
DEMOCRATIC DEFICITS: PATHWAYS AND BARRIERS TO ELECTORAL REFORM IN CANADA

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Canadian federalism is founded on the recognition of distinct territorial identities, particularly as it relates to the province of Québec. Despite a substantial increase in Canada's demographic diversity since Confederation in 1867, the federal government remains relatively homogeneous in its demographic composition. The current electoral structure is based solely around territorial units, to the detriment of non-territorially based identities such as women, the LGBTQ+ community, and ethnic minorities. There are two system-level methods of electoral reform that could remedy this representational gap, each of which is applicable to the Canadian context: Proportional representation and reserved seats. This essay examines the cases of New Zealand and Uganda, which have implemented proportional representation and reserved seats, respectively, to argue that either of these reforms would ultimately increase the substantive representation of non-territorially based identities in the Canadian federal government. The essay also includes a discussion on the descriptive and substantive representation of minorities within each of these contexts. Historical Institutionalist theory is used to explain why New Zealand and Uganda were able to implement electoral reform, while Canada has yet to do so. In summation, the substantive representation of non-territorial identities in the Canadian federal government can be improved through the adoption of either proportional representation or reserved seats; however, this shift will require a critical juncture that would force the Canadian government to shift its current policy path away from a strictly majoritarian electoral framework.

Introduction

Canadian federalism is founded on the recognition of distinct territorial identities, particularly as this relates to the province of Québec.¹ While federalism was able to accommodate territorially-based cultural divides by allowing for increased subnational autonomy, the current national democracy fails to appropriately represent a diverse population.² In particular, non-territorial identities — such as women, the LGBTQ+ community, and ethnic minorities — remain underrepresented at the federal level.³ Federal parties have made efforts to run slates, which are more representative of the Canadian populace;⁴ however, this is not a strategy that has been universally adopted nor made mandatory.

This research paper proposes that there are two system-level electoral reform initiatives which can serve to increase non-territorial identity representation in the Canadian Parliament: the implementation of proportional representation, and the creation of reserved seats for underrepresented groups. There are a variety of methods through diversity can be promoted within elected institutions, and each is the responsibility of a different area of the political process. For example, while Canadian political parties may impose gender quotas for candidate slates, this is neither mandatory nor obligatory at the system-level. This paper examines proportional representation and reserved seats because they are methods of increasing representation that will apply universally across the federal electoral process.

New Zealand's 1993 adoption of proportional representation is examined because of the country's similarities to Canada such as their once shared use of the First-Past-the-Post (FPTP) electoral system and parliamentary government structure. The Ugandan Parliament, which boasts a broad approach to the use of reserved seats, is examined in the following section. Uganda was chosen as a case study due to the broad nature of its reserved seat system; the government currently reserves seats for women, youth, people with disabilities, and workers rather than a single underrepresented group. Uganda and Canada also currently utilize majoritarian electoral methods, suggesting that reserved seats are applicable within Canada's current electoral framework.

1 Ronald L. Watts, "The American Constitution in Comparative Perspective: A Comparison of Federalism in the United States and Canada," *The Journal of American History* 74, no. 3 (1987): 770.

2 Mebs Kanji and Antoine Bilodeau, "Value Diversity and Support for Electoral Reform in Canada," *PS: Political Science and Politics* 39, no. 4 (2006): 834.

3 "Canadian Parliament Primer," *CBC News*, CBC Radio-Canada, accessed October 30, 2019, <https://newsinteractives.cbc.ca/elections/federal/2019/commons/>.

4 Rachel Emmanuel, "Parties look to attract more female candidates," *iPolitics*, last modified October 17, 2019, accessed October 30, 2019, <https://ipolitics.ca/2019/10/17/parties-look-to-attract-more-female-candidates/>.

Historical institutionalist theory is used to examine how New Zealand and Uganda were able to implement these measures as well as explain why Canada has failed to adopt electoral reform at the federal level. As a whole, this essay posits that Canada can increase the substantive representation of marginalized groups at the federal level through the adoption of either proportional representation or reserved seats but that this change will only come to fruition in the event of a critical juncture.

Historical Analysis of Canadian Federalism

The adoption of federalism in Canada arose out of the need to reconcile cultural differences between two distinct identities: the French, who resided in Lower Canada (also referred to as Canada East) and the English, who, along with settling in the now-Maritime and prairie regions, comprised a majority in Upper Canada (or Canada West). Tensions between the two groups became increasingly hostile after the union of Upper and Lower Canada in 1840, and this divide was prevalent in the discourse surrounding electoral institutions. English-Canadians desired a Rule by Population, which would grant them increased control over the colony's affairs, while French-Canadians favored a complete separation of the territories to allow for absolute autonomy within their distinct cultural contexts.⁵ These expressions of the future vision of Canada were also espoused by prominent politicians of the time, including Sir John A. MacDonald of Canada West and Sir George Etienne Cartier of Canada East. MacDonald was a proponent of unitary government, coinciding with the Anglo-majority's desire for Rule by Population, while Cartier advocated for a federal structure. Notably, many Francophones were not (and continue not to be) explicitly in favor of federalism; they simply desired cultural autonomy within their territorial region, regardless of governmental structure⁶ After extensive negotiations that included political leaders and businessmen from Anglo- and Franco-Canada, the Canadian federation was ushered into existence with the passing of the British North America Act of 1867. The new framework for the government was a highly centralized federal state, a compromise between English and French interests.⁷

While the division between English and French Canada was primarily cultural in nature, it was underpinned by the assumption that a cultural identity necessitates a defined territory through which they can be represented in electoral governmental institutions. In other words, the location is a representation of cultural identity which appears to take precedence over other aspects of identity, particularly within institutionalized representative bodies. While the unique struggles associated with location and culture cannot be undermined, this approach fails to consider the experiences and representation of non-territorially based identities. The following

5 Watts, "The American Constitution in Comparative Perspective," 770.

6 Samuel LaSelva, *The Moral Foundations of Canadian Federalism: Paradoxes, Achievements, and Tragedies of Nationhood* (Montréal.: McGill-Queen's University Press, 1996), 23.

7 Watts, "The American Constitution in Comparative Perspective," 770.

section discusses the differences between descriptive and substantive representation between the case study subjects, New Zealand, and Uganda.

Descriptive and Substantive Representation

The use of the term ‘representation’ has been subject to scrutiny, including whether the representation of marginalized groups is descriptive or substantive. Descriptive representation can be operationalized as a situation in which “...a minority’s representatives do not facilitate public policy coinciding with the group’s preferences.⁸ Conversely, substantive representation necessitates that “...group representatives stand out for the group’s interests as [they] reveal themselves in policy-making processes.”⁹ For example, a 2007 study found that women elected in proportional representation electoral systems, including those in New Zealand, were more likely than those elected under majoritarian systems to believe that they have a specific responsibility to represent women in the government.¹⁰ In other words, their role in government was one of substantive, rather than descriptive, representation. However, descriptive and substantive representation can also be perceived as two evolutions within a multi-step process rather than two separate outcomes; when representation begins as descriptive, it can, in turn, lead to increased substantive representation within policy-making processes. Additionally, “[i]n what we might call a role model capacity, elected representatives of a group may broadly influence public perceptions of the group, and the public’s and legislators’ preferences concerning policies related to the group.”¹¹ Phrased differently, descriptive representation can lead to substantive representation, which subsequently influences both public and political attitudes towards policies which directly affect the group. The shift from descriptive to substantive representation is ongoing in Uganda. While women’s initial inclusion in the Ugandan parliament, after the ratification of the 1995 Constitution, was motivated by a politics of control rather than a feminist agenda, women MPs have been increasingly advancing feminist legislation and challenging patriarchal

8 Maoz Rosenthal, Hani Zubida, and David Nachmias, “Voting locally abstaining nationally: descriptive representation, substantive representation and minority voters’ turnout,” *Ethnic and Racial Studies* 41, no. 9 (2018): 1633.

9 Ibid.

10 M. Tremblay, “Electoral Systems and Substantive Representation of Women: A Comparison of Australia, Canada and New Zealand,” *Commonwealth and Comparative Politics* 45, no. 3 (2007): 289.

11 Donald P. Haider-Markel, *Out and Running: Gay and Lesbian Candidates, Elections, and Policy Representation* (Washington D.C.: Georgetown University Press, 2010), 120.

institutions.¹² In sum, even if a group's representation begins as descriptive, it can still lead to substantive representation. There are two potential pathways to achieving a more representative Canadian Parliament through electoral reform: the adoption of proportional representation and the implementation of reserved seats.

Pathways to Representation

Proportional Representation

Political Science discourse is rife with a heated debate over the merits of proportional representation (PR) versus majoritarian systems, such as First-Past-The-Post (FPTP), particularly as they relate to the representation of minority groups. In an FPTP electoral system, a candidate may be elected to office with a majority of votes, even if their vote share does not exceed 50%.¹³ A PR system can assume a variety of forms, such as List Proportional Representation (LPR) or Mixed-Member Proportional Representation (MMP). New Zealand utilizes the latter of these, which combines elements of proportional and plurality systems for a hybrid electoral process.¹⁴ In an MMP system, "...voters have a single MP who represents their riding, while other seats are distributed proportionately to total votes cast in the election."¹⁵ A recent study found that proportional representation does little to increase the representation of women in Parliament,¹⁶ while other scholars have found that women's representation has been shown to increase on a long-term basis after such reform has taken place.¹⁷ Despite the lack of consensus, there exists a multitude of academics who promote the merits of PR as it relates to non-territorial identity representation. The general argument dictates that the standard rules of PR render it easier to adopt gender quotas than the rules utilized in FPTP¹⁸ and that the incumbency rule is generally less significant in PR systems when compared to

12 Dina Refki, Diana Abbas, Bilge Avci, Eunhyoung Kim, Iris Berger, and Sue Faerman, "Erosion and Transformation in the Ecology of Gender: Women's Political Representation and Gender Relations in the Ugandan Parliament," *The Journal of Modern African Studies* 55, no. 1 (2017): 75.

13 "First Past The Post," *The Samara Centre for Democracy*, accessed on October 16, 2020, <https://www.samaracanada.com/samara-in-the-classroom/electoral-reform/first-past-the-post/>.

14 "Mixed-Member Proportional Representation," *The Samara Centre for Democracy*, accessed on October 24, 2020. <https://www.samaracanada.com/samara-in-the-classroom/electoral-reform/mixed-member-proportional-representation>.

15 *Ibid.*

16 Andrew Roberts, Jason Seawright, and Jennifer Cyr, "Do Electoral Laws Affect Women's Representation?" *Comparative Political Studies* 46, no. 12 (2012).

17 F. C. Thames, "Understanding the impact of electoral systems on women's representation," *Politics and Gender* 13 (2017).

18 Presumably, the same principle would also apply to other forms of identity.

those with majoritarian rules. Given the generally homogeneous nature of Canada's current Parliament (male, Caucasian, and heterosexual), the lower efficacy of incumbency may, in turn, benefit marginalized groups.¹⁹ In summation, while there is debate over the effectiveness of varying types of electoral rules in increasing the representation of minorities in government, the scope of this paper is bound to the exploration of potential options for increasing this representation, rendering this an appropriate reformative measure to examine in the Canadian context.

Currently, Canada utilizes an FPTP electoral system, in which the candidate who gains the highest number of votes becomes the elected representative for their constituency, regardless of whether they achieved an absolute majority (50%+1) of votes. In their 2015 campaign, the federal Liberal Party pledged to reform Canada's electoral system within a year and a half of forming the government and subsequently formed a majority in Parliament. Following the election, the promise of electoral reform was further bolstered by Governor General David Johnston, who announced that removing the FPTP system was a priority for the government.²⁰ The Party never officially stated how electoral reform would be implemented or what system would be adopted in place of FPTP. Less than two years later, the Liberal Party revoked their support for electoral reform and removed such reform from the Minister of Democratic Institutions' mandate.²¹ A lack of consensus among the Canadian population was cited as the reasoning behind abandoning electoral reform, despite the absence of a nationwide referendum on the subject.²²

This is not to say that such a project would not be feasible in Canada; New Zealand has already undergone such a reformation, and due to their shared prior use of FPTP and parliamentary governmental structure, it can be perceived as a precedence-setting case for Canada. During the early 1990s in New Zealand, there was significant public disillusionment with the political process and the dominant two-party system as well as the notable underrepresentation of Maori and women in government.²³ In 1993, coinciding with the general election, the population of New Zealand was issued a referendum on electoral reform which included a Mixed-Member Plurality (MMP) system, as well as the option to retain FPTP. Similar to

19 Yann P. Kerevel, Austin S. Matthews, and Katsunori Seki, "Mixed-member electoral systems, best loser rules, and the descriptive representation of women," *Electoral Studies* 57 (2019): 154.

20 Tania Kohut, "What Trudeau said: A look back at Liberal promises on electoral reform," *Canada Global News*, last modified December 2, 2016, <https://globalnews.ca/news/3102270/justin-trudeau-liberals-electoral-reform-changing-promises/>.

21 Ibid.

22 Aaron Wherry, "Opposition accuses Trudeau of 'betrayal' a Liberals abandon promise of electoral reform," *CBC News*, February 1, 2017, accessed on November 5, 2019, <https://www.cbc.ca/news/politics/trudeau-electoral-reform-mandate-1.3961736>.

23 Jack H. Nagel, "What political scientists can learn from the 1993 electoral reform in New Zealand," *PS, Political Science and Politics: Washington* 27, no. 3 (1994): 4-5.; Vowles, "The Politics of Electoral Reform in New Zealand," 99-100.

Canada, New Zealand also operated under an FPTP system at the time and was subject to the recurring dominance of a two-party system (despite the existence of numerous minor parties). The referendum resulted in 46.1% of voters supporting the traditional FPTP system and a slim majority of 53.9% in favor of adopting MMP.²⁴ Public disillusionment with the political process and the dominant two-party system may have bolstered support for the implementation of MMP.²⁵ In 2011, New Zealand held another referendum on the future of MMP, and 58% of voters supported keeping the plurality system.²⁶ Women's representation in New Zealand's government has increased steadily since the electoral reform in 1993. In the last election held using the FPTP system in 1993, women carried 21% of parliamentary seats; in the 1996 election, this percentage grew to 29% and 33% as of 2011.²⁷ It is clear that there is precedence for the shift from FPTP to proportional representation as exemplified by New Zealand, which bears contextual similarities to Canada. Additionally, the shift to MMP may be more applicable to Canada due to the hybrid nature of the system, which combines elements of plurality and majoritarian electoral frameworks. In the section titled *Historical Institutionalism and Electoral Reform*, the factors contributing to this policy shift is outlined through a Historical Institutionalist theoretical approach along with the cases of Uganda and Canada.

Reserved Seats

Another potential method to increase non-territorial identity representation in the Canadian federal government is the adoption of reserved seats for underrepresented groups. Representational quotas, such as reserved seats, are generally seen as temporary measures meant to increase the presence of underrepresented groups in government, and there is little research on their long-term effects.²⁸ This paper proposes that this method of electoral reform would increase the representation of diversity within the Canadian government. However, given the lack of research on its long-term effects, it may be best suited as a temporary measure with FPTP remaining as the country's electoral system.

Reserved seats have been implemented in a variety of contexts and regions of the world; for example, over seventy countries have adopted a requirement for a

24 Jack Vowles, "The Politics of Electoral Reform in New Zealand," *International Political Science Review* 16, no. 1 (1995): 96.

25 *Ibid.*, 99-100.

26 "25 years since MMP referendum," New Zealand Parliament – Paremata Aotearoa, November 6, 2018, <https://www.parliament.nz/en/get-involved/features/25-years-since-mmp-referendum/>.

27 Sandra Grey, "MMP delivers for women," *Kia Tiaki: Nursing New Zealand* 17, no. 5 (2011): 37.

28 Amanda B. Edgell, "Vying for a Man Seat: Gender Quotas and Sustainable Representation in Africa," *African Studies Review* 61, no. 1 (2018): 190.

minimum level of women's representation in national government since the 1980s.²⁹ Uganda first introduced its quota system in 1989, and it was subsequently codified in the 1995 Constitution.³⁰ While the country did not allow political parties to operate during this time, the quota system was not affected after parties were reintroduced in 2006.³¹ The Ugandan case is unique due to the extensiveness of its reserved seat system. The Constitution dictates that Parliament should be comprised of "...one woman for every district [and] such numbers of representatives of the army, youth, workers, persons with disabilities and other groups as Parliament may determine."³² The current composition of the Ugandan Parliament includes 124 district women representatives, and 5 each from youth, persons with disabilities, and workers. The use of reserved seating is extended to local elections in Uganda, as well. Since the quota system was first introduced, women's representation in Uganda increased from nearly 0% in 1989 to 34% in 2016.³³

Research suggests that the implementation of reserved seats is reconcilable with an FPTP voting system, defying expectations that such an arrangement is difficult to achieve and maintain.³⁴ As exemplified here by Uganda, and seen in other countries such as France and India, the use of reserved seats is compatible with majoritarian electoral frameworks such as FPTP in Canada.³⁵ However, there is a lack of research on the long-term effects of reserved seats on levels of representation. In short, there is already international precedence for a country such as Canada to implement reserved seats for underrepresented groups without the need to alter its FPTP electoral rules, though there is a need for further research on the long-term effects of such reform.

Historical Institutionalism and Electoral Reform

New Zealand and Uganda's adoption of proportional representation and reserved seats respectively can be explained through a historical institutionalist framework, particularly through the mobilization of critical junctures. Canada's continued use of FPTP can also be explained within this framework through the concept of path dependency. Historical institutionalism maintains that historical precedence largely determines the policy options that are available to a government. Path dependency

29 Edgell, "Vying for a Man Seat," 186.

30 Edgell, "Vying for a Man Seat," 197.

31 Ragnhild L. Muriaas and Vibeke Wang, "Executive dominance and the politics of quota representation in Uganda," *Journal of Modern African Studies* 50, no. 2 (2012): 311.

32 "Composition of Parliament," Parliament of the Republic of Uganda, accessed on November 22, 2019, <https://www.parliament.go.ug/page/composition-parliament>.

33 Edgell, "Vying for a Man Seat," 197.

34 Skye Christensen and Gabrielle Bardall, "Gender quotas in single-member district electoral systems," *Politics, Groups, and Identities* 4, no. 2 (2016): 246.

35 *Ibid.*, 247.

is a part of the historical institutionalist framework which posits that the longer that a government adheres to a certain policy path, the less likely it is to change its course. However, a government may change its policies, even those which have become solidified in the state's political culture, if met with a major catalyst that forces the government to reconsider its policy path. Such an event (or series of events) is referred to as a critical juncture.³⁶ This does not necessarily imply that a government will completely alter its policy path; it may also pursue a separate branch on the same policy path, which maintains the same core tenets but varies in some meaningful way from the original path.³⁷ In short, history has a significant effect on policy decisions available to a government in the present, but policy traditions can be overridden in the event of a critical juncture.

Critical junctures may arise out of an accumulation of variables. In New Zealand's case, the juncture which resulted in electoral reform was comprised of a variety of factors, both long-term and short-term. Long-term circumstances included partisan misalignment, public disillusionment with political institutions, and pressures toward economic reform, while short-term events included the increased use of mass media and changing party policies.³⁸ It can be argued that Canada is currently experiencing a share of these circumstances which preceded electoral reform in New Zealand. For example, a poll conducted before the 2019 federal election indicated heightened public disillusionment and mistrust of politicians, which is a comparable circumstance to the experience of the New Zealand populace before the referendum of 1993.³⁹ In summation, New Zealand's adoption of PR can be attributed to a variety of factors that constituted a critical juncture, disrupting the country's tradition of FPTP and pushing it to switch policy paths. The case of electoral reform in New Zealand shows that a country like Canada can indeed make the shift from FPTP to proportional representation but that this requires a critical juncture to occur.

Uganda's implementation of reserved seats (and the adoption of democracy) can also be explained through a historical institutionalist framework. The state's current constitution was born out of decades of political turmoil and upheaval, which was hallmarked by deep cleavages in the population along religious, regional, and ethnic lines. Following the Ugandan elections in 1980, the country experienced a civil conflict with up to an estimated 400,000 civilians losing their lives.⁴⁰ This conflict culminated in the implementation of a no-party system and subsequently,

36 Guy B. Peters, *Institutional Theory in Political Science: The 'New Institutionalism'* (London, UK: Continuum, 2005): 71-73.

37 Rianne Mahon, "Varieties of Liberalism: Canadian Social Policy from the 'Golden Age' to the Present," *Social Policy and Administration* 42, no. 4 (2008): 357.

38 Vowles, "The Politics of Electoral Reform in New Zealand," 96.

39 Éric Grenier, "Conflicted and worried: CBC News poll takes snapshot of Canadians ahead of fall election," *CBC News*, last modified June 30, 2019, accessed November 4, 2019, <https://www.cbc.ca/news/politics/cbc-election-poll-1.5188097>.

40 Nelson Kasfir, "No-party democracy' in Uganda," *Journal of Democracy* 9, no. 2 (1998): 53.

the enshrinement of reserved seats for underrepresented groups within the 1995 Constitution. This period of conflict in the 1980s can be considered the juncture which ushered in the implementation of reserved seats. This assertion is also supported by existing literature which discusses the relationship between major conflicts and government representation.⁴¹

Canada's continued use of FPTP can also be explained through the mobilization of historical institutionalist theory. Whereas New Zealand and Uganda's electoral reform can be rationalized through critical junctures, Canada's electoral stagnation can be explained by path dependency. FPTP has been an institution in Canadian electoral proceedings for over 150 years. As historical institutionalism posits, the longer an institution is in place, the more difficult it becomes to alter. In addition, the country hasn't experienced a traumatic conflict, such as the case of Uganda, nor has it succumbed to the variety of pressures that resulted in New Zealand's referendum on electoral reform. In other words, the federal government has not experienced a critical juncture which would result in an alteration of its current policy path. However, as noted earlier, Canada appears to be exhibiting many symptoms of voter fatigue with the current system; further research is required as to why Canada has not experienced this juncture despite sharing numerous conditions with pre-reform New Zealand. In sum, historical institutionalist theory can be mobilized to explain New Zealand and Uganda's adoption of proportional representation and reserved seats respectively, as well as Canada's policy stagnation regarding electoral reform.

Conclusion

Despite Canada's diverse population, the federal government is relatively homogeneous in its composition. As the current structure of Canada's electoral system is based solely around territorial identities, in which candidates do not require an absolute majority of votes to be elected, non-territorially based identities are excluded from the federal framework. There are two system-level methods of electoral reform that could begin to remedy this representational gap, each of which applies to the Canadian context: proportional representation and reserved seats.

Historical institutionalism can be used to explain why New Zealand and Uganda adopted proportional representation and reserved seats respectively, as well as why Canada has retained its FPTP system; Canada has remained path-dependent because it has yet to experience a critical juncture such as those which caused New Zealand and Uganda to alter their policy paths. Under its structure, reserved seats automatically increase the representation of minorities. In addition, given that proportional representation is perceived as leveling the playing field for minorities seeking election, it follows that proportional representation can also increase the representation of minorities in elected bodies. Even if this representation

41 Melanie M. Hughes, "Armed Conflict, International Linkages, and Women's Parliamentary Representation in Developing Nations," *Social Problems* 56, no. 1 (2009): 174.

begins as descriptive, the literature suggests that descriptive representation can lead to substantive representation in a two-step process, which in turn increases positive policy outcomes and electoral participation for the group in question. In conclusion, Canada would be able to increase the substantive representation of non-territorial identities in the federal government and better reflect the diverse nature of the Canadian federation through the implementation of either proportional representation or reserved seats. However, this shift will require a critical juncture which forces the Canadian government to alter its current electoral policy path.