue from one principal feature of the recommended changes – the substitution of written rules for conventions. Then it turns to the question of whether the results that the party expects – less party discipline, a strengthened role for ordinary MPs and a firmer public hold on the legislature – spell a more democratic and accountable legislative system.

Written rules versus conventions

In the category of unremarked-upon or unintended results, the most obvious is the use of written rules where there are none now. For example, at the moment, free votes are a matter for the determination of the party leaders, who succeed in avoiding them, for the most part. Presumably, written rules would take such discretion out of their hands. More important, however, are the proposed rules to corral the confidence convention, a subject that is worth pausing to consider. The confidence convention is rooted in the need for the government to maintain the support of the majority of the members of the legislature. If it should lose that majority, it forfeits its entitlement to

govern. This seems simple enough, but the fact of the matter is that there are occasions in which it is not altogether clear what constitutes a loss that is sufficiently serious to invoke the forfeiture. The need for majority support is clear. But majority support on what? A minor resolution on, say, a statutory holiday? Or a budget resolution? Or the Speech from the Throne (which outlines the agenda of a new government or a government that wants a new look)? The point to stress here is that in parliamentary systems based on the British model, the answers are conventional rather than presented in the form of written legal rules. Geoffrey Marshall and Graeme Moodie signify what this means when they define conventions as "rules of constitutional behaviour which are considered to be binding by and upon those who operate the Constitution, but which are not enforced by the law courts (although the courts may recognise their existence)."²⁷

What is considered to be binding by political actors at any given time cannot always be predicted in advance. Conventions evolve amidst public argument and debate, with the result that they have a somewhat pliable quality. Leader of the Reform party Preston Manning is bothered by one convention in particular, namely, the confidence convention, which he describes as "the erroneous belief studiously cultivated by the government that if a government bill or motion is defeated, or an opposition bill, motion or amendment is passed, this obliges the government to resign."²⁸ He argues that the governing party cultivates this view in order to compel its members to support it at all times and especially on occasions when they might be showing signs of disapproval of the government's course of action. By contrast, his position is that best practices today (he mentions Britain) militate against the idea that governments need fall on lost votes, even lost important votes, although presumably not something as important as the budget.²⁹ Since the governing party is unlikely to listen to Manning and stop insisting on the undivided support of its members, he has opted instead to tackle the confidence convention by written rules designed to limit its operation to specifically timed, formal motions. Votes on all other occasions, including free votes, would be secured against any want-of-confidence repercussions. The rule of fixed general elections every four years would confine further the use of the confidence convention and with it the unpredictability – for governments – that it can inject into parliamentary proceedings.

The very idea of establishing written rules where there are none now would mark a striking change in a system in which conventions are so singularly important, to say nothing of the debilitating effect of the proposed rules on the confidence convention, which lies at the core of responsible government. There is also the effect of these rules on the division in the legislature between government and opposition. In short, they might have the interesting effect of blurring the very division at the structural heart of the system. The meaning of opposition members voting with the government or

backbench members of the governing party voting with the opposition is not clear *in the absence of a robust, unfettered confidence convention*. If the confidence convention were unchanged, we might visualize a system in which independent members are essentially judging parliamentary leaders who would continually be forced to curry the favour of the independents. Government could be made to be *very* responsible, at least to the independents. However, in the Manning scenario, in which the confidence convention is closely confined, it is not clear what we are to understand free-voting members to be doing. Are they to be considered the constitutional opposition when they oppose the government? Do they take responsibility for government decisions when they support the government? These are not the sort of questions that normally arise in a system that depends on a clear assignment of responsibility for government and for opposition.

Enhancing democracy?

In addition to the problem of unintended or unlooked-for consequences of rule changes, there remains the critical issue of whether the changes proposed are likely to enhance the democratic quality of the system, as the Reform party – and others – easily suppose. There are some reasons to doubt the claim. One major reason is the context in which the claim is made. Responsible government looks least responsible when there is a one-party majority, which has been the case in the House of Commons since the general election of 1980, in which the minority Conservative government led by Prime Minister Joe Clark was defeated and a Liberal majority government installed in its place. The one-party majority is the condition of the potential of the system to produce strong and decisive administrations. It shows the impressive powers of the government to the full extent, as commentators like to point out.³⁰ But elections do not always produce such a result. Sometimes no party wins a majority, in which case other possibilities arise, like one-party minority government or coalition government. The point to stress is that as matters now stand, there are no written rules of the kind proposed by the Reform party that confine the behaviour of political actors in these situations. There is the convention of the collective responsibility of the cabinet to the legislature. As a result, there is enormous opportunity for political actors to innovate in terms of parliamentary arrangements in an effort to respond to a public opinion that is distributed closely among the contending political parties. A good, recent example occurred in Nova Scotia.

In the provincial general election in March 1998, the governing Liberal party, under the leadership of a new premier, Russell MacLellan, suffered extensive losses, dropping from forty seats in the fifty-two-seat house of assembly to nineteen seats. The NDP soared from four seats to nineteen, while the Conservative party increased its number from nine to fourteen. Premier MacLellan formed a minority government, met the assembly, and with the

help of the Conservatives, got a budget passed. And that was it, at least for the government. Only six bills were passed during the spring session, one being the budget. The other five were sponsored by the opposition Conservatives.³¹ Here were some very active opposition members, not at all like the "mushrooms: kept in the dark and fed manure" that newspaper columnist Gordon Gibson imagines them to be.³² Further, the Liberal government acquiesced in some interesting procedural changes: the use of a secret ballot to choose the Speaker of the assembly in the event that more than one candidate is nominated for the position;³³ the choice of opposition members to chair some important legislative committees; and the precise, three-way membership of the committees – three members from each of the parties.³⁴ The pattern continued during the fall session of the assembly, the main difference being that the government managed to get several housekeeping measures passed.³⁵ Now, it might be responded that the government was compelled to acquiesce because of the election result. But that is precisely the point. The election result was indecisive, and the system enabled the political actors to respond to the indecisiveness with breathtaking precision. This calculated sensitivity to public opinion is surely democratic.

[T]he delegate theory of representation ... needs to be reconsidered in the light of contemporary social and political circumstances

In June 1999, the Conservatives joined the NDP to defeat the government's budget. At the request of the premier, the lieutenant-governor dissolved the assembly in preparation for a summer election, which the government subsequently lost and the Conservatives won.³⁶ There were no written rules governing the political decision that the Conservative leader, Dr. John Hamm, and his caucus made to withdraw their support of the government. Ever-present, however, was the state of public opinion, and their appraisal of it obviously was a crucial factor in the decision. Under the Reform party's proposed rules, this aspect of responsible government might well change. Legislatures might be made to last a specified period of time, notwithstanding the state of public opinion. Or, if formal motions of non-confidence were allowed, they might be so closely regulated that the four-year term would prevail anyway. The irony needs to be stressed that the non-confidence convention so disliked by Manning is closely connected to public opinion and the assessment of it by the political actors. If the link is severed by the formalization of the confidence convention, then the system as a whole stands to lose a major inter-election connection with the electorate.

Thus far the discussion has proceeded from the standpoint of the political

parties in the legislature and the relationship between their actions and the state of public opinion. However, the Reform party is also seeking to enhance the status of the ordinary MP, the argument being that an enhancement of the members' position is an enhancement of democracy. Since the free vote is thought to be the ticket here, it is worth pondering the connection between it and democracy. Under the free vote, the elected member presumably can make a decision based on his own estimation of the matter at hand. The factors that might be involved in the decision-making process include the merits of the issue, the views of party colleagues, and the views of various people and organizations in the member's constituency. There may be tactical considerations that bear on the member's career or the competitive position of the political parties. It is not entirely clear why this is more democratic than the *status quo*, in which decisions are made in meetings of the party caucus, where the same raft of factors surely is in play. However, the elevation of the constituency factor might make the free vote a more democratic exercise.

Members who choose to base their "free" vote on the views of the majority of their constituents as determined, say, in an opinion poll are acting as agents or delegates of the majority. Whatever the quality of decisions made on this basis, at least it can be said that with the aid of the polls members are connecting with as many individuals in the constituency as possible. Enormous numbers would be brought into the decision-making process, and in a determinative rather than consultative way. This seems more democratic, at least on the dimension of the sheer numbers involved. However, a free vote that is conducted in such a manner is consistent with the delegate theory of representation rather than the theory that underpins the system now. This delegate theory needs to be reconsidered in the light of contemporary social and political circumstances.

A new theory of representation

The radical reformers have declined to pursue their thoughts on representation beyond the call for measures that would upset the system of responsible government, as that is given effect now in the design of the House of Commons. However, if they were to move ahead and begin to think systematically about the requirements of delegate representation, which is what they are pursuing, in effect, they would surely not stop at making a shambles of responsible government. They would consider what institutional structure or structures can best give effect to the tenets of delegate representation. And here an irony lies in wait.

One institutional model that suits the representative role of the elected member as envisaged by the radical reformers is the American congressional model. Members of Congress are said to "take their representative function seriously ... [devoting] a significant portion of their time to consti-

uent contact and service."³⁷ Further, and consistent with the focus on local representation, the members face much less the pressure of party discipline than do their Canadian counterparts. From 1955 to 1996 in the Senate and the House of Representatives, the percentage of times that members voted with the majority of their party in only those recorded votes in which the majority of one party voted against the majority of the other party, ranged from a low of thirty per cent to a high of seventy per cent. The high point follows the mid-term congressional election of 1994, when the Republicans in the House of Representatives achieved an uncommon degree of ideological unity under their leader, Speaker Newt Gingrich.³⁸ The trouble with the congressional model, however, is that it is part of a system of government that is completely different from ours. It is part of a system of separate and constitutionally independent branches of government – executive, legislative and judicial – each equipped with sufficient powers to pursue its assigned tasks and to fend off predations from either of the other branches. The only way for Canadians to get there is by wholesale constitutional change, not exactly a gripping proposition at the best of times.

The only other available institutional structure, a change in which would enhance the prospects of delegate representation, is the electoral system. And the electoral system has the advantage, arguably, of not requiring any amendments to the Constitution. However, the radical reformers have stayed away from discussions about the electoral system. Perhaps they sense that a different electoral system might not rid them of their chief bugbear, party discipline. If so, in my view they would be right. It is an irony indeed that the kind of electoral system that is needed to give effect to delegate representation relies on disciplined political parties. Before this contention is explained, however, it is helpful to consider the conventional critique of the delegate theory of representation.

The delegate or agent theory has not fared particularly well in the political theory and practice of responsible government. At the risk of oversimplification, it is probably safe to state that Burke's attack on it stuck. In the first place he thought it absurd to compel an elected member to vote the constituents' views even though the member might consider them to be completely wrong. He also argued that the constituents' views might well be partial, hastily formed, and ultimately in opposition to the general good, in which case they ought not to triumph over it.³⁹ Both points are hard to counter. A representative who acts as a mere mouthpiece risks looking useless or cowardly. A representative who presses the particular against the general appears to be championing narrow, selfish interests. Despite these contentions, from time to time a fresh crop of believers in the delegate theory will try it on, only to come up against obstacles of another kind – practical obstacles.

One obstacle has been the task of collecting the views of constituents. So

long as the views of only a few could reasonably be gathered, the democratic defence of the delegate theory was untenable. Now that refined polling techniques are widely available and advances in telecommunications have enhanced dramatically the ease of communications among people dispersed geographically, it is possible to elicit mass views. Certainly governments are constantly polling to stay ahead of the popular-opinion curve, as it were. As a result, for individual members the problem of reaching constituents is largely one of cost, although cost is by no means an insignificant factor. However, even if it is conceded that modern technology can solve the problem of communications between the elected representative and the constituents in the name of democracy – and the most serious of doubts abound⁴⁰ – there remains a very large obstacle to the delegate theory, and it is the electoral system, itself.

*In the final analysis, any practicable notion of democracy
must be given institutional effect*

From the standpoint of delegate theory, the problem with the geographically based, single-member plurality (SMP) system is ... geography. *Delegate theory and the SMP electoral system do not sit well together.* Undoubtedly, in the early days of the Canadian state, some constituencies had a coherent character for lengthy periods. Boundaries might have remained constant, populations steady, and economies unchanging. However, constituencies today cannot be described in this fashion, if they ever could. Boundaries are continually changed in an effort to ensure some semblance of population parity between constituencies; people are far more mobile than ever before; and the pace of economic change has intensified. As a result, the average constituency is a portrait of diversity in every conceivable way. And this poses a problem for the delegate theory to the extent that the representative is unable to find an easy majority interest or opinion to represent. One solution, of course, is to manufacture something easy to represent by establishing a different electoral system. It would likely require a version of the system of proportional representation (PR).

This is not the place to consider different systems of proportional representation.⁴¹ The point is simply that PR can be designed to permit extensive political representation on non-territorial bases. It can be designed to slice the representative pie in many, many ways. There is an understandable tendency to focus on the likely implications of PR for the political parties. It is expected that under PR, a political party's share of the popular vote would translate into the same share of the seats in the legislatures, or at least something close to it. It is also supposed that this mathematical precision would

amount to an incentive for the establishment of new, small parties. Taken together, these expectations suggest a fine-tuning of the representation of the electorate in the form of many parliamentary parties, some of which might represent coherent and homogeneous political opinion. In parties of that kind, elected representatives could engage in the practice of delegate representation. They could act as agents of their particular segment of the voters rather than as brokers of several segments.

The implications of PR for representative practices reach beyond the political parties. Proportional representation is an ideal system for the development of new forms of representation in relation to a politics of identity. Under PR, voters might find themselves faced with candidates who make appeals that are rooted exclusively in ethnicity or gender or sexual orientation or language or age or whatever. Such candidates might not belong to traditional political parties, but instead see themselves as agents of the self-identifying voters who elect them and whom, as a collectivity, they represent. And as agents, these "identity representatives" would not want to stray from the collectivity's views on the issues of the day – identity politics is too personal for that. Here again, the role of the representative is consistent with the delegate theory of representation.

It is worth commenting that the Burkean opposition to delegate representation seems beside the point if the institutional apparatus that provides the context for the representative theory is altered by a change in the electoral system. It is hard to see how an identity representative, or a representative elected on the basis of a tightly conceived political platform, could be so out of touch with his supporters that he finds himself defying his conscience by voting the supporters' views, which is the personal sacrifice that Burke imagined the delegate theory to entail.

Burke's argument about the priority of the national interest over particular or local interests, on the other hand, still retains validity, although it needs to be re-thought in the context of the likely effects of PR on the party system. Briefly, the likely effects are to stimulate the number of political parties and to deny any one of them the opportunity to gain a majority in the legislature. The probability of coalition government looms. However, the first point that needs to be stressed is that there is nothing about coalition government that is inimical to the system of responsible government. On the contrary, as the recent example in Saskatchewan demonstrates, responsible government accommodates it quite easily.⁴² The second point that needs to be stressed is that under a system of PR, the political parties might well be more coherent in terms of their positions and therefore more refined vehicles of representation. If so, then the elected representatives of the parties are more likely to be able to act as agents or delegates of their voters – disciplined agents or delegates. In this way, under PR, disciplined political parties become the instruments of delegate representation. And the home of disci-

plined political parties, coalition government notwithstanding, is responsible government.

To return to Burke's concern, then, in the case of coalition government, the reconciliation of local and national interests is not abandoned. Instead, the reconciliation that now takes place *in camera* within the caucuses of the parliamentary parties is supplemented by the conduct of open post-election negotiations between the parties.

Conclusion

I have argued that the fight between the radical reformers and the cautious reformers is not a fight about democracy. Instead, it is a fight about responsible government. The consequences of not being clear about this are grave. The first consequence is the complete misunderstanding of the relationship between democracy and the institutional realization of it. In the final analysis, any practicable notion of democracy must be given institutional effect. This is what liberal-democratic forms of government do. Each does it somewhat differently. Congressional government does it one way, parliamentary government does it another way, mixed parliamentary-presidential systems yet another way. The differences between them are fit to discuss. The point is the need to assess the system in question as a whole. Assessing one aspect here and another there risks conveying the simplistic impression that democracy is a one-dimensional conveyor-belt of voter preferences. In fact, it is an amalgam of principles like majority rule and minority right that are woven into an institutional whole cloth.

A second regrettable consequence concerns responsible government itself. By going after important parts of the system in the name of democracy rather than considering the system head on, the radical reformers sow confusion about the system. It is easy to see how the confusion develops. For example, the radical reformers argue that party discipline is undemocratic because it prevents members from giving voice and vote to the preferences of their constituents. Well, viewed in isolation, party discipline does sound undemocratic. However, it cannot be viewed in isolation but instead must be viewed in relation to the parliamentary structure of government versus opposition, including the government monopoly of the legislative agenda and the opposition monopoly of the criticism levelled against it. In other words, party discipline has to be considered as a component of a system that delivers on the democratic principle *in a particular way*. That does not mean it is the best way or the only way. There are other ways, like the congressional way. But better to understand and debate the parliamentary model, including comparing it to other models, rather than to seize on parts of it under the illusion that the parts are separate and severable rather than interlocking. They are not separate and severable.

The final consequence affects the very viability of the project of radical

reform. The central project of the radical reformers is to institutionalize the idea of delegate representation. They think that they can do it by adopting rules that would undermine the system of responsible government – not eliminate it – and by retaining the SMP electoral system. But this is not workable. The proposed rules would destabilize the system of responsible government. But not in the name of delegate representation, since it cannot be practised under the SMP system. Barring a move to the congressional system, which is clearly out of the question, the project of delegate representation has to take place within the context of responsible government and disciplined parties – and a proportional electoral system.

The electoral system is the variable that deserves consideration because it is the electoral system that needs to change in order to generate the finely tuned process of representation that the delegate theory requires. The fact of the matter is that responsible government does not work well with the delegate theory of representation so long as the existing electoral system is maintained. Responsible government, worked as it is by members of disciplined parliamentary parties, is consistent with the traditional theory of representation, which in turn sits well with the traditional, geographically based, first-past-the-post electoral system. These consistencies may well be more a matter of historical accident than design. Nevertheless, by the time responsible government was established in the British North American colonies, versions of the traditional theory and the traditional electoral system had been in use for some time. As a consequence, and despite the refinements made over many decades, political actors have worked the core features of these systems together, so that they make one model. Again, this simply means that changes in an important element (party discipline) of one system (responsible government) are bound to affect and be affected by the other systems (the traditional theory of representation and the electoral system).

The existing electoral system is very forgiving. The winning candidate in a given riding can assume that his or her votes are votes for the candidate, or for the party, or the party leader, or the probable party winner – most likely all of these things, and some others, too. The candidate is enveloped in a kind of representative fog. He or she is unlikely to face a high threshold of expectations on the representation front.⁴³ However, if the idea of members giving effect to voter preferences on the issues of the day is taken seriously, then the electoral system might well have to be tightened up considerably. If voter preferences were determinative in the way that delegate theorists desire, why would voters want to be driven by geographically based, contingent majorities? Surely there would be a case for an electoral system that could give precision to voter preferences by grouping like-minded voters.

Chafing under party discipline, the radical reformers assume that it militates against the idea of taking voter preferences seriously on the issues of the day. But under responsible government, it is plausible to think that the

two can be nicely combined with a different electoral system. Indeed, it is plausible to think that giving effect to voter preferences within the context of a proportional electoral system in fact might *require party discipline*. Such reasoning demonstrates why the radical reformers need to reconsider their appraisal of responsible government. They need to think through the elements of the system as a whole – responsible government, party discipline, the theory of representation, and the electoral system. Doing so would allow them to ponder such phenomena as coalition government and whether coalition government does or does not frustrate the system of responsible government. Until the radical reformers reconsider their position through an analysis of the interlocking systems that make up the political system as a whole, the best approach belongs to the cautious reformers, who are bent on the incremental improvement of the democracy of responsible government.

Notes

- 1 The BNA Act, 1867, Stats UK. 30 & 31 Victoria, c.3
- 2 n.a., "A project for democracy" [editorial], *The Globe and Mail* (Toronto) 24 July 1999, p. D8. See also Paul G. Thomas, "Parties in Parliament: the role of party caucuses," in A. Brian Tanguay and Alain-G. Gagnon, eds., *Canadian Parties in Transition*, 2nd edition (Toronto: Nelson Canada, 1996), pp. 252–53. In his study of the role of the caucuses of the parliamentary parties, Thomas makes the point that the parties need to be understood in relation to the institutional framework of responsible government within which they operate. *Ibid.*, p. 253.
- 3 S.L. Sutherland, "Responsible government and ministerial responsibility: every reform is its own problem," *Canadian Journal of Political Science* 24, no. 1 (March 1991), pp. 95–6
- 4 [Peter C. Dobell], "Foreword," *Occasional Papers on Parliamentary Government*. Number 7 (Ottawa: Parliamentary Centre, 1998), p. 3.
- 5 For example, former leader of the New Democratic Party Audrey McLaughlin stated, "One thing that really disturbs me is when we, as Members of Parliament, are accused of being sheep who follow the party line. First of all, we are not individual entrepreneurs. We are, in the main members of political parties. Political parties have platforms. We run as candidates on a platform." *Ibid.*, p. 18.
- 6 G. Levy, "A night to remember: the first election of speaker by secret ballot," *Canadian Parliamentary Review* 9, no. 4 (Winter 1986–87), pp. 10–14.
- 7 Canada, Parliament, House of Commons, Table Research Branch, *Precis of Procedure*, 5th edition (Ottawa: Clerk of the House of Commons, 1996), pp. 95–107.
- 8 See Michael M. Atkinson and David C. Docherty, "Parliament and Political Success in Canada," in Michael Whittington and Glen Williams, eds., *Canadian Politics in the 21st Century* (Scarborough, Ont.: Nelson, 1999), p. 23.
- 9 Canada, Parliament, House of Commons, Table Research Branch, *Precis of Procedure*, pp. 63–4.
- 10 Bill Graham, "Foreword," *Occasional Papers on Parliamentary Government*. Number 4 (Ottawa: Parliamentary Centre, 1997), p. vi.
- 11 Especially noteworthy are the reforms made to the procedures for handling bills and motions sponsored by private members, the purpose being to boost the chances of these items actually being voted on by the House. Canada, Parliament, House of Commons, Table Research Branch, *Precis of Procedure*, pp. 111–17.
- 12 See André Blais and Elisabeth Gidengil, *Making Representative Democracy Work: The Views of Canadians*, Vol. 17. Royal Commission on Electoral Reform and Party Financing (Toronto:

- Dundurn Press, 1991); P. Dobell and B. Berry, "Anger at the system: political discontent in Canada," *Parliamentary Government* 39, no. 3 (January 1992), pp. 3–20.
- 13 R. MacGregor Dawson, *The Government of Canada*, 4th edition. Revised by Norman Ward (Toronto: University of Toronto Press, 1963), p. 331.
 - 14 *Ibid.*, p. 346.
 - 15 Edmund Burke's name is not mentioned. *Ibid.*, pp. 346–48.
 - 16 *Ibid.*, p. 346.
 - 17 *Ibid.*, p. 348.
 - 18 C.G. Power resigned on 23 November 1944. See Canada, Parliament, House of Commons, *Index of Debates, 1944–1945* (Ottawa: King's Printer, 1946), p. iii.
 - 19 *Ibid.*
 - 20 Thomas, "Parties in Parliament," in Tanguay and Gagnon, *Canadian Parties in Transition*, p. 270.
 - 21 *Ibid.*
 - 22 John George Lambton, Early of Durham, *Report on the Affairs of British North America*, Vol. 11. Edited with an introduction by Sir. C.P. Lucas (Oxford: Clarendon Press, 1912), p. 79. In volume 1, Lucas says that Durham's account of responsible government is very clear. See pp. 137–38 and p. 142. For Durham's recommendation that responsible government be adopted in the colonies, see p. 327.
 - 23 See Joseph Howe's fourth open letter penned in 1839 to the British colonial secretary at the time, Lord John Russell, in W.P.M. Kennedy, ed., *Statutes, Treaties and Documents of the Canadian Constitution, 1713–1929*, 2nd edition (Toronto: Oxford University Press, 1930), pp. 407–408.
 - 24 Janet Ajzenstat, "Comment: Separation of powers," *Canadian Journal of Political Science* 20, no. 1 (March 1987), p. 119. She makes this argument at greater length in "Reconciling Parliament and rights: A.V. Dicey reads the Canadian Charter of Rights and Freedoms," *Canadian Journal of Political Science* 30, no. 4 (December 1997), pp. 654–55.
 - 25 Reform Party of Canada, "Blue Sheet: Principles & Policies of the Reform Party of Canada 1996–97" [web site address was <http://www.reform.ca/bluebook/political.html>.] See also http://www.reform.ca/info/ftp/blue_book_98.
 - 26 Reform Party of Canada, "Democratic Populism III." Final Report of the Task Force, 2000 [web site]. See <http://www.reform.ca/info/ftp/20-20>
 - 27 Geoffrey Marshall and Graeme Moodie, *Some Problems of the Constitution*, 4th edition. Revised (London: Hutchinson & Co., 1967), p. 26.
 - 28 Preston Manning in Canada, Parliament, House of Commons, *Debates (Hansard)*. 36th Parliament, 1st Session, 21 April 1998 (Ottawa: Public Works and Government Services, 1998), p. 5868.
 - 29 *Ibid.*, p. 5869.
 - 30 Gordon Gibson, "It's time for a backbenchers' bill of rights," *The Globe and Mail* (Toronto) 14 September 1999, p. A15. Gibson quotes a former conservative MP to the effect that the system is a "dictatorship in search of democracy."
 - 31 Nova Scotia, House of Assembly, 1st Session, 57 General Assembly, "Progress of Bill," 1998 [web site].
 - 32 Gibson, "It's time for a backbenchers' bill of rights," *Globe*.
 - 33 Nova Scotia, House of Assembly, Office of the Legislative Council, "Rules and Forms of Procedure" [web site], 1999 "The Speaker." See <http://www.gov.ns.ca/legi/legc/rules.htm#The Speaker>
 - 34 Nova Scotia, House of Assembly, Office of the Legislative Council, "Nova Scotia Standing and Select Committees of the House of Assembly. 57th General Assembly" [web site]. See <http://www.gov.ns.ca/legi/committee/comlist.htm>
 - 35 Nova Scotia, House of Assembly, 1st Session, 57th General Assembly, "Progress of Bills," 1998 [web site].

- 36 The election, held on 27 July 1999, featured very close results in some ridings, as a result of which there were recounts. As of writing, the governing Conservatives hold thirty seats, and the NDP and the Liberals each hold eleven seats.
- 37 Theodore J. Lowi and Benjamin Ginsberg, *American Government: Freedom and Power*, 5th edition (New York and London: W.W. Norton & Company, 1998), p. 211.
- 38 *Ibid.*, p. 199.
- 39 Louis I. Bredvold and Ralph G. Ross, eds., *The Philosophy of Edmund Burke* (Ann Arbor: University of Michigan Press, 1967), pp. 147–48.
- 40 See Rainer Knopff's brilliant attack on "technological populism" in his "Populism and the politics of rights: the dual attack on representative democracy," *Canadian Journal of Political Science* 31, no. 4 (December 1998), pp. 683–705.
- 41 A useful recent discussion is found in R. Kent Weaver's "Improving representation in the Canadian House of Commons," *Canadian Journal of Political Science* 30, no. 3 (September 1997), pp. 473–512.
- 42 Public opinion, of course, is another matter. See Jill Mahoney, "Romanow's NDP–Liberal coalition sparks furor," *The Globe and Mail* (Toronto) 1 October 1999, p. A1.
- 43 There are exceptions, of course. One need only think of David Dingwall. Elected in 1980 from the constituency of Cape Breton–East Richmond, from 1993 to 1997 he served as the minister of public works and government services and minister for the Atlantic Canada Opportunities Agency, and then as minister of health. He faced tremendous hostility in his constituency when he had to deliver the message that the federal government was planning to pull out of the Cape Breton coal industry, and in the general election of 1997 he was soundly defeated.