

PROPORTIONAL REPRESENTATION

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“THE virtue, spirit, and essence of a House of Commons,” wrote Edmund Burke in 1770, “consists in its being the express image of the feelings of the nation.”¹ There are few to-day who would venture to dispute what is almost a postulate of representative government, but there is much less unanimity on the question as to how this desirable end is to be achieved. It is certain that Burke’s solution finds few, if any, adherents. His “image of the nation” proved to be that most unreal of all political unrealities, the image of an image; the Commons was to be chosen by a select voting list of yeomen and tradesmen, who were given the franchise because their opinion was supposed to coincide with that of the nation as a whole. But although it was convenient for Burke to remember Bristol and to forget Old Sarum and Birmingham, and although he might waive aside the consequent corruption and class representation as the perverted form of a good system, others were neither so charitable nor so patient. Their dissatisfaction was expressed in the Reform Acts, which sought for a broader representative basis, for one which would at least approximate to that “image” which Burke professed to desire. Part of the problem, however, still remained untouched. The increase in the number of voters served simply to accentuate a defect which had been always present, viz., the lack of expression for the views of a minority when that minority failed to return a representative to parliament. Burke would have replied that the sitting member represented the minority which opposed him as well as the majority which elected him; but in recent times the growth of parties and the increased animosity of party warfare have deprived that answer of whatever truth it may once have contained. The solution of the difficulty, we are told to-day, lies elsewhere,—in a complete revision of the voting system. It is to this that the name “proportional representation” has been given.

“P.R.,” as its advocates affectionately call it, has been used to cover a number of quite different systems which have only this in common,—they differ from the ordinary single vote in the single-

1. *Present Discontents*, Works, (1864) 1. p. 348.

member constituency. The most elementary departure from the usual system is the "second ballot". This is used only in elections where more than two candidates are running, and its aim is to secure an absolute instead of a relative majority. If the candidate leading the poll fails to obtain the majority of the votes cast, a second election is held, at which only the two leaders of the poll are allowed to compete. Another kind of proportional representation, which has the same modest object in view but which seeks to obtain it without a second election, is the "alternative or transferable vote". Each elector gives his first, second and third preferences on the ballot paper, and if the leader of the poll does not obtain an absolute majority, the second preferences on the ballots that have been given to the lowest candidate are counted. This process of striking off the unsuccessful and using the alternative votes on their ballot papers is continued until one of the remaining candidates obtains an absolute majority. The "alternative vote" is therefore only an improved form of the "second ballot". Both proposals have the same advantage over the ordinary system; they ensure majority representation in three or four-cornered election contests; but both commit the same sin of omission, they fail to provide for representing the minority. This last defect obviously cannot be overcome if the single-member constituency is retained. Two other schemes have therefore been invented, based on a constituency returning three or more members.

Under the "limited vote" the elector is given fewer votes than there are seats to be filled. Usually there are three members to a constituency, and each elector is given two votes. It is expected that the minority will run fewer candidates and will therefore concentrate their strength, with the result that they should return one out of the three elected. The history of the "limited vote" has been unfortunate, and illustrates the danger to which the system is always exposed. The Reform Act of 1867 contained a clause, inserted by the friends of proportional representation, that in all constituencies returning three members the elector could vote for only two; and in the city of London, which returned four members, the elector could vote for only three. But one of the three-member constituencies was Birmingham, and Radical Birmingham had an extremely efficient party machine. The Radical party committee ascertained the total number of votes at their command, distributed their three candidates in pairs among the electors, issued their famous "Vote as you are told" order, and returned all three candidates in spite of an aggressive minority and in spite of the friends of proportional representation.

The "cumulative vote" also is based on the large constituency, but it gives to each elector as many votes as there are vacancies to be filled. The elector may distribute these votes as he wishes; he may give one to each candidate of his party, he may give all to one candidate, or he may give more to some than to others. The intention of the "cumulative vote" is that the minority will throw all their votes for one or two of their party and elect these in spite of the majority. But this system proves to be even more capricious than the "limited vote"; a good party organization of the majority may capture all the seats, or a faulty organization of the majority, coupled with too ambitious a programme, may even result in their defeat. The English law of 1870 on primary education provided for school boards elected by the "cumulative vote". The Birmingham Radicals endeavoured to circumvent this as they had circumvented the "limited vote" three years before, but the system proved too complicated for their organization, and instead of securing the whole board they found themselves in a minority. In Leeds, however, where the canvass was more systematically carried out and the voters were more amenable to discipline, the attempt to carry the entire board was successful.

But the modern devotee of proportional representation offers incense at none of these shrines; his is an eclecticism which has—so he believes—taken the virtues of all the other systems and the vices of none. "P.R.," in this narrower and more correct sense, aims at securing representation in exact proportion to the votes cast, by combining the idea of the large constituency with that of the "alternative or transferable vote". It was this scheme that was invented by Thomas Hare in 1857,¹ and was hailed by John Stuart Mill as "the greatest improvement of which the system of representative government is susceptible."²

Concisely stated, the plan is as follows. The country is divided into large constituencies, each returning five to ten members. The "quota", i. e., the number of votes required to elect, is obtained by dividing the total number of votes polled in the constituency by the number of members to be elected. The marking of the ballot is the same as under the "alternative vote"; each elector may vote for as many candidates as there are vacancies, but these votes are preferential, i. e., he must indicate his first choice, his second choice, his third choice, etc. At the first count of the ballots, only the first choices are considered, and those candidates who have attained

1. Portions of Hare's scheme were not entirely new; the beginnings of "P.R." may be found in *British H. of C. Debates*. 1831, Vol. 188, p. 1075.

2. Mill, J. S., *Autobiography* p. 258.

the quota are declared elected. If all the seats are not filled, the surplus votes of those candidates who have exceeded the quota are transferred in accordance with the second or third or fourth choice. If at the end of this count there are vacant seats, the votes for the lowest candidate are also transferred according to such alternative choices. This process is repeated until the required number of candidates have each received the quota. In this manner by a slight change in the method of voting and by the use of a little arithmetic both majority and minority are guaranteed representation in proportion to their strength in the country.¹

The advocates of proportional representation contend that the advantages of their system are overwhelming, though these advantages may in the main be reduced to a very few; it is arithmetically accurate, it secures a fair number of seats to the minority, and hence obtains a more exact "image" of the nation's opinion. "P.R." enthusiasts never weary of producing pages of statistics which reveal the injustice of the present system. A majority of the Fifty-First Congress of the United States was elected by a minority of votes: 164 Republicans were returned by 5,348,379 votes, and only 161 Democrats by 5,502,581 votes. Wales in 1906 elected 34 Liberals and no Unionists to the British House of Commons; but the Unionists polled 100,547 votes to the Liberals' 217,462. In the last federal election in Canada the Liberals secured 65 seats in Quebec, and were entitled to 45: the same party took 21 seats in Ontario, and were entitled to 45: they secured 16 seats in Nova Scotia, and were entitled to only 8. It is this unfairness that proportional representation remedies, and it is on this advantage that its advocates rely when they demand the abolition of the present system. The examples given have been extreme; but the failure of votes and representation to coincide is apparent at every election.

A secondary advantage of proportional representation arises from the fact that the scheme calls for election "at large", i. e., a constituency returning at a minimum three (preferably five or seven) members. Under the present system a candidate may poll a large vote because he is a "favourite son", or because he has a local reputation for being a good fellow, or—more usually—because he was successful in obtaining piers, breakwaters or post-offices in his constituency. Any or all of these qualifications might be relinquished without injuring the State or affecting detrimentally the character of the representative chamber. The advocates of "P.R." insist that their system will shift the emphasis from these irrelevant

1. There are complications which, for the sake of brevity, are omitted, e.g., the rule by which the surplus votes are transferred in the second count, the disposal of votes which show only one or two choices, etc.

considerations to others of greater moment, such as the reputation, past achievements and ability of the candidate. Closely linked up with this is the further advantage that outstanding men under the new proposal will enjoy a reasonably secure tenure of office. It is fairly certain, for example, that had Canada used proportional representation in the last election, Mr. Arthur Meighen would not have lost his seat in the Commons, but would have been returned about the middle of the poll for the electoral district of Manitoba. Opponents of the scheme, however, have pointed out with some truth that it is not at all undesirable that the political leaders, as well as their followers, should be attentive to fluctuations of opinion in the country, and that, should these leaders be so unfortunate as to misconstrue the fluctuations, another seat can usually be found. Mr. Meighen furnishes an example not only for the argument but for the rebuttal as well.

The advantages of proportional representation are obvious and apparent to all; its disadvantages lie deeper, and because of their greater complexity are apt to be ignored or dismissed as the intellectual playthings of the theorist. The scheme has been opposed because of the alleged impracticability of apportioning and counting the votes, and the difficulty of guarding against fraud at the counting office, but neither of these objections is insurmountable.¹ The chief arguments against it are three, the first being applicable to all countries, the second and third to those countries which enjoy parliamentary government.

The first hostile argument is the psychological objection that is raised against the large constituency. The proposal "suffers from the fatal defect of dwelling solely on the process by which opinion is ascertained, and ignoring the process by which opinion is created. If at the assizes all the jurors summoned were collected into one large jury, and if they all voted Guilty or Not Guilty on all the cases, after a trial in which all the counsel were heard and all the witnesses examined simultaneously, verdicts would indeed no longer depend on the accidental composition of the separate juries; but the process of forming verdicts would be made, to a serious degree, less effective."² Every increase in the number of candidates to be elected means that additional difficulties are placed in the way of the elector casting an intelligent vote. The decision of the elector, so far as it can be analyzed, is influenced by two considerations, the candidate's platform and his personality. If his platform is simply

1. Mr. H. G. Wells disposes of the mathematical difficulty: "It is, for a properly trained man, the easiest, exactest job conceivable. The Cash Register people will invent machines to do it for you while you wait." *In the Fourth Year*, p. 126.
2. Wallas, Graham, *Human Nature in Politics*, pp. 218-19.

that of his party, then, so far as that factor is concerned, proportional representation introduces no new difficulties. But if the candidate's programme differs from that of his party, or if the elector cares to consider the personality of his representative, the process of arriving at a decision is made more difficult by the multiplication of candidates entailed by the large constituency. Anyone confronted with the Philadelphia "blanket-ballot" containing from three to four hundred names might well shrink from the physical strain involved in recording all his votes, and the intellectual effort involved in casting those votes intelligently would be so enormous that it would make an independent judgment almost impossible. Thomas Hare's original scheme of proportional representation aimed at making the whole United Kingdom one vast constituency, but modern reformers have reduced the number of vacancies in each district to five or ten. Even this comparatively modest number compels the elector to pass judgment on ten to thirty candidates—a work which he cannot possibly carry out well. The natural result is that he is thrown into the arms of the party organization. If representative government is to be successful, the elector must vote not for party names upon a paper, but for real persons about whom he has vivid and fairly definite convictions.

The opponents of proportional representation also point out that because it encourages and perpetuates the group system it is unsuited to the British form of parliamentary government. They admit that small parties do arise under the old mode of election; but they hold that the tendency is for such groups to become assimilated with one of the two great political parties in the State. Proportional representation, by giving a member to every little faction that can command a "quota", actually promotes the forming of groups, which not only diminishes the efficiency of cabinet government as it is understood in British countries, but threatens its very existence. If both Government and Opposition are composed of four or five separate groups, each with its own end to serve, efficiency can be the result only of accident. Divided councils cannot possibly help either the Ministry in "carrying on the Queen's government" or the Opposition whose chief duty it is "to oppose". A glance at French politics will furnish sufficient confirmation of this argument. Governments will be in a continual state of flux, Ministries will rise and fall at the whim of a petulant group, reversals of policy will be even more common than they are to-day. The emergence of a third party in Canada has already made the political outlook uncertain; to adopt proportional representation will add to that uncertainty and make it chronic.

The third, and perhaps the most important, argument against "P. R." is that it fails to provide adequately for bye-elections, and therefore deprives our system of parliamentary government of the salutary checks that these occasional contests provide. The difficulty of holding a bye-election in a large constituency is obvious. If a district returns seven members under "P.R.," four Conservatives, one Liberal, one Progressive and one Labour, what happens when one member vacates his seat? Suppose that the Liberal member dies; it is clear that unless an immense change has taken place in public opinion, a Conservative will be elected to the vacancy. Suppose that the Progressive accepts a portfolio, and the Labour member resigns; both seats will fall to the Conservatives as before. In short, proportional representation vanishes. Various proposals have been made to overcome the difficulty. One suggestion is that the party to which the retiring member belonged should nominate his successor. Another is that each member should be allowed to choose a district in the order of his election, and if his seat becomes vacant the contest would be confined to that district. These proposals and others that have been advanced merely confirm the theoretical opinion expressed above, that under proportional representation the bye-election as an effective aid to representative government disappears.

"The essential test of an electoral system", says a writer in *The New Statesman*, "is not its static efficiency but its dynamic efficiency. . . . What we require of the House of Commons is that it should be not a snapshot of the electorate at a particular moment, but a moving picture."¹ These two sentences point to the flaw in any electoral system which endeavours to retain a long term of four or five years while abolishing the bye-election or at least so altering it as to make it ineffective. Is it more important to have an exact picture of the electorate every five years with no alterations in the interval, or an approximate image which is subject to continual revision? There can be only one answer to the question, and it is an answer which proportional representation, up to the present at least, has been unable to give. The responsibility of Ministers to parliament and the coercive power of the bye-election are two of the most important safeguards against the cabinet's abuse of power; the former check is indirect and is exercised through the people's representatives in parliament, the latter is direct and is an encouragement or warning issued by the people themselves. Without the bye-election Gladstone would have lacked his Midlothian, and Mr. Asquith his Paisley. Such contests, coming as they do

1. *The New Statesman*, March 11, 1922, p. 638.

throughout the parliamentary term, play an invaluable and perhaps an indispensable part in aiding the constant adjustments that take place between public opinion and the people's representatives. Governments frequently need to be sharply reminded of election pledges; the trend of public opinion is most plainly and unmistakably indicated by a counting of ballots; and that opinion is itself greatly influenced by the thoroughness with which contemporary political problems are discussed on the platform of some obscure constituency. Furthermore, it should be remembered that a succession of bye-elections running against a government will weaken its morale and in many instances hasten the coming of a general contest when the people as a whole can give a fresh mandate.

Such are the arguments for and against proportional representation. They are arguments which must be seriously considered in Canada during the next few years.¹ For "P.R." has emerged from the purely theoretical stage and has taken practical shape in a large number of the countries of the world. In no instance, however, has the test of experience proved decisive, and the system has scarcely been tried in those countries which have parliamentary government in our sense of the term. Our judgment must therefore be formed largely on a basis of theory. Are we to revise the dictum of Professor Graham Wallas that the creation of an independent civil service was the "one great political invention in nineteenth-century England,"² and substitute for the names of Bentham and Trevelyan that of Thomas Hare? Or is it possible that the supporters of proportional representation have been led away by their enthusiasm into endorsing a scheme which has little to its credit save a superficial mathematical accuracy? Neither question can be answered with an unqualified affirmative. One thing is certain; proportional representation, while it has much to recommend it, cannot begin to accomplish all that its advocates claim.

In the first place, it may be well to lay to rest the ghost of John Stuart Mill, whose authoritative voice still raises a prejudice in favour of the proposal. Mill advocated Hare's scheme, not because he believed in democracy, but because he distrusted it. He had glorified the individual and the rule of political numbers, but he was alarmed by the prospect of a tyrannical majority and the possible suppression of the individualism to which he looked for the progress and happiness of mankind. The masses must have the vote, but what security was there for its moderate exercise? This

1. In the recent provincial election in Manitoba, the city of Winnipeg was a ten-member constituency using proportional representation.

2. Wallas, Graham, *Human Nature in Politics*, p. 249.

security Mill found in the check that proportional representation would provide; the minority, if it were trampled upon, was to have at least the right of protest. For the same reason the modern advocates of Hare's scheme will generally be found on the Opposition side of the House or in a party which has no political future, and those who call on the name of the people most loudly are those who are most concerned in erecting safeguards against the people's power.

The enthusiastic supporters of proportional representation pretend that they have found a panacea for most of the ills of the body politic. It needs little experience or knowledge of the complexity of modern governmental structure to realize how idle such pretensions must be. The democratic health cannot be preserved by the invention of a patent medicine, and there is the horrible possibility that the supposed cure may bring with it disorders even more alarming than the original complaint. It may be argued with some justice that the alleged disease does not even exist. Parties, if under-represented in some districts, may be over-represented in others. It rarely happens that a minority of any appreciable size lacks a very powerful voice in parliament. But admitting that the minority representation is insufficient, can we say that this is as grave a fault as the failure to provide representatives worthy of the name, and the loss of contact between people and parliament which results from abolishing the bye-election? We must endeavour to make a correct estimate of what will be lost by the proposed change as well as of what will be gained.

The gain may be stated in simple terms; it is (to return to Burke) the securing of a more "express image of the feelings of the nation." This is unquestionably desirable, but it must be remembered that this image is obtained only once every four or five years. In the interval which is unrelieved by bye-elections parliament will lose touch with the electorate even more than it does to-day. The people's will, as Lord Bryce pointed out,¹ is expressed in two ways, by the vote and by the pressure of public opinion, and the second is more important than the first. But public opinion acquires an additional weight when it is enforced by the vote, and it is this continual reminder that bye-elections supply. They compel the attention of the government, sharpen its perceptive powers, jog its memory and modify its policy.

Proportional representation, too, would destroy another equally valuable asset of our governmental system; it would return members on account of party and with little regard for personality. It is one of the paradoxes of democracy at its best that although the

1. Bryce, James, *Modern Democracies*, I, p. 173.

people lead, they must be shown the way; representatives must be chosen not only because they will follow a certain policy, but also because they are capable of indicating the policy worth following. The member of parliament is not only politically responsible to the people; he is morally responsible to his own conscience. Proportional representation will return too few Burkes and too many men of the stamp of the American politician who closed his address with the words: "Gentlemen, them's my sentiments, but if you don't like 'em I can change 'em." It is infinitely better to have a parliament of well-chosen men whose opinions roughly reflect those of the country, than a parliament of party camp-followers each bearing the label of his "quota".

The indictment against Hare's scheme of proportional representation is this: it abandons the spirit of government for the letter, it prefers an occasional arithmetical exactness to constant active surveillance and criticism. The charge is a serious one and the defence, it is submitted, is inadequate. But there is a less pretentious scheme that might be adopted with profit. This is the "alternative or transferable vote". Three-cornered election contests are becoming increasingly common in Canada. In the federal election of 1921 there were 140 constituencies in which more than two candidates ran, and 74 of these returned a member on a minority vote. The "alternative vote" with the single-member constituency would ensure that the successful candidate must poll a majority of the votes cast, and this system would be open to none of the objections that have been raised against the more elaborate form of "P. R." It is true that the minority would remain unrepresented, but that would appear to be—for the present at least—one of the necessary evils of democratic government. It is an evil that is much exaggerated. The cynic is inclined to remark that a small representation does not necessarily mean a silent one, and that what the minority lacks in numbers it makes up in pages of *Hansard*. Advocates of minority representation fail to indicate the grave abuses of trust which the majority have committed; it is much easier to point to votes cast and to candidates unelected. After all is said, the majority, if it wishes, will rule in spite of a talkative minority, and in the last resort we are forced under any scheme of voting to rely on the self-restraint, the common-sense, and the good-will of the mass of the nation.