



Letters to the Editor

Sir:

In his review of my book, *Elections*, Dennis Pilon while agreeing with many of my conclusions about various Canadian election procedures, takes exception to my analysis of the efficacy of First Past the Post (FPTP) and characterizes my view of democracy as “narrow, limited and elitist.” This is a serious misreading of the book.

A fundamental of Canadian democracy that critics of FPTP (such as Professor Pilon) often overlook is that elections are not simply a way of expressing one's preference(s) among parties and/or candidates. They are also about other matters of equal or even greater importance.

Principal among an election's functions are: constructing a parliament and, eventually, a government that can ensure some measure of economic and political stability; guaranteeing as great a degree of electoral accountability as possible; and fostering parties and a party system that can aim to ensure inter-regional, accommodative representation in caucus and around the cabinet table. An election in Canada is about brokering often conflicting demands that surface naturally in a vast, diverse country.

He says my book holds to a position that is “out-of-date.” I would argue the opposite. For electors to cast an informed vote Canadian political parties must do their best to broker conflicting social and regional demands prior to an election, not subsequent to it. FPTP encourages that more than proportional voting. One need look no further back than the post-election negotia-

tions following the recent German and New Zealand elections to be reminded of that fact.

I would be the first to accept (as is witnessed by everything I have written on the question of electoral reform over the past quarter century) that FPTP has not always produced parliaments and parties that brokered or mediated inter-regional rivalries well. We need only think of the National Energy Program or the CF-18 refitting in recent times or as far back as the Manitoba Schools Question in the 1890s to remind ourselves that governing parties can take policy positions that effectively destroy their capacity to mediate inter-regional rivalries.

The essential point is that a set of party strategies might well come into play under proportional voting that would make it rational, at least in electoral terms, for prospective coalition partners in government to essentially “vacate” particular regions or groups to one another. What such a development would mean for brokered and accommodative politics in the weeks, months or even years leading up to a federal election is far from certain at election time. The bottom line is a well-established truth of political science: as electoral systems impact on representation it is difficult to predict how a change in one will affect the other. How a new electoral system would change representative (and ultimately governing) practices in Canada remains an open question and, for some at least, a cause of unease.

Electoral reformers cannot have it both ways. They cannot criticize

others for making comparisons with non-FPTP countries such as Israel, the Netherlands, or Italy while at the same time persisting in calling for the introduction of some unspecified form of “Proportional Representation” (PR) in Canada. Each of these three countries has some form of PR. Until such time as there is unambiguous agreement in Canada on a single alternative to FPTP and until such time as advocates of electoral change stop referring generically to PR, it is fair game to include all non-plurality electoral systems in comparisons.

Finally, it is simply wrong of Professor Pilon to assert that my book constructs a “straw argument” by concluding that there is no “automatic relationship” between PR and women's representation. I took some care in constructing the analysis of electoral systems and women's representation and noted that “some comparative studies ... confirm a positive link between proportional elections and increased election of females” (p. 151) and that list PR offers the most “woman-friendly” electoral system (p. 152). I also made clear that history, cultural values, and political socialization are every bit as important as the method of election in explaining why in some countries women are elected in larger numbers than in others.

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Sir:

While Edward McWhinney (Guest Editorial, Autumn 2005 issue) is correct that the legal ties between the Canadian and UK governments have “withered away,” and that for over fifty years we have had a Canadian Governor General to represent the Sovereign in Canada, it appears, that the knowledgeable scholar is somewhat misguided in his belief that constitutional developments over the past century have pushed Canada to a point where we are but one step away from becoming a republic with our Governor General as the *de facto* president.

I say this because McWhinney's theories seem to be formed on not only an inability to recognize that the Crown and the UK government are distinctly separate entities, but also on the incorrect assumption that the Sovereign's role in Canada has somehow been reduced to nothing more than giving formal consent, in consultation with her UK Privy Council no less, to the Canadian Prime Minister's recommendation for the Governor General, and on the mistaken belief that the line of succession to the Crown lies solely within control of the UK Parliament. By claiming all of the above, he is not-so-subtly suggesting that the Crown has almost no authority left in Canada, and that last remaining link to the Queen makes Canada's government still subservient to the British.

But, in fact, he has it all backwards; the Canadian Constitution continues to vest all executive authority in the Crown, and the British

government has no influence in our affairs whatsoever.

It was with the 1931 *Statute of Westminster* that the UK's ability to legislate for Canada effectively ended, and the last constitutional ties between our governments were completely severed with the *Canada Act of 1982*. As the *Constitution Act 1867* still creates Canada as a nation unified under, and with all executive authority vested in the Crown Canada is therefore now a wholly independent constitutional monarchy which, though it happens to willingly share its Crown in a symmetrical fashion with fifteen other nations, still has a Queen of Canada who performs her constitutional functions within Canadian jurisdiction completely apart from her constitutional role in the UK, or any other Commonwealth Realm, including appointing her Governor General, on the sole advice of her Canadian Prime Minister, and under the Great Seal of Canada, to represent her federally.

As no Act of the UK Parliament has effect in this country, the Crown in Right of Canada is under the control of the Canadian Parliament alone, including, with the 1701 Act of Settlement a part of our Constitution, the line of succession to it (hence the Statute of Westminster outlines the convention that no Realm, including the UK, can alter their line of succession without the consensual adoption of the same change by all the other Realm parliaments). And though the 1947 Letters Patent issued by His Late Majesty King George VI do allow the Governor General to exercise the Royal Prerogative and reserve powers of the Crown, it is only on

the Sovereign's behalf; since they still clearly state that the powers lawfully belong to the Monarch, in no way have the Letters stripped the Queen of her constitutional authority.

So, the “Gordian Knot” has indeed “long since been cut, on a basis of mutual consensus and joint, reciprocal action between London and Ottawa.” But, that was between our governments and parliaments only, and the process actually served to make Canada a sovereign constitutional monarchy, not some pseudo colony. Thus, legally there is actually much left to be changed before Canada can exist without the Crown, an institution that is far more deeply rooted in our nation than simply in the minds of aging veterans.

Our Parliament could certainly engage in the legal acrobatics that McWhinney suggests. It would cut our ties to the Crown without undertaking the Herculean task of constitutional reform. But without the Crown actually being removed by the proper amending process the country would merely become some bizarre pseudo republic with a president who still constitutionally derived their power from the Sovereign they continued to legally represent. I doubt either republicans or monarchists would accept such changes, and so, until the constitution is opened for the purpose of creating a republic, the Crown will continue indefinitely with the sentimental, as well as the legal, attachments still firmly in place.

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