Making Choices:
The Size of the Canadian House of Commons

By

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Abstract

There is no simple, single explanatory model which will explain why a given national legislative assembly is fixed at a particular size. A number of research tools are required to fully understand decisions regarding legislature size. This thesis contributes to our understanding of legislature size by outlining three approaches and then applying the research tools of these approaches to the problem of legislature size in Canada.

The first approach is based on the assumption that any study of legislature size must include an exploration of the constitutional and legal context within which decisions are made. In Canada, where specific constitutional formulae have bound legislators to fix the size of the House at specific levels after each decennial census, it would be foolhardy to study legislature size without a solid understanding of these institutional constraints.

The second approach suggests that it is essential, when studying legislature size, to recognize the substantial influence which population size typically exerts on legislature size. Comparative empirical analysis demonstrates that the size of nations' populations explains in the range of 80 per cent of the variance in legislature size between nations. Thus, the influence of population size must be fully explored.

The third approach employed in this thesis, suggests that choices regarding legislature size can be explained with reference to prevailing conceptions of political representation. At its simplest level, the assumption behind this approach is that different understandings of political representation involve different priorities and different styles of representation, each of which will have different ramifications for legislature size. It is the emphasis placed on this previously under used approach which is the principle contribution of this thesis.

With regard to legislature size in Canada, this thesis demonstrates that once the institutional constraints and the influence of population size are understood and accounted for, the choices which have been made regarding the size of the Canadian House of Commons can be most effectively explained by the pervasiveness of a Burkean conception of political representation.

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CHAPTER ONE

Introduction

Legislative assemblies occupy a prominent place in political
systems throughout the world. However, their design and the exact
nature of their role differs from nation to nation. Of all the
different aspects of legislature design which may have
consequences for the way in which an assembly functions,
legislature size is one of the least studied.[1] There is
considerable range in the size of national legislatures. Thus,
one would assume that considerable scope exists when
establishing, or adjusting, the number of seats in any given
legislature. Choices, however, must be made. Fixing the size of a
legislative assembly is a practical problem with theoretically
interesting consequences. This thesis, first and foremost, is an
endeavour to understand how these choices have been made in
Canada.

The basic questions underlying this thesis are: what factors
influence the choices which are made regarding the size of

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[1] In 1985, John Courtney described the literature on the
general question of the size of legislatures as "sparse". See
John C. Courtney, "The size of Canada's Parliament: An Assessment
of the Implications of a Larger House of Commons" in Peter
Aucoin, ed., Institutional Reforms for Representative Government,
vol. 38 Macdonald Royal Commission, (Toronto: University of
Toronto Press, 1968), p. 32. In fact, prior to the release of
his work for the Macdonald Royal Commission, while discussing
representation and legislature size, Courtney stated that, to his
knowledge, "this topic has never been considered in this
country." See Canada, Parliament, House of Commons, Standing
Committee on Privileges and Elections, Minutes of Proceedings,
Issue No. 19, 19 November 1985, p. 19:4.

legislative assemblies; can we determine an optimal size for any particular legislature; and if so, based on what criteria? With regard to the size of the Canadian House of Commons, our primary interest will be the 1985 Representation Act[2] which was the result of a decision to severely limit future increases in the size of the House. What were the reasons for the introduction of this legislation and, what affect will this legislation have on the nature of representation in the House of Commons?

There are three approaches to understanding the choices which are made regarding legislature size.[3] None of these approaches are paradigmatic explanatory models, but they are suggestive of the types of research tools which are required if one is to successfully grapple with the question of legislature size. The first approach seeks to understand legislature size by focusing on the institutional and legal context within which decisions are made. It entails exploring how decisions are constrained by the constitutional arrangements or formulae for readjusting the number of legislative seats. The second approach is rooted in empirical studies. It involves comparative analysis of the relationship between legislature size and a range of observable factors which researchers consider relevant to

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[2] Canada, _Statutes_, 1986, chap. 8.

[3] It would be inaccurate to suggest that the literature on legislature size contains three distinct approaches; in fact, the literature may be too limited to suggest the existence of approaches per se. The approaches suggested here are gleaned form a variety of sources, many of which are only tangentially discussions of legislature size.

legislature size. These factors include geographic variables, measures of social diversity and the characteristics of a nation's political system; but, most importantly, empirical studies have focused on the relationship between population size and legislature size. The emphasis this second approach places on population is warranted by the finding that all other measurable variables are relatively inconsequential when compared to the overwhelming influence of population size on legislature size. The third approach attempts to understand the decisions which are made regarding legislature size through an exploration of prevailing conceptions of political representation. Assuming that different understandings of political representation involve different priorities and different styles of representation, it is assumed that the way in which decision-makers conceptualize political representation will influence legislature size.

This thesis contributes to our understanding of the choices which are made respecting legislature size by employing the research tools of all three approaches. Choices regarding legislature size cannot be understood using only one approach. There is no simple, single explanatory model. It is true that population size is a significant determinant of legislature size. However, to understand variation between nations it is essential that one be aware of the institutional and legal context within which decisions are made. Moreover, specific decisions can only be understood with reference to prevailing conceptions of political representation; that is, exploring what

decision-makers believe are the appropriate priorities and style of political representation. This emphasis on the utility of exploring prevailing conceptions of political representation is the principal contribution of this thesis. It is a previously underused approach, which has the capacity to further enhance our understanding of decisions regarding legislature size.

Chapter two will employ the first approach; that is, exploring the institutional and legal context in which decisions have been made in Canada. A historical overview of the size of the Canadian House of Commons and the different constitutional formulae[4] which have been used to determine the number and distribution of seats, will demonstrate how choices are constrained by the institutional and legal context in which they are made. Chapter two will also provide the necessary factual information required for a detailed consideration of the question of legislature size in Canada. This will include outlining the nature of the decision process and the political actors most central to that process.

Chapter three will investigate the utility of the second approach, a comparative empirical investigation of legislature size. Most importantly, chapter three will explore the relationship between population size and legislature size. Regression analysis will be used to demonstrate that the size of

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[4] All of these formula, except the most recent, can be found in Canada, Department of Justice, The Constitution Acts 1867 to 1982, (Ottawa: Minister of Supply and Services, 1982), sec. 51. The most recent formula can be found in Canada, Statutes, 1986, Chap. 8, Representation Act, 1985.

national legislatures is determined, to a very large extent, by
population. Then, to improve on the explanation derived from
regression analysis, a somewhat more powerful explanatory
equation will be introduced. This equation, known as the cube
root law of assembly size,[5] provides a more satisfactory
estimator of the relationship between population size and
legislature size than the bivariate regression analysis for three
reasons. Firstly, the cube root law explains legislature size as
being related to the size of the politically active population,
rather than the total population. Secondly, by utilizing a cube
root equation, it compensates for some of the inherent
limitations of the linear representation of this relationship
which is derived from a simple bivariate regression. Thirdly,
there are some fairly strong theoretical reasons for expecting to
discover the relationship between the size of the politically
active population and legislature size which is expressed by the
cube root law. In fact, this theoretical perspective has prompted
some analysts to propose that an optimal number of seats can be
specified for any given legislature.

However, the cube root law falls short of explaining all
variation in legislature size. Most national legislatures are
either larger or smaller than their supposed "optimal" size. This
variance exists, in part, because there are other, unmeasured,

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[5] The cube root law and its underlying theoretical model
are presented in Rein Taagepera and Mathew Soberg Shugert, <u>Votes
and Seats: the effects and determinants of Electoral Systems</u>,
(New Haven, Yale University Press, 1989), chapter 15.

yet potentially observable, factors which influence legislature size. More importantly, however, the theoretical model underpinning the cube root law makes assumptions about the nature of political representation which are frequently inappropriate. The relationship between population size and legislature size will vary, depending on the nature of prevailing conceptions of political representation. Both the cube root law's predictive capacity and its claim to be determining optimal legislature size, are undermined by its often inappropriate assumptions regarding the priorities and style of political representation.

Chapter four will explore the concept of political representation. In doing so, it will consider the consequences, for legislature size, of different conceptions of political representation. It will be argued in chapter four, that, at bottom, political representation should be understood as the processes by which representatives "act for" the represented.[6] However, this is a broad view which leaves room for some fundamentally important variations on how one can think about and understand political representation. With this in mind, two perspectives - the liberal perspective and the Burkean perspective - will be presented as alternative understandings of political representation as "acting for" the represented. It will

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[6] For a detailed discussion of the concept of political representation and a justification of this particular understanding, see Hannah Pitkin, The Concept of Representation, (Los Angeles: University of California Press, 1967), passim.

be explained that these two perspectives entail distinct priorities and styles of political representation. Each perspective will suggest different responses on issues such as whether or not it is necessary to ensure that legislature size is sensitive to population size; whether or not it is acceptable to adjust legislature size to affect the nature of parliamentary debate or to protect executive leadership; or, whether or not it is acceptable to adapt legislature size to accommodate diversity in communities of interest. Understanding the priorities and style inherent to each conception of political representation allows us to better understand why a legislature might deviate from the size which would be predicted based on population size alone.

In chapter five, attention will be focused more directly on how and why specific decisions have been made with regard to the size of the Canadian House of Commons. In particular, what were the reasons for the introduction of the 1985 Representation Act, and what are its implications? The utility of all three approaches to understanding the determination of legislature size will be recognized. However, it will be shown that the size of the House of Commons, and the specific decision in 1985 to limit future increases in the size of the House, can best be explained by reference to what the parliamentary leadership wanted to achieve with regard to the priorities and style of political representation. More specifically, choices regarding legislature size in Canada, can, to a great extent, be explained by the

pervasiveness of a Burkean conception of political representation.

The direction and degree to which the number of seats in the House of Commons has historically deviated from its supposed optimal size, as calculated by applying the cube root law, will be used as a reference point for the discussion in chapter five. Critical parliamentary debates will be reviewed to discover the kinds of justifications which have been used when the formulae for determining the number of seats in the house have been amended. The themes of these debates will be examined to demonstrate the relative extent to which liberal and Burkean conceptions of political representation have been prevalent. The relative pervasiveness of these conceptions will then underlie the explanation of why the size of the house has deviated from its supposed optimal size, and why the decision was made in 1985 to severely limit future growth in the size of the House of Commons.

The presentation in chapter five will show that, from Confederation to the 1950s, the number of seats in the House of Commons was consistently greater than the cube root law would suggest was optimal. Also during that period, the predominant understanding of political representation among parliamentarians was Burkean in nature. It will be argued that the emphasis placed on the representation of provincially based communities of interest, the lack of emphasis on equality in population between constituencies, and the existence of strong party discipline and

executive dominance, provide evidence of a Burkean understanding
of political representation that was, in that particular
situation, consistent with allowing the size of the house to
exist above the supposed optimal number of seats.

During the 1950s, however, the redistribution formula did
not allow for any significant growth in the size of the house.
Thus, as Canada's population grew, the house fell below its
optimal size. In the 1960s attention was focused on the
provision of an independent and fair process for redistricting -
the drawing of constituency boundaries - and on an emerging
liberal interest in improving the equality in population between
constituencies. Nothing was done during that decade to lessen the
degree to which the Canadian house was falling behind its optimal
size. However, there was considerable dissatisfaction with future
projections of the distribution of representation in the house of
Commons and, as a result, in the early 1970s a decision was made
to introduce a new formula which would allow the size of the
house to increase dramatically after each decennial census. The
new formula for determining the size of the house, the Amalgam
method,[7] called for increases which would be substantial enough
to quickly put the number of seats in the house above the cube
root law's supposed optimal size. The Amalgam increases would be
large enough to allow the commissions responsible for
redistricting to have the flexibility to respond to the new
liberal concern for equality in constituency populations, while

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[7] See Canada, Statutes, 1974, chap. 13.

meeting the traditional Burkean demands for adequate representation of each of the provinces. It could be argued that the Amalgam formula put the size of the house of Commons back on its original track, heading toward a larger size than the supposed optimal.

With this in mind, the Representation Act, 1985 becomes particularly interesting. Why would legislation be introduced to severely limit increases in the size of the house only one decade after consciously putting in place a formula which would allow for substantial growth? Upon introduction, the government justified the formula contained in the Representation Act as necessary to save money and protect the collegial nature of the legislature. Their rhetoric implied that the government was acting on principle to protect the public interest by keeping the size of the house small enough to ensure that members of the house could maximize their involvement in debate and on committees. Appeals to "protecting collegiality" invoked specific ideas about the nature of political representation and about an active role for individual legislators within the political system.

This thesis will propose a somewhat different explanation of the motivations behind the introduction of the 1985 Representation Act. It will be argued that this legislation emanated from the willingness of a Burkean perspective on political representation to limit growth in the size of the house to protect the leadership role of the executive. The

Representation Act, 1985, was a self-interested attempt to maintain the status quo with regard to power and influence in the House of Commons. Certainly the emphasis which the new Progressive Conservative government was placing on reducing expenditures may have been a partial motivation for limiting increases in the size of the house, but to say that preserving the collegiality of the house motivated the legislation is somewhat misleading. Limiting the size of the house could be sold to parliamentarians because a smaller house would allow individual members of parliament to feel, perhaps incorrectly however, more influential, like bigger fish in a small pond. In actual fact, it will be argued that a smaller house ensures the continuation of executive centred parliamentary practices.[8] Executive dominance is valued from a Burkean perspective.

Until the 1950s, the existence of strong party discipline and executive dominance were specific characteristics of the Canadian political system which allowed the House of Commons to be designed larger than its supposed optimal size. This was, in part, because the total number of seats was relatively small; half of what it would have been under the Amalgam method.

During the first half century following confederation, the flexibility gained by having a greater number of seats allowed

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[8] Certainly this assumption is one which is not shared in all quarters. It is, however, gaining acceptance. In chapters three and five, references are made to the views of John Courtney, Graham White, Michael Atkinson and William Christian, all of whom argue that strong party discipline and executive dominance are less likely in larger legislatures.

for assurances that provincially based communities of interest would be adequately represented, regardless of provincial population size. This emphasis on the representation of provincially based communities of interest is a principle which is valued from a Burkean perspective.

However, by the 1960s and 1970s, equality in constituency populations, which is a goal valued from a liberal perspective, emerged as a competing priority of political representation. There was an effort to equalize the influence of individual electors by equalizing the number of people that each member represented. The Amalgam method would have increased the number of seats enough to ensure that the Burkean priority of guaranteeing adequate representation of the provinces and the liberal priority of equalizing constituency populations, could both be achieved.

However, the large increases in the size of the House, which would result from the Amalgam method, would have had unintended consequences for the nature of political representation. It will be argued that, when a legislature is relatively small, the existence of strong party discipline and executive dominance will limit internal constraints and allow the flexibility to increase the number of seats. However, there is a point at which increasing the size of the House is a catalyst to a new dynamic within the legislature. In a larger legislature opportunities are created for novel parliamentary coalitions. The tradition of party discipline can therefore be actively questioned and

executive dominance is less assured. Thus, it will be the argument of this thesis, that, as the effect of the Amalgam method became clear, and the Canadian House of Commons was set to grow rapidly, the government became more concerned with the issues of discipline and executive leadership, or collegiality as they termed it, than preserving the distribution of provincial representation or equality in constituency populations. The leadership was prepared to limit the size of the House, sacrifice equality in constituency populations and live with fewer guarantees for provincial representation, to maintain the traditional power relationships of an executive centred parliament with strong party discipline.

CHAPTER TWO

Historical Overview:

The Institutional and Legal Context

Studying the formulae and constitutional arrangements which have provided the rules for readjusting the number of seats is a necessary first step because all other factors which may influence the size of an assembly are constrained by this institutional and legal context. The following historical overview of the size of the House of Commons will explain the origins of the various formulae which have been employed in Canada. It will also present essential factual information regarding the nature of the decision process which is required for a detailed consideration of legislation size in Canada.

The initial formula for determining the size of the House of Commons and for distributing seats between the provinces was written into section 51 of the British North America Act in 1867. It required the readjustment of the representation of the provinces, and thus the size of the house, following the completion of each decennial census. The Canadian Parliament was left to specify the authority responsible for such readjustment, as well as the exact manner in which it would be carried out; that was, however, subject and according to the following rules:

> (1) Quebec shall have the fixed Number of Sixty-five Members:

> (2) There shall be assigned to each of the Provinces such a Number of Members as will bear the same Proportion to the Number of its Population

> (ascertained at such Census) as the Number Sixty-
> five bears to the Number of the Population of
> Quebec (so ascertained):[1]

In a addition, there was an important proviso which stated that no province could lose seats unless its proportion of the aggregate population of Canada had decreased by at least 5 per cent since the preceding census.[2]

Using this formula, the House of Commons of the first Canadian Parliament, elected in 1867, was composed of 181 seats. Each of the four original provinces - Nova Scotia, New Brunswick, Quebec and Ontario - were allocated legislative seats in proportion to their population. With the exception of the "5 per cent decline" proviso, the formula was structured to guarantee the underlying principle of "proportionate representation" of the provinces would always be maintained.[3] This principle was further reinforced by section 52 of the British North America Act, which states:

> 52.   The Number of Members of the House of Commons

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[1] Canada, Statutes, 1867, chap. 3, British North America Act, 1867, s. 51 (1) and (2).

[2] Canada, Statutes, 1867, chap. 3, British North America Act, 1867, sec. 51 (4).

[3] Balinski and Young have referred to the original formula as a "divisor method." See M.L. Balinski and H.P. Young, "Parliamentary Representation and the Amalgam Method," Canadian Journal of Political Science XIV:4 (December, 1981), pp. 798 - 799. They have also explained that proportionality is an inherent feature of divisor methods: "The essential idea is to choose as a target some ratio of population to representatives, and then divide this ratio or "divisor" x into the population of the states (or provinces) to obtain quotients." See M.L. Balinski and H.P. Young, Fair Representation, (New Haven: Yale University Press, 1982), p. 61.

> may be form Time to Time increased by the
> Parliament of Canada, provided the proportionate
> Representation of the Provinces prescribed by this
> Act is not thereby disturbed.[4]

This emphasis on proportionate representation of the

provinces was rooted in the demand made by Canada West in the

1850s for a system of representation by population, or as it was

popularly known "rep. by pop." It is important to note, however,

that this emphasis on ensuring representation by population did

not mean that members of parliament would represent

constituencies of equal population. In fact, in 1867, when the

scope of representation - the average constituency size - was

approximately 19,000 people, only 48 of the 181 constituencies

had populations in the range between 18,000 and 20,999. Four

constituencies had populations of less than 6,000 and two were

above 48,000.[5] Ensuring that the provinces were "proportionally"

represented was a much higher priority than ensuring that

individual people were "equally" represented.

Section 51 and the original formula for determining the size

of the House of Commons remained essentially unchanged until the

1940s. Following each census from 1871 to 1931 a full

redistribution of seats, which includes the calculation of the

total number of seats, was carried out using this formula.

Although the formula had been constructed to ensure proportionate

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[4] Canada, Statutes, 1867, chap. 3, British North America Act, 1867, s. 52.

[5] Norman Ward, The Canadian House of Commons: Representation, (Toronto: University of Toronto Press, 1963), p. 31.

representation of the provinces, perfect adherence to proportionate representation was not maintained. There were three reasons for deviating from proportional representation of the provinces: new provinces were typically over represented; in 1915 a "floor" was introduced to protect the smallest provinces; and, the "5 per cent decline" proviso slowed the loss of seats for certain provinces.

As is shown in Table 2.1, the first increase in the size of the House of Commons occurred in 1871, when the province of Manitoba entered confederation. With the allocation of four seats to Manitoba, the total number of seats increased to 185. This was a rejection of the proportionate representation principle. Based on that principle, and using the formula outlined in section 51, Manitoba's population of 25,228 was not enough to justify any more than one representative.

The over representation of Manitoba continued through two redistributions. In 1872 Manitoba was allocated the same four seats it entered confederation with and, in 1882, five seats were given to Manitoba, although its population was only large enough to justify three.

The 1872 and 1873 entry into confederation of British Columbia and Prince Edward Island, were also marked by a rejection of the proportionate representation principle. Both of these provinces entered confederation with six seats in the House of Commons. At the time, however, according to the formula in section 51, the population of B.C. was only large enough to

justify one representative and P.E.I.'s population was not large

enough to justify any more than five.

Table 2.1:

Growth of Representation in the House of Commons

and Redistribution by Province, 1867 to 1988

Year	Total Seats	NFLD	PEI	Nova Scotia	New Brunswick	Que	Ont	Man	Sask	Alta	BC	Yukon	NWT
1988	295	7	4	11	10	75	99	14	14	26	32	1	2
1974	282	7	4	11	10	75	95	14	14	21	28	1	2
1968	264	7	4	11	10	74	88	13	13	19	23	1	1
1953	265	7	4	12	10	75	85	14	17	17	22	1	1
1952	265	7	4	12	10	75	85	14	17	17	22	2[1]	-
1949	262	7	4	13	10	73	83	16	20	17	18	1	-
1947	255	-	4	13	10	73	83	16	20	17	18	1	-
1933	245	-	4	12	10	65	82	17	21	17	16	1	-
1924	245	-	4	14	11	65	82	17	21	16	14	1	-
1915	235	-	4	16	11	65	82	15	16	12	13	1	-
1914	234	-	3	16	11	65	82	15	16	12	13	1	-
1907	221	-	4	18	13	65	86	10	10	7	7	1	-
1903	214	-	4	18	13	65	86	10	10[2]		7	1	-
1892	213	-	5	20	14	65	92	7	4		6	-	-
1887	215	-	6	21	16	65	92	5	4		6	-	-
1882	211	-	6	21	16	65	92	5	-		6	-	-
1873	206	-	6	21	16	65	88	4	-		6	-	-
1872	200	-	-	21	16	65	88	4	-		6	-	-
1871	185	-	-	19	15	65	82	4	-		-	-	-
1867	181	-	-	19	15	65	82	-	-		-	-	-

Source: Adapted from F.H. Leacy, ed., Historical Statistics of Canada, Second Addition, (Ottawa: Statistics Canada and Social Science Federation of Canada, 1983), Series Y17-29.
Notes: [1]Includes one member for Mackenzie River. [2]Northwest Territories

By 1914 the size of the House of Commons had increased to 234 seats and proportionality in the representation of the provinces had been reestablished. However, there was considerable dissatisfaction in Prince Edward Island, where the total number of seats had declined to three. Prior to confederation, the P.E.I. delegation to the 1864 Quebec Conference had rejected a proposal for strict proportional representation of the provinces on the grounds that every province requires some minimal level of representation to ensure that their community of interest is fairly and adequately represented.[6] In 1864, P.E.I. had enough population for five seats, their delegation to Quebec requested six, and then refused to enter confederation when the other conference participants would not assent to their request.

In response to the dissatisfaction of Islanders, the British North America Act was amended in 1915. This amendment, known as the "senatorial floor" amendment, created a new section 51A which read as follows:

> 51A. Notwithstanding anything in this Act a province shall always be entitled to a number of members in the House of Commons not less than the number of Senators representing such province.[7]

The effect of this amendment did not appear substantial, P.E.I. was allocated only one additional seat. However, by introducing the "senatorial floor", below which provincial representation

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[6] G. P. Browne, ed., _Documents on the Confederation of British North America_, (Toronto: McClelland and Stewart Limited, 1969). p. 109.

[7] Canada, _Statutes_, 1867, chap. 3, _British North America Act, 1867_, s. 51A.

could not drop, parliament had permanently changed the
expectations with regard to the formula for determining the size
of the House of Commons. Now the principle of ensuring "adequate"
representation of the provincial communities of interest was as
legitimate as the principle of proportionate representation.

When the census of 1941 was completed, the House of Commons
had 245 seats. The size of the house had been fixed at that level
by the redistribution of 1924 and remained there after the 1933
redistribution. However, this apparent stability masks some
important changes which were taking place with regard to the
distribution of House of Commons seats. Most of the growth in the
size of the house could be attributed to the allocation of seats
outside of the original four provinces, particularly in western
Canada. Fifteen years after confederation, the number of seats
within the boundaries of the original four provinces had
increased from 181 to 194. In the early 1940s the House of
Commons, with 245 seats, was 35 per cent larger than it had been
at confederation; but, the number of seats in the original four
provinces had declined to 174. Furthermore, the formula's "5 per
cent decline" proviso and the senatorial floor were seriously
detracting from the principle of proportionate representation of
the provinces. New and small provinces had been purposely over
represented to ensure that they were "adequately" represented.[8]
However, there was genuine concern with the fact that since 1924

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[8]   Ward, The Canadian House of Commons: Representation, p.
24.

Ontario had also been protected by the "5 per cent decline"

proviso.[9] In fact, it became clear that if the original formula

remained unchanged for the next redistribution, five of the nine

provinces would be protected by either the senatorial floor or

the "5 per cent decline" proviso.

Table 2.2 shows the dilemma legislators faced after the 1941

census. If the formula remained unchanged, the size of the house

would decline by six seats and over half of the provinces would

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Table 2.2:

The Representational Dilemma of the 1940s

	Total Seats	PEI	Nova Scotia	New Brunswick	Que	Ont	Man	Sask	Alta	BC	Yukon
1933[1]	245	4*	12	10*	65	82*	17*	21	17	16	1
1941[2]	239	4*	12*	10*	65	82*	14	18	17*	16	1
1941[3]	226	2	11	9	65	74	14	18	16	16	1
1947[4]	255	4*	13	10*	73	83	16	20	17	18	1

Note: * Indicates that a level of "over representation" is protected by either the senatorial floor or by the five per cent decline proviso. [1]Shows the number and distribution of seats as of the previous redistribution. [2]Shows the number and distribution of seats which would result from applying the existing formula to the 1941 census. [3]Shows the number and distribution of seats employing the existing formula, but without any "floors" or special "provisos". [4]Shows the number and distribution of seats which eventually resulted from the formula as amended in 1946.

be allocated seats above the number consistent with the principle

of proportionate representation of the provinces. Furthermore,

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[9] This concern was particularly marked with the members
from Quebec, which had been fixed at 65 seats since
confederation. For example see comments of Maxime Raymond
(Beauharnois-Laprairie) in Canada, Parliament, House of Commons,
Debates, 1946, vol. 3, 11 June 1946, p. 2407.

without the protection of the "5 per cent decline" proviso and the senatorial floor, the size of the house would have declined to 226 seats, smaller than it had been for over thirty years.

As a solution to this dilemma, a new redistribution formula was introduced through an amendment to section 51 of the B.N.A. Act.[10] This new formula for the distribution of seats in the House of Commons was similar to the formula which had existed since 1867 in that a "divisor" was to be used to ensure that provinces would be allocated seats based upon their population. The difference between the old and the new formulas was to be found in the calculation of this divisor. In 1867 Quebec had been assigned a fixed number of 65 seats and had then been used as the pivotal province for the calculation of the divisor which determined the allocation of seats to the other provinces. The 1946 amendment introduced a formula which put a ceiling of 255 seats on the size of the House of Commons; of those, 254 seats were to be allocated to the provinces and one seat was to be allocated to the Yukon and other territories. The divisor which would be used for calculating each provinces quotient of seats was arrived at by dividing the total population of all the provinces by 254. In both the original and the new formulas, the divisor was a tool for ensuring proportional representation of

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[10] Canada, <u>Statutes</u>, 1946, chap. 63, <u>British North America Act, 1946</u>.

provinces.[11]

The one caveat to the new formula was, that the 1915 senatorial floor was left in place. However, if any province was to be protected by the senatorial floor, the remaining calculations would be carried out after subtracting that number of seats and the population of that province from the total number of seats and the aggregate population. In this way the senatorial floor did not alter the overall ceiling of 255 seats.

In 1949 the entry of Newfoundland into confederation increased the size of the House of Commons by seven seats to 262; however, this change did not involve any alteration to the formula established in 1946, it only increased the size of the ceiling. Before the 1946 formula could be used a second time, however, changes were made which would alter future calculations of the number and distribution of seats.

The census of 1951 indicated that certain provinces, particularly Saskatchewan, were experiencing slow growth or even losing population at a rate which would necessitate rather substantial reductions in their representation in the House of Commons. Using the 1946 formula Saskatchewan stood to lose five seats, or 25 per cent of their representation. In reaction to

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[11]   Balinski and Young distinguish this new formula from divisor methods, such as the original formula, by explaining it differently. They explain that each provinces quota, or "fair share", of seats was to be calculated by multiplying 254 by the fraction which the province's population represented of the whole. The results are essentially the same however. See Balinski and Young, "Parliamentary Representation and the Amalgam Method," pp. 799 - 800.

this, the government again amended the formula contained in section 51 of the BNA Act.[12] The new section 51 established a ceiling for the size of the House of Commons at 263 seats, which included seven seats for Newfoundland and an additional seat for Mackenzie River, a territory not included within the provinces.

What was different about the 1952 formula was the addition of two new provisos; no province could have its representation reduced by more than 15 per cent and no province could have its representation reduced to a level lower than any province which did not have a larger population. The purpose of the first proviso, referred to as the "15 per cent rule", was merely to slow the decline in the representation of provincial communities of interest. The protection was only to be temporary, and subsequent redistributions would be calculated as if the protection had not been in place. For that reason, unlike the senatorial floor, these two provisos were to be brought into force after all seats were allocated, which meant that their implementation could potentially increase the size of the House of Commons beyond the assigned ceiling of 263 seats. In fact, in 1952 the House of Commons increased, not from 262 to the new ceiling of 263 seats, but to 265 seats because Saskatchewan was protected from losing any more than 15 per cent of its allocation.

The 1952 formula for determining the size of the House of

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[12] Canada, Statutes, 1952, chap15, British North America Act, 1952.

Commons and distributing seats remained in place until 1974. The size of the House of Commons also remained approximately the same until that point in time because the formula had no built in growth mechanism. However, the process for redistricting - the drawing of electoral districts - was dramatically altered in 1964.

From 1867 to 1903 the federal government sponsored the decennial Representation Act which delineated the boundaries of new electoral districts. That process allowed the government party to effectively gerrymander.[13] In response to the many problems associated with this type of manipulation, a committee of the House of Commons took on responsibility for the process of redistricting beginning in 1903. By transferring responsibility to a committee of the house, the ability of the opposition to influence redistricting was enhanced. However, a strong government could still manage to control the process and, as a result, there were demands for a fully independent redistricting process.[14] However, it was not until 1964, that the Electoral

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[13] For a discussion of gerrymanders prior to the redistribution process being placed in the hands of a committee of the House of Commons see R. MacGregor Dawson, "The Gerrymander of 1882," Canadian Journal of Economics and Political Science, vol. 1 (May 1935).

[14] In fact, demands of this nature were not new; an independent commission for redistricting was included in the first draft of the BNA Act, it had been suggested in the House in 1899, a Government Bill creating a commission was drafted but not introduced in 1940, the subject was debated from 1958 to 1962 and Diefenbaker introduced legislation to create such a commission in 1962. See Norman Ward, "A Century of Constituencies", Canadian Public Administration, vol. X #1, March 1967.

Boundaries Readjustment Act of 1964 finally provided for ten
independent electoral boundaries commissions to draft new federal
constituency boundaries in each of the provinces.

The 1964 Act also laid down some specific and important
rules which were to govern work of the ten electoral boundaries
commissions which would be constituted for each full
redistribution. These rules were aimed at more closely attaining
a situation of intra-provincial representation by population at
the constituency level. The old slogan "rep. by pop." could now
be more appropriately applied because commissions would work
toward ensuring that each member of the House of Commons would
represent the same number of people.

It was section 13 of the 1964 Electoral Boundaries
Readjustment Act which was aimed specifically at establishing
guidelines for attaining intra-provincial "rep. by pop." at the
constituency level. It read, in part, as follows:

> ...each commission for a province shall be governed
> by the following rules:
> (a) the division of the province into electoral
> districts and the description of the boundaries
> thereof shall proceed on the basis that the
> population of each electoral district in the
> province as a result thereof shall correspond as
> nearly as may be to the electoral quota for the
> province, that is to say, the quotient obtained by
> dividing the population of the province as
> ascertained by the census by the number of members
> of the House of Commons to be assigned to the
> province...[15]

However, at the same time, the act did allow generous room for

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[15] Canada, _Statutes_, 1964, chap. 31, _Electoral Boundaries
Readjustment Act_, sec. 13 (1) (a).

flexibility with regard to this rule. Section 13(c) allowed the

commissions to depart from the rule of representation by

population in any case where

> (i) special geographic considerations, including
> in particular the sparsity, density or relative
> rate of growth of population of various regions of
> the province, the accessibility of such regions or
> the size or shape thereof, appear to the
> commission to render such a departure necessary or
> desirable, or
> (ii) any special community or diversity of
> interests of the inhabitants of various regions of
> the province appears to the commission to render
> such a departure necessary or desirable,
> but in no case... shall the population of any
> electoral district in the province as a result
> thereof depart from the electoral quota for that
> province to a greater extent than twenty-five per
> cent more or twenty-five per cent less.[16]

The redistribution following the 1971 census was to be the

second redistribution carried out by the independent commissions.

Working with the distribution of seats which was determined by

section 51 of the B.N.A. Act, the commissions began the work of

redistricting following the guidelines in the Electoral

Boundaries Readjustment Act. However, the resulting draft

electoral map displeased many of the then current members of the

House. Section 51 had led to a situation where several provinces

would lose seats, even though their populations had increased,

and there was a chorus of complaints that the commissions had

been too mechanical in attempting to achieve representation by

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[16] Canada, _Statutes_, 1964, Chap. 31, _Electoral Boundaries
Act_, sec. 13 (1) (c).

population at the constituency by constituency level.[17] Members
of Parliament wanted the electoral boundaries commissions to make
more use of section 13(c) of the Act which allowed constituency
populations to depart by 25 per cent from the province's average
constituency population.

In response to this dissatisfaction, the government rejected
the work of the commissions and introduced a new formula for the
distribution of seats between the provinces. This new formula,
the Amalgam method,[18] was a complex formula which, like earlier
formulas aimed at ensuring a degree of proportional
representation of the provinces. The Amalgam method was also
designed to assist commissions in attaining the level of
equality in population between constituencies which was required
by section 13 of the Electoral Boundaries Readjustment Act.
Perhaps most important, the Amalgam method included a guarantee
that no province would lose seats.[19] To do all of this, the size
of the House of Commons would be increased substantially.

The Amalgam method treated provinces of different
populations in different ways. This new formula also returned to

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[17]   As an example of the complaints which were voiced see
Gordon Ritchie (P.C., Dauphin) in Canada, Parliament, House of
Commons, Debates, 1973, vol. V, 5 July 1973, p. 5344.

[18]   See Canada, Statutes, 1974, chap. 13.

[19]   These goals were outlined in a White Paper prior to the
introduction of the legislation. See Canada, President of the
Queen's Privy Council for Canada, "Redistribution 1974:
Approaches and Perspectives," reprinted in Canada, Parliament,
House of Commons, Standing Committee on Privileges and Elections,
Minutes of Proceedings, Issue No. 3, 9 April 1974.

the original practice of treating Quebec uniquely. Quebec was to

receive 75 seats in the next redistribution and an additional

four seats in each subsequent decennial redistribution. Large

provinces, such as Ontario, with populations over 2.5 million

would have their allocation of seats calculated using the average

constituency population in the province of Quebec as a divisor.

Small provinces, with populations less than 1.5 million, which

had had a population increase were to be allocated seats based

on a calculation using the average constituency size of all small

provinces, as of the previous redistribution, as a divisor. Small

provinces and any intermediate sized provinces which had not

increased in population would receive the same number of seats as

in the previous redistribution. The remaining intermediate sized

provinces were to receive the number of seats they had as of the

previous redistribution and an additional allocation of one seat

for every two additional seats the province would have received

if it had been treated as a small province. The one important

caveat to this formula was, that no province could have an

average constituency population larger than the province of

Quebec.

The impact of the Amalgam method on the size of the House of

Commons was to be quite substantial. In 1979, upon the

implementation of the first redistribution based on this

formula, the number of seats increased from 264 to 282. It was

anticipated, based on population projections, that the house

would increase to 310 seats after the 1981 census, then to 343

seats in the 1990s, and 369 seats after the first census of the next century.

However, before the Amalgam method's formula had been employed a second time, parliamentarians began to worry about the impact of allowing such substantial increases in the size of the House. Following the 1981 census, the Electoral Boundaries Commissions did prepare their reports on electoral boundaries for a House with 310 seats, but the process was halted shortly after the 1984 election.

In 1985 the government introduced a new and simpler formula.[20] This formula utilized the average constituency size in the ten provinces as a divisor to calculate the number of seats to be allocated to each province. However, to protect provinces from any loss of seats, the formula stipulated that if the allocation of seats calculated by this method would result in a reduction in the number of seats, a province would retain the number of seats it received in the previous redistribution. The result of this formula was that the 1988 increase in the size of the House of Commons was from 282 to 295 seats, rather than to 310 seats.

As a result of the 1985 Representation Act, the House of Commons is 15 seats smaller in 1989 than it would have been under the Amalgam method. Moreover, during the 1990s the size of the house will be 47 seats smaller than under the Amalgam method and,

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[20] Canada, Statutes, 1986, chap. 8, Representation Act, 1985.

after the census of 2001, there will be 71 fewer seats than there would have been if the Representation Act, 1985 had not been introduced. Thus, the new formula for determining the size of the House of Commons was a significant departure from the course which had been established a decade earlier.

The legislation passed in 1985 also altered the nature of the guidelines given to the electoral boundary commissions. The goal of attaining representation by population at the constituency level was to be given less priority. Instead of "allowing" the commissions to consider factors such as geography and communities of interest, section 13 of the Electoral Boundaries Readjustment Act was altered to "require" that commissions "shall" consider these factors. Furthermore, the commissions were given the right to depart from the electoral quota by more than twenty-five per cent in "extraordinary" situations.

This brings us up-to-date with respect to the formula and the process for determining the number and distribution of seats in the House of Commons. The primary lesson provided by this historical overview is that these formulae and constitutional arrangements are critically important to our understanding of the decisions which are made regarding the size of the House. This is particularly so in the Canadian context, since Parliament has been legally bound to adhere to these formulae. The student of legislature size in Canada would be unwise to proceed unaware of the institutional and legal context in which decisions are made.

CHAPTER THREE

The Influence of Population

The formula and processes which are the institutional and legal context within which legislature size is determined will, without a doubt, affect decisions regarding the number of seats in a legislature. Since confederation, the number of seats in the House of Commons has been established by the application of a formula specified in the constitution. If we probe no deeper, one might conclude that institutional and legal constraints and the idiosyncratic decisions which establish these constraints are all that can be offered to explain legislature size. However, this is not the case. Comparative empirical analysis demonstrates that, throughout the world, legislature size is influenced by a common set of factors. In particular, legislature size is significantly influenced by population size.

The purpose of this chapter is to build on the comparative empirical investigations of legislature size which have been done in the past and, most importantly, to explore the relationship between legislature size and population size. Bivariate regression analysis will be presented to demonstrate the extent to which the size of a nation's legislative assembly is related to that nation's population size. Although the suggestion that this relationship exists is not new, a recently published theoretical model will be introduced in an attempt to explain this relationship. This model, which focuses more specifically on

the size of a nation's "politically active" population, suggests that the number of seats in any particular legislature tends to be fixed at the level which minimizes the total number of internal and external "communication channels" demanding the attention of legislators.

This theoretical model has resulted in the formulation of the "cube root law" of assembly size. It is claimed, that the equation which expresses the logic behind the cube root law, is a more powerful explanatory or predictive equation than the linear equation which results from bivariate regression analysis. More importantly, because the cube root law is supported by a rational theoretical model, it is proposed by some analysts that an "optimal" size for any given legislature can be determined.

The focus of this chapter will be the relationship between legislature size and population size. However, because population size can not account for all variation in the size of national legislatures, it will be argued that there are other factors which influence the number of seats in legislative assemblies. None of these relationships are as powerful as the influence exerted by population size; however, understanding how these factors influence legislature size would further our understanding of the choices that are made regarding the number of seats in any given legislative assembly.

An interesting characteristic of many of these other factors, is that their influence upon legislature size can be best understood with reference to the priorities and style of

political representation. In other words, understanding the
factors which determine legislature size involves understanding
how the interests present in society are represented within the
legislative process. This would include having an appreciation
for the role of political parties, knowing how the political
system groups citizens for electoral purposes, being aware of the
jurisdictional competence of different levels of government, and
understanding the amount of power and influence enjoyed by
individual legislators. Thus, although many of these factors will
be introduced in this chapter, it will be argued that the
influence which dominant conceptions of political representation
have on legislature size acts almost as a surrogate for these
variables. Exploring the relationship between legislature size
and different conceptions of political representation will be an
exercise reserved for chapter four.

The remainder of this chapter will be divided into three
sections. The first section will review some of the limited
amount of literature which has attempted to grapple with
specifying the variables which influence legislature size. The
second section will provide a rather detailed empirical
exploration of the relationship between population size and
legislature size. This will include explaining the cube root law
of assembly size and its theoretical foundation. Finally, the
conclusion will elaborate on the influence other factors might
have on legislature size, and will argue the utility of
proceeding to a detailed exploration of the concept of political

representation as the next step in grappling with the problem of
legislature size.

The Problem of Size: Specifying Influential Variables

There appear to be a wide ranging assortment of factors
which could have important consequences for legislature size.
Some of these variables are straightforward, measurable factors
which would affect legislature size in a straightforward and
observable manner. Other variables may have a less obvious and
more debatable relationship with legislature size.

A publication by the Inter-Parliamentary Union suggests that
there are two factors which influence the size of a nation's
legislative assembly; geographical and environmental conditions,
and population size.[1] The first of these factors, the
geographical and environmental conditions of a country, is
actually a multifaceted variable which incorporates a country's
social and geographical characteristics. This factor is said to
influence legislature size as a result of the often observable
desire to

> achieve adequate representation for both rural and
> urban areas, and for the different social,
> economic, ethnic, linguistic, religious, cultural,
> occupational and other groupings.[2]

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[1] The International Centre for Parliamentary Documentation
of the Inter-Parliamentary Union, Parliaments of The World: A
Comparative Reference Compendium, Vol. 1 (Oxford, England: Facts
On File Publications, 1986), p. 17.

[2] The International Centre for Parliamentary
Documentation, Parliaments of the World: A comparative Reference
Compendium Vol. 1, p. 17.

Ostensibly, the Inter-Parliamentary Union proposes that national
legislatures are designed with some concern for the unique
geographical and environmental conditions of a nation. They imply
that political representation in legislative assemblies involves
the representation of geographic and social groupings of
individuals. Accepting that there is considerable variation
between nations with regard to their geographic size and their
social diversity, the conclusion suggested here is that
physically larger and more socially heterogeneous nations will
have larger legislative assemblies.

As for the size of the population of a country, research by
the Inter-Parliamentary Union has demonstrated that the larger
the population of a nation, the larger its legislative assembly.
They conclude that this finding is consistent with the theory of
representative democracy, which is based on the notion that
legislators represent people, irrespective of geographic
territories or social characteristics.

There is, unquestionably, some potential for population size
to affect legislature size in the opposite direction of the
impact of geographical and environmental conditions. For
example, if one follows through on the logic underlying the
Inter-Parliamentary Union's explanation of legislature size, one
would predict that in a country with a small population one would
find a relatively small national legislature. However, if that
population is spread over a vast territory and if that
population is socially heterogeneous, then these geographic and

environmental conditions will tend to pressure legislature size

upward. Conflicting pressures will be brought to bear on

legislature design by the concomitant existence of a small number

of individual people and a large number of social groupings over

an immense territory. This is not to intimate that the Inter-

Parliamentary Union's observations are intrinsically paradoxical;

rather, it simply suggests that untangling the determinants of

legislature size will be a complex and difficult task.

Although the Inter-Parliamentary Union study does not

provide a lengthy exploration of legislature size, it does make

it clear that it is the number of people in a country which is

the primary determinant of the size of that nation's legislature.

Robert Dahl and Edward Tufte agree that population size is a very

powerful explanatory variable of legislature size. However, in

recognition of the fact that legislature size can only be altered

periodically, they go on to suggest that nations with rapid

growth in population size will have legislatures smaller than

their absolute size would lead one to predict. This caveat

regarding population growth does not diminish the importance of

population size as an influential variable; if anything,

understanding that, in countries with rapid population growth,

legislature size might lag behind the level predicted based

strictly on the current population, serves to buttress the

significance of the absolute size of the population.

Dahl and Tufte suggest that other variables, such as the

number of active political parties and the number of chambers of

parliament will also influence legislature size.[3] Their research indicates that the legislative assemblies of unicameral parliaments will be larger than the lower house of bicameral parliaments, and that legislatures are typically larger in multiparty political systems than in two-party systems.[4] Although the explanation of variation in the size of national legislatures which is offered by Dahl and Tufte focuses primarily on population size, which they consider to be the most influential variable, these other variables are offered as an explanation for deviations which cannot be explained by variations in population.

The list of potential determinants of legislature size does not end with those suggested above. John Courtney argues that the date of establishment, historical development, the nature of the electoral system as well as the existence of federal, confederal or unitary political arrangements are variables which will have an important and unique impact on the size of a legislative assembly.[5] Courtney also draws the reader's attention to three very practical factors which tend to weigh heavy on the minds of parliamentarians when they consider

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[3] Robert A. Dahl and Edward R. Tufte, Size and Democracy, (Stanford, California: Stanford University Press, 1973), pp. 80 - 83.

[4] Dahl and Tufte, Size and Democracy, p. 81.

[5] John C. Courtney, "The Size of Canada's Parliament: An Assessment of the Implications of a Larger House of Commons" in Peter Aucoin, ed., Institutional Reforms for Representative Government, vol. 38 Macdonald Royal Commission, (Toronto: University of Toronto Press, 1986), p. 2.

altering the size of the legislature in which they serve.
Parliamentarians, he argues, will often focus their attention on
the constraints imposed by the amount of time currently available
for each member to speak during debates, the actual seating
capacity of the legislative chambers, and the cost of maintaining
a legislative assembly with an increased membership.[6]

Recently, an investigation of legislature size carried out
by Taagepera and Shugert found, like others have before them,
that there is a significant relationship between a nation's
population size and legislature size.[7] What is most interesting
about their work is that they have attempted to construct a
rational theoretical model to explain this relationship. Their
model may simply be a formalization of what other investigators
have assumed; nevertheless, it is worthy of consideration. The
model is constructed on the hypothetical assumption of single-
member districts, which would seem appropriate for the Canadian
context.[8]

Taagepera and Shugert argue that the most time-consuming
activity involved with the task of representing the population in
legislative deliberations, is communication. Representatives must
communicate with their constituents and they must communicate

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[6] Courtney, "The Size of Canada's Parliament: An
Assessment of the Implications of a Larger House of Commons", pp.
4 - 10.

[7] Rein Taagepera and Mathew Soberg Shugert, Votes and
Seats, (New Haven, Yale University Press, 1989), pp. 174 - 179.

[8] Taagepera and Shugert, Votes and Seats, pp. 179 - 182.

with other representatives. Communication with constituents, or external communication demands, will involve both taking constituents' views into account and keeping constituents abreast of current issues and decisions. Communication with the other representatives, the internal communication demands, will involve both direct communication with other representatives and monitoring communication between other representatives.[8]

If we only consider the external communication demands it is clear that the larger a nation's population, the greater the total number of external communication channels between constituents and representatives. Taagepera and Shugert assume that, all other things being equal, there will be a desire to reduce the work load of representatives to the level at which they are least overworked and therefore most able to be efficient, effective and responsive to constituents. That means increasing the size of the legislature when there is a larger population. A larger legislature will reduce the number of external communication demands on each individual representative, allowing for more effective communication between representatives and constituents. However, if we consider internal communication demands, it is evident that a larger legislature with more representatives adds to the number of internal communication channels. The more internal communication channels, the more difficult it is to act effectively on behalf of constituents. Thus, Taagepera and Shugert conclude that the

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[8] Taagepera and Shugert, <u>Votes and Seats</u>, p. 179.

primary determinant of legislature size is the desire to minimize
the internal and external communication demands on
representatives. As population increases legislature size will
increase, however that increase will be restrained by the demands
inherent in the operation of a large legislative assembly.

To return to the broader discussion of the many variable
which influence legislature size, Table 3.1 provides a summary of
several variables which are likely to be of consequence for the
determination   of   the   size   of   a   legislative   assembly.

Table 3.1:

Determinants of Legislature Size

Variable	Anticipated effect
1. Population size	Larger pop., larger legislature
2. Population growth rate	Reduces influence of population
3. Geographic size	Larger area, larger legislature
4. Number of Chambers	Fewer chambers, larger legislature
5. Federal or Unitary nature of the political system	Uncertain
6. Nature of the Electoral System:	Various effects
1 Number of political parties... one, two or multi-party 1 Single member district vs proportional representation etc. 1 direct democratic vs indirect or nondemocratic elections	
7. Social diversity:	More diversity, larger legislature
1 urban vs rural 1 ethnicity 1 linguistic 1 religious 1 economic classes 1 etc.	
8. Nature of parliamentary practices:	Various effects
1 rules of debate 1 committee structures 1 party discipline 1 etc.	
9. Physical size of the legislative chamber	May limit increases in size
10. Cost of selecting and maintaining legislators	May slow increases in size

This list should not be considered exhaustive; nor should it be viewed as the basis for a systematic empirical explanation of variation in the size of legislative assemblies. Although the effort to create this list was informed by academic research, the enterprise of identifying the determinants of legislature size will appear somewhat speculative in nature, particularly if we keep in mind that legislatures are designed by humankind and, as such, their form is subject to the idiosyncratic nature of the persons who created them.

Difficulty in developing a confident understanding of the determinants of legislature size will inevitably arise because the nature of the relationships between the variables listed in Table 3.1 and legislature size are not immediately clear. Simple theorizing is problematic because some factors produce double-edged arguments and others require us to make assumptions about the nature and priorities of political representation. For example, with regard to a federal versus a unitary political system, Courtney explains that, on the one hand, the argument could be made that a large national legislature is implicitly unnecessary in a federal system with formally divided sovereignty. The existence of regional legislatures with specified jurisdictional competence could be justification for a smaller national legislative assembly. On the other hand, he submits that a case could be made for a larger national legislature which would reflect the status that the centre ought

to possess in relation to the smaller regional legislatures.[10] If a national legislature is not large enough to have a substantial number of representatives from each state or province, an opportunity exists for regional legislatures, or their respective executives, to claim that their population is not effectively represented at the national level. This situation could potentially disrupt the political system by, for example, increasing the likelihood of executive federalism or, possibly, by the likelihood that regional legislators will claim a right to enter the debate on matters within the jurisdiction of the national legislature.

The variable "nature of parliamentary practices" is also problematic due to the type of double-edged argument it produces. The double-edged nature of the relationship between this factor and parliamentary size emanates from the difficulty of determining causation. For example, it is possible that a complex committee system, with a host of standing committees having functional responsibility for drafting legislative proposals, would eventually lead to a larger legislature. A large legislature would be necessary to support a policy development process in which legislative committees play such an important role. On the other hand, one would have to question whether this type of committee centred legislative process would ever develop in a small legislature. It has been suggested that it is the

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[10] Courtney, "The Size of Canada's Parliament: An Assessment of the Implications of a Larger House of Commons", pp. 3 - 4.

existence of a large legislature, with its many potentially idle parliamentarians, that serves as the impetus for the creation of a complex and functionally important committee system.[11] Thus, one can see that while the nature of parliamentary practices may influence legislature size, legislature size may in fact influence the nature of parliamentary practices. Nevertheless, regardless which direction one believes the causal relationship flows, the fact remains that a relationship exists, and it is fundamentally important because parliamentary practices go to the very heart of the representational nature of a political system.

The parliamentary practices which seem most strongly related to legislature size are those practices which determine the degree of power and freedom enjoyed by individual back bench members of the legislature. As Graham White has suggested: "In the context of a British parliamentary model, legislature size is perhaps most significant for its effect on legislature - executive relations."[12] Because unique new opportunities exist for forming parliamentary coalitions and because each member is less important for carrying votes, White argues that increasing legislature size can act as a "catalyst" for parliamentarians to defy party whips, challenge their party leadership and press the

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[11] Courtney, "The Size of Canada's Parliament: An Assessment of the Implications of a Larger House of Commons", pp. 14 - 15.

[12] Graham White, "Big is Different from Little: On Taking Size Seriously in Canadian Political Analysis," paper delivered to the Sixtieth Annual Meeting of the Canadian Political Science Association, Windsor, Ontario, June, 1988, p. 3.

executive to accept a more independent and active role for individual elected legislators. Parliamentary practices which involve active committees, independently powerful legislators and relatively less party discipline are more likely to flourish in large legislatures. Large legislatures enhance the autonomous capacity of the House relative to the executive.

This speculation regarding the relationship between legislature size and the degree of independence and influence enjoyed by individual representatives could have important implications for the explanation of legislature size offered by Taagepera and Shugert. Strictly speaking, their explanation of how population size effects legislature size, applies only to single-member districts in polities where legislators have some independence from party discipline.[13] If traditional parliamentary practices have involved a high degree of party discipline, there will be many fewer internal communication demands. Representatives will not have to communicate with as many representatives or monitor the communications between other representatives as thoroughly because the party will supplant these efforts through the processes by which the partly leadership provide the necessary cues to ensure that representatives can speak to and vote on the issues of the day. If we apply Taagepera and Shugert's model to a legislature with strong party discipline, we may assume that increases in external communication demands brought on by an increase in population can

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[13] Taagepera and Shugert, <u>Votes and Seats</u>, p. 181.

be reduced by relatively larger increases in legislature size because the structures which enforce party discipline will reduce the number of internal communication demands; that is, however, until the increases in legislature size give rise to a reduction in party discipline and representatives are confronted with sharper increases in internal communication demands. Of course, the intriguing question is determining where this occurs.

To develop a confident understanding of how all of these variables influence legislature size, it is necessary to explore the lessons which can be gained from an comparative empirical analysis of legislature size. Given the emphasis that the literature places on the influence of population size, this variable will be the focus of the following investigation.

The Influence of Population Size

Information pertaining to one hundred and forty-three nations was assembled for the purpose of investigating the importance of population size as a determinants of legislature size.[14] The descriptive statistics derived from this data set reveal that there is considerable variation between nations with regard to the size of national legislative assemblies. In 1985

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[14] Three sources were used to compile the data set for this research: Arthur S. Banks, ed., Political Handbook of the World, 1986, (Binghamton, New York: CSA Publications, 1986); The International Centre for Parliamentary Documentation of the Inter-Parliamentary Union, Parliaments of the World: A Comparative Reference Compendium, volume 1, (Oxford, England: Facts On File Publications, 1986); United Nations, Department of International Economic and Social Affairs, Statistical Office, 1985 Demographic Yearbook, (United Nations Publications, 1985).

the smallest legislature was to be found in the tiny pacific
nation of Tuvalu, about 4,000 kilometres north-east of Australia.
The Parliament of Tuvalu was comprised of only thirteen members.
Tuvalu was one of nine nations with legislative assemblies of
less than twenty members. In fact, almost twenty-five percent of
nations had legislatures of less than sixty members.

China has the largest of national legislative assemblies. In
1985 China's National People's Congress had a membership of
2,978. A legislature of this size was a true exception however.
The second largest legislature, found in the USSR, had 750
members and only five national legislatures were larger than 600
members. Seventy-five percent of legislative assemblies had a
membership of two hundred and fifty or less.

The mean size of national legislatures in 1985 was 202
members; however, because the distribution was actually skewed
toward the lower end of the range the median number of members in
a national legislative assembly was only 136. Fifty percent of
legislatures had a membership between sixty and two hundred and
fifty. Canada, having 282 members in the House of Commons in
1985, was well above the average. In fact, the size of our House
of Commons was above the seventy-fifth percentile in the range of
legislature sizes. The relative size of Canada's House of Commons
in relation to other national legislatures appears to be in
keeping with our population size, which is well above the
seventy-fifth percentile. Moreover, Canada is the second largest
nation in terms of geographical territory.

The validity of the hypothesis that legislature size will increase as population size increases, can be investigated systematically using regression analysis. Using the 1985 data on legislature size and population size which was collected for this paper, two simple bivariate regressions were carried out. The first regression was run using data for all nations, a total of 143 cases. The second regression was run with a data set involving only thirty suitably comparable democratic nations.[15] This selection was based on the belief that the dynamics of the relationship between population size and legislature size would very likely be different in democratic polities than in one party, nondemocratic or other types of political systems.

One of the most interesting aspects of the results reported in Table 3.2, is that both regressions produce similar results. Notwithstanding the vast differences between nations with respect to the selection process and the role of legislators, there is a substantial and statistically significant relationship between legislature size and population size. In both regressions, population size explains in the range of 80 per cent of the variation in legislature size.

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[15] The list of thirty democratic nations was created by analyzing the description of the various political systems provided in Banks, Political Handbook of the World, 1986, and then cross-referencing this initial list with Robert Dahl's 1969 list of fully inclusive polyarchies and Dankwart Rustow's 1967 list of contemporary democratic systems. See Robert A Dahl, Polyarchy, (New Haven: Yale University Press, 1971), pp. 248 - 249. The list is not exhaustive nor are the nations listed equally democratic by all criteria. However, those nations listed are suitably comparable for the purposes of this paper.

Table 3.2
Dependent Variable: Legislature Size ($\log_{10}$)
Independent Variable: Population Size ($\log_{10}$)

	Regr. Coef.	SE	t-ratio	$\overline{R^2}$
143 Nations	.394	.017	23.55	79.6%
30 Democracies	.390	.032	12.17	83.5%

Note: Regression coefficients are significant beyond the .01 level. Variables were logged to base 10 to ensure that the distributions better approximate normality.
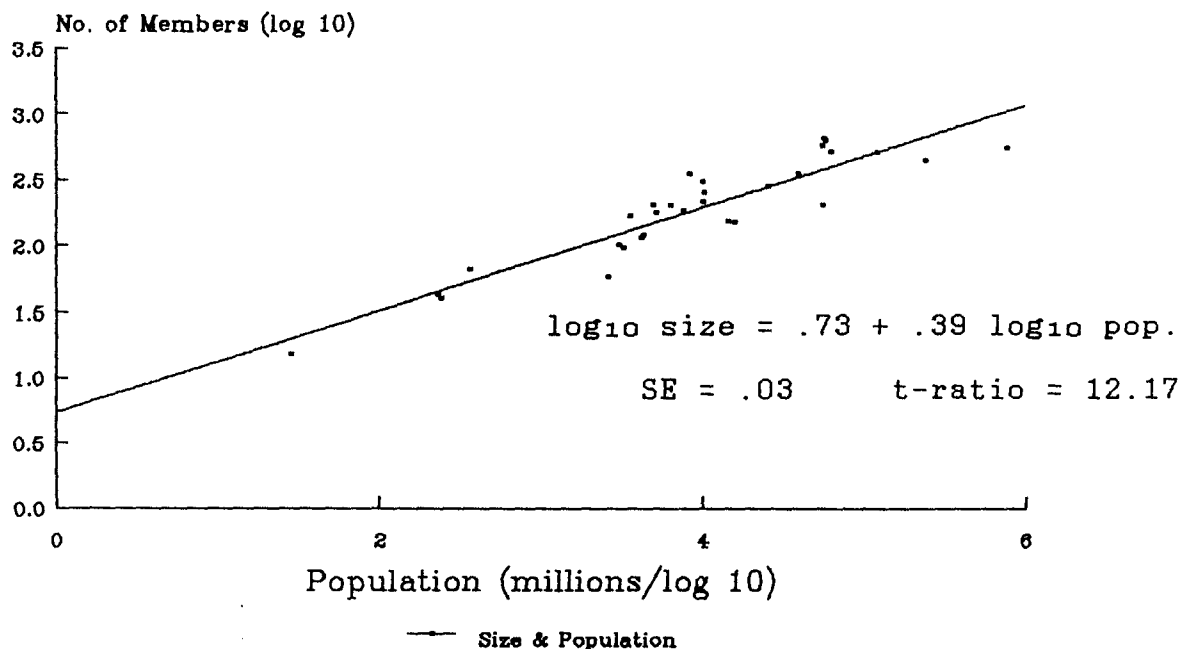
In 1973 Dahl and Tufte produced two similar regressions using 1970 data on population and legislature size. Their first regression was run for 135 countries and the second, for 29 democracies.[16] Their regression analysis produced results very close to those reported in Table 3.2; however, using the 1970 data, population size explained approximately 8 per cent less of the variation in legislature size.

Both the Dahl and Tufte regression analysis and the analysis carried out for this paper demonstrate that legislature size will increase as population size increases, but at a slower rate. The regression coefficients suggest that a 1 per cent increase in population size, will result in a .4 per cent increase in legislature size.

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[16] Dahl and Tufte, <u>Size and Democracy</u>, pp. 81 - 82.

Figure 3.1

Legislature Size
And Population

No. of Members (log 10)

$$\log_{10} \text{size} = .73 + .39 \log_{10} \text{pop}.$$

$$SE = .03 \qquad t\text{-ratio} = 12.17$$

Population (millions/log 10)

—— Size & Population

Note: N=30 adj.R−sq=83.5%

For the purpose of a visual demonstration of the relationship between population and legislature size, Figure 3.1 above shows the regression line as it would lie on a plot of legislature size ($\log_{10}$) versus population size ($\log_{10}$). This simple bivariate regression explains over eighty per cent of the variation in the size of legislative assemblies between democracies.

To explore further the relationship between population and

legislature size, and to learn if the relationship is the same in a strictly Canadian context, a data set was collected for the House of Commons and each of the ten provincial legislatures. To ensure a suitably large data set, observations were taken for the population and legislature size in the first year of each of the past five decades.

Three regressions were run. One regression was run for all cases from 1941 to 1981, one regression for only the 1941 observations, and a final regression for only the 1981 data. The results reported in Table 3.3, reinforce the conclusions drawn from the regression analysis presented in Table 3.2 and the earlier work by Dahl and Tufte.

Table 3.3

Legislature Size and Population in Canada

Dependent Variable: Legislature Size (log_{10})

Independent Variable: Population Size (log_{10})

	Regr. Coef.	SE	t-ratio	$\overline{R^2}$
1941 to 1981	.397	.021	18.83	87.0%
1941	.423	.065	6.51	82.2%
1981	.378	.043	8.71	88.2%

Note: For 1941-81 N=54, 1941 N=10 and 1981 N=11 because there are no observations for Newfoundland in 1941. All regression coefficients are significant beyond the .01 level. Variables were logged to base 10 to ensure that the distributions better approximate normality.

In the first regression, for all observations from 1941 to 1981, population size explains 87 per cent of the variation in the size of Canadian legislatures. It is intriguing to note,

however, that population size has not been consistent in its power as an explanatory variable. In the year 1941, population explained 82.2 per cent of variation in legislature size; however, in 1981, variation in population accounted for 88.2 per cent of variation in legislature size. On the surface, this discovery that population size has been increasing in strength as an explanatory variable, appears consistent with the 8 per cent difference in the R^2s found between the 1970 analysis of Dahl and Tufte and the 1985 data reported in Table 3.2.

Without further empirical investigation it is not possible to determine definitely why the variable population is a more powerful explanatory variable in the 1980s than it was in earlier decades. It is possible, however, to speculate that there has been some movement in the relative importance of several influential variables. For example, if we assume that the geographic size of a jurisdiction influences legislature size, its relative importance may have been reduced as transportation and communication services for representatives improve. As the role of geographic size diminishes, population size may have become more influential.

All three regressions in Table 3.3 indicate that a difference in population size of 1 per cent is associated with a difference of approximately .4 per cent in legislature size. As before, the analysis indicates that legislature size increases as population increases, only at a slower rate.

Graham White has also investigated the relationship between

the size of Canadian legislatures and population. He too found
that increases in legislature size have not kept pace with
increases in population. Table 3.4 contrasts the ratio of the
original to the 1988 legislature size, with the ratio of the
original to the 1988 population for Canada and each of the ten
provinces.

Table 3.4

Growth in Canada's Legislatures and Population

	Legislature			Population (,000s)		
	Original	1988	Ratio	Original	1988	Ratio
Canada	181	282	1.6	3,689	25,309	6.9
Newfoundland	·28	52	1.9	361	568	1.6
Nova Scotia	38	52	1.4	388	873	2.3
P.E.I	30	32	1.1	94	126	1.3
New Brunswick	40	58	1.5	285	709	2.5
Quebec	65	122	1.9	1,191	6,532	5.5
Ontario	82	130	1.6	1,620	9,101	5.6
Manitoba	24	57	2.4	25	1,063	42.5
Saskatchewan	25	63	2.5	291	1,009	3.5
Alberta	25	83	3.3	223	2,365	10.6
B.C.	25	69	2.8	36	2,883	80.1

Note: Adapted from Graham White, "Big is Different from Little: On Taking Size Seriously in Canadian
Political Analysis," A paper delivered at the Annual Meeting of the Canadian Political Science Association,
Windsor, June, 1988, Table 1.

The strong relationship between population size and
legislature size implies that legislatures are designed to ensure
a manageable scope of representation; that is, there appears to
be an effort to ensure that each legislator is representing a
manageable number of people. The fact that legislature size grows

more slowly than population size suggests that there is concern that quickly increasing the size of an assembly will negatively effect the character of the legislative process. Or, perhaps, that improvements in technology and transportation have increased the capacity of individual legislators to deal with an increasing scope of representation.

Taagepera and Shugert carried out research similar to the regression analysis reported above. However, they then went a step further and developed a rational theoretical model which explains how and why legislature size is related to population size. The result of their work, as was mentioned earlier, is the formulation of the cube root law of assembly size. The equation which expresses this cube root law effectively accounts for the fact that legislatures grow more slowly than population size, and the theoretical model explains why this is the case.

Using information on the 1985 population and national legislative assembly size of twenty-one stable developed countries, Taagepera and Shugert discovered a line of best fit which corresponded to the simple equation

$$S = P^{1/3},$$

where S is the legislature size and P is the population size. However, when they extended their research to all countries they found that "the pattern becomes more scattered, and most points fall below the line $S = P^{1/3}$."[17] In other words, it appears that, when all nations are taken into consideration, $S = P^{1/3}$ is no

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[17] Taagepera and Shugert, Votes and Seats, p. 176.

longer an ideal equation for predicting legislature size.

Taagepera and Shugert attempt to come to terms with this dilemma by introducing the notion of "active population". This concept was developed after taking note of the fact that countries with low literacy rates tend to have rather small assemblies. It was their proposition that

> The number of assembly seats might be determined by literate adult population rather than by total population, since only adults vote and only literate voters are well placed to cast an informed vote.[18]

This notion seems consistent with their contention that it is external communication demands - that is, demands on the representative to communicate with constituents - which pressure legislature size upward. From their perspective, any potential communications between representatives and the non-active population would not be considered relevant to legislature size.

As it turns out, the line of best fit for their regression involving data on all countries corresponds to the equation

$$S = (2P_a)^{1/3},$$

where P_a is the "active" (literate adult) population. Because this empirical finding can be supported by their rational theoretical model, Taagepera and Shugert suggest that $(2P_a)^{1/3}$ is the optimal size for a nation's legislative assembly.[19]

Their theoretical model begins by assuming that for legislators to effectively represent their constituents they must

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[18] Taagepera and Shugert, Votes and Seats, p. 177.

[19] Taagepera and Shugert, Votes and Seats, p. 181.

do two things: they must communicate with their constituents and they must communicate with other representatives. Based on this, it is their proposition that the optimal legislature size, and the size that legislatures tend toward is the size which minimizes the sum of these external and internal communication demands.

This theoretical model is based on several assumptions about the nature of political representation. Firstly, it would appear that there is an assumption that representation primarily involves acting responsively to individual constituents. In addition, this model also assumes that representatives are relatively free from party discipline and that representatives are elected from single-member districts.

Taagepera and Shugert explain that the total number of constituency communication channels (C_c), the external communication demands, is equal to the average active population size per constituency (P_a/S) multiplied by two. The constituency communication demands are twice the active population because the representative acts in a dual capacity: as a sender and as a receiver of communication. Thus, the external communication demands can be expressed by:

$$C_c = 2P_a/S,$$

where C_c is the number of constituency communication channels, P_a is the politically active population and S is the legislature size.

Within the legislature the representative will communicate

with (S - 1) other members as both a potential sender and a potential receiver of communications. The representative will also want to monitor communication between other representatives. Thus the total number of communication channels which combine to make up the internal communication demands (C_s) would be the sum of the communication channels a representative might participate in, $2(S - 1)$, and the channels a representative would want to monitor, $(s - 1)(S - 2)/2$; that is,

$$C_s = 2(S - 1) + (S - 1)(S - 2)/2 = S^2/2 + S/2 - 1,$$

where C_s is the number of internal communication channels and S is the legislature size. Then, the combined internal and external communication demands (C) would be

$$C = C_c + C_s = 2P_a/S + (S^2/2 + S/2 - 1),$$

and the optimal legislature size, or S_o, would be the size which minimizes C.

Taagepera and Shugert explain that the "assembly size S_o which minimizes C (at constant P_a) is obtained by calculating the derivative of dC/dS and making it zero."[20] That is,

$$dC/dS = S - 2P_a/S^2 = 0.$$

Taagepera and Shugert then find that the equation for optimal legislative assembly size matches the line of best fit for the regression of legislature size against population:

$$S_o = (2P_a)^{1/3},$$

where S_o is the optimal legislature size and P_a is the size of the politically active population. This, they refer to as the

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[20] Taagepera and Shugert, <u>Votes and Seats</u>, p. 181.

cube root law of assembly sizes. It is an equation which is found empirically and supported by a rational theoretical model.

Unfortunately, for the purpose of an investigation of legislature size in Canada, there are some problems with the model, and with the cube root law as reported by Taagepera and Shugert. Because of the importance of the influence of population, and because the claim that the cube root law is among the strongest quantitative laws in political science, these problems are worthy of detailed consideration.

The first problem arises as a result of the many assumptions upon which the model is constructed. The theoretical model assumes a liberal understanding of the process of political representation in which representatives are free from strong party discipline and are motivated by a desire to be responsive to the individuals they represent. Many currently existing political systems operate quite differently. Even if we set aside the nondemocratic political systems and the polities with different electoral systems, such as those based on proportional representation, one will find that many of the democratic single-member district polities have political systems which do not fit this model. In Canada, for example, the existence of strong party discipline seems to undermine the utility of their detailed calculation of internal communication demands. Thus, any calculation of an optimal legislature size must be called into question. Without a doubt, the internal operational demands of a larger legislative assembly will constrain growth in the number

of seats, even in a system with strong party discipline; however, the measurement of this constraint by the number of internal communication channels does not mesh well with a system which bases so much of its operation on legislators simply responding to the cues of the party leadership.

Another problem, both theoretical and practical, is the use of the concept "active population". When Taagepera and Shugert found that absolute population size was a less powerful explanatory variable for the legislature sizes of all nations than it was for the stable democracies, they attempted to revise the definition of population. They did this by including in their theoretical model only the percentage of the population which is "politically active"; that is, those persons who are both literate and of working age. Certainly, an argument could be made for revising the definition of population, but the way in which they have gone about doing so, ignores any potential influence the supposedly "inactive" population may have on legislature size. Furthermore, there are some very practical problems with defining the active population as those persons who are both literate and of working age. Firstly, the usefulness of this definition in nondemocratic countries or in nations which restrict the political participation of women is problematic. Secondly, as will be discussed below, even in western idemocracies there are difficulties with applying this definition.

Taagepera and Shugert obtained data on working aged population from a source which defines working age as everyone 15

to 64 years of age and reports Canada's working age population
for 1975 as 64.5 per cent of the total population.[21] In a
footnote they admit that omitting the "retired" population form
the definition of "active population" by using "working age
population" is "unjustified intellectually but is forced upon us
by the data."[22] But, the problems with using only the population
between 15 and 64 years of age are fairly significant. In 1976,
65.65 per cent of the Canadian population was between 15 and 64,
while 74.36 per cent of the population was age 15 and above.[23]
That is a difference of over two million people, or 7,586
"active" people per representative.

In any case, if our interest is in the politically active
population, perhaps we should be concerned with the population 18
years of age and above; which, in 1976, was 70.28 per cent of the
population. Applying this age category rather than persons 15 to
64 would increase the active population by over one million and
would result in 8,065 additional external communication channels
per representative to be included in the calculations.

The difficulties associated with their measure of literacy
may even be greater. Their source for national literacy rates
explains the literacy rate as the percentage of persons aged 15

[21] Charles Lewis Taylor and David A. Jodice, World Handbook
of Political and Social Indicators, volume 1, (New Haven: Yale
University Press, 1983), p. 95.

[22] Taagepera and Shugert, Votes and Seats, p. 177.

[23] F. E. Leacy, ed., Historical Statistics of Canada,
Second Addition, (Ottawa: Statistics Canada and Social Science
Federation of Canada, 1983), Series A78-93.

and above who can read and write.[24] Canada has not asked if
people can read and write in census questions since the 1930s.
The United Nations Educational, Scientific, and Cultural
Organization (Unesco) suggests that when this is the case a
nation should turn to educational attainment figures for the
calculations of the literacy rate. A publication of the Canadian
Commission for Unesco on Adult Illiteracy in Canada explains that
basic (or conventional) literacy is attained when one can read or
write their name, address, some simple sentences and other basic
"survival skills". Anyone who has attained less than a grade 5
education is not considered to have attained basic literacy.[25] In
1976 94.5 per cent of Canadians age 15 and above had completed
grade 5.[26] A slightly lower literacy rate, 92 per cent, was
reported in a 1985 study published by The Creative Research
Group.[27] The source used by Taagepera and Shugert list Canada as
having a literacy rate of 98 per cent, considerably higher than
the other sources suggest.[28]

To determine the percentage of Canada's population which

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[24]   Otto T. Johnson, ed., _Information Please Almanac, Atlas
and Yearbook, 1985_, 38th Edition, (Boston: Haughton Mifflin
Company, 1985).

[25]   Audrey M. Thomas, _Adult Illiteracy in Canada: A
Challenge_, (Ottawa: Canadian Commission for Unesco, 1983), p. 18.

[26]   Thomas, _Adult Illiteracy in Canada: A Challenge_, p. 22.

[27] The Creative Research Group, Limited, _Literacy in Canada:
A Report_, (Toronto: The Creative Research Group, Limited, 1987),
p. ii.

[28]   Otto T. Johnson, ed., _Information Please Almanac, Atlas
and Yearbook, 1985_, p.   .

makes up our "active population" we must weed through the various reported literacy rates and the different percentages of the population which are considered to be working age (or adult). The possible results for the size of Canada's active population, range from 59 to 73 per cent. That is a difference of 14 per cent, which in 1981 would have been 3,408,048 people and 24,171 external communication channels.

Based on an active population of 59 per cent, the optimal size for the Canadian House of Commons in 1981 was 306 seats. With an active population of 73 per cent the optimal size would have been 329 seats. It seems that Taagepera and Shugert consider Canada's politically active population to be approximately 63 per cent of the total population.[29] Thus, they would recommend 313 seats as optimal.

However, all of these problems aside, there is a basic rationality to the discussion of internal and external demands which underpin the cube root law. Moreover, Taagepera and Shugert have empirical evidence of the general validity of the cube root law. In fact, they argue that given "the paucity of genuine theory-based quantitative laws in political science, the cube root law of assembly size is among the strongest."[30] If it were possible to come to terms with the problems involved in the estimation of a nation's "active population" (and Taagepera and

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[29] This is based on a literacy rate of 98 per cent and an estimation that 64.5 per cent of the population is of working age.

[30] Taagepera and Shugert, Votes and Seats, p. 182.

Shugert do employ, for Canada, a "mid range" percentage to determine the active population), then the most consequential problem with the model would be its assumptions regarding the role of legislators. In other words, one may wish to challenge the theoretical model underpinning the cube root law of assembly size by invoking a different understanding of political representation and questioning its assumptions about the paramount importance of communication demands.

Conclusions

The discussion thus far has provided solid evidence of the relationship between legislature size and population size. The bivariate regressions in Table 2.2 explain in the range of 80 per cent of the variation in legislature size between nations. The cube root law provides further evidence in support of this relationship. It is a more satisfactory estimator of the relationship between population and legislature size, and it is based on a rational theoretical model.

However, there are, for many political systems, some problems with the understanding of political representation which underpins Taagepera and Shugert's theoretical model. Furthermore, neither the bivariate regression equation or the cube root equation are perfect estimators of legislature size. Population alone does not explain all variation in legislature size. There are other variables which influence legislature size. Many of these were mentioned earlier and were listed in Table 3.1. It was

also mentioned earlier that familiarity with the concept of political representation is required if one is to understand how these other variables influence legislature size.

These are important and interesting points. They suggest that understanding political representation will both, assist in providing further explanation of variation in legislature size, and will help to explain why the cube root law's estimation of an optimal legislature size may be problematic. However, the proposition that understanding political representation will greatly assist an effort to understand legislature size requires elaboration.

Many of the variables which may influence legislature size can be considered "representational" in nature; that is to say the relationship between the variable and legislature size will affect how people and their interests are represented in the legislative assembly. Prevailing conceptions of political representation could almost be considered a surrogate variable for those variables considered representational in nature. Certain conceptions of political representation will coincide with specific configurations of these representational variables. If it were possible to measure the influence these variables and the prevailing conceptions of political representation, it could be argued that the same relationship was being measured in two different ways. Certainly, it should be recognized that, at bottom, the task of political representation involves legislators acting for the represented. However, the way in which

we think about individuals and the way they are grouped for electoral purposes suggests that it might be too simplistic to leave our understanding of political representation at such a basic level. To understand how factors such as geographic territory, the nature of the electoral system and social diversity influence legislature size we must develop a more complex understanding of political representation. If a political system groups individuals by geographical territory, then "individuality" and the types of interests which are represented in the legislature may be defined on a territorial basis. Similarly, in a system of proportional representation the interests which are represented in the legislative assembly are, in large part, defined by the nature of the political parties vying for support. As a result, speculation about how the prevailing conception of political representation understands who or what is being represented and what is involved in representing, may be a useful approach to understanding the direction and the magnitude of the influence which the factors enumerated above will have on legislature size.

For example, if, in a particular political system, increases in social diversity lead to significant increases in legislature size, one might suggest that the influence which the absolute size of the population has on legislature size was subject to independent influence resulting from the composition of the population. Undoubtedly, it would not be particularly easy to separate out and hypothesize about the relative influence of one

variable as opposed to the other. Even if we could be certain that population size and social diversity were having independent direct effects on legislature size, the astute student would take the time to consider the possibility that these variables have an interactive effect on legislature size. If there are any practical limits to legislature size, the most populous nations may be denied the luxury of taking social diversity into account in legislature design. Conceivably, a partial solution to these difficulties may lie in exploring the predominant understanding of political representation. If social diversity appears to have a significant influence on legislature size, it would appear that the priorities inherent in the prevailing conception of political representation places some emphasis on the representation of the objective interests of groupings of individuals or communities over the subjective interests of individuals. By directing appropriate attention to the predominant conception of political representation within a political system, it becomes more and more possible to confidently theorize about the relationship between factors, such as social diversity, and legislature size.

To illustrate further, if the political representation is understood in such a way that peoples' interests are defined by the region in which they live, then legislature size will depend, in part, on geographic size and the existence of defined regions within a country. If peoples' interests and their political individuality is defined by the constellation of political parties, such as in some proportional representation

electoral systems, then political representation for certain
groups in society will depend on whether their political party
has been successful in gaining seats in the legislative assembly.
If this is the case, then the number of active political parties
may influence legislature size upwards.

As a final example, the argument was made earlier, that a
relationship exists between legislature size and the power and
freedom of individual legislators within the legislative process.
The relationship between legislature size and the autonomous
capacity of individual legislators is central to the nature of
political representation. It would seem that, in a parliamentary
system where the dominant conception of political representation
includes acceptance of the dominance of the executive over
parliament and, secondly, the dominance of the party over the
individual legislator, the nature of the understanding of
political representation might have the effect of reducing
increases in legislature size.

To conclude, it has been demonstrated that, while population
size is very likely the most influential variable in determining
legislature size, the relationship between population and
legislature size is not perfect. It has also been shown that,
while there are some sound reasons for concluding that the
equation derived from the cube root law of assembly size will
determine the optimal size of any given legislature, there are
also some aspects of the theoretical model underpinning the cube
root law which are problematic. To come to terms with the problem

of legislature size and develop an understanding of decisions regarding the size of the Canadian House of Commons, it is necessary to understand the variables, other than population, which influence legislature size. It is also necessary to solve the problems of applying the cube root law within the Canadian context. Both of these tasks require exploring the concept of political representation.

CHAPTER FOUR

Understanding Political Representation: Ramifications for Legislature Size

There are three reasons for devoting a considerable amount of attention to the concept of political representation. In chapter three it was shown that population size significantly influences legislature size. The cube root law of assembly size and its underlying theoretical model were presented as an explanation of how and why population influences legislature size. However, the cube root law's predictive capacity is not perfect. One reason that legislature size can not be consistently predicted by the cube root law is that its assumptions regarding the nature of political representation are not appropriate for all nations. Thus, the first reason for exploring the concept of political representation is that the relationship between population and legislature size will vary depending on the nature of political representation. Awareness of the dominant conception in any given nation will help explain why that nation's legislative assembly is not the size predicted by the cube root law.

In chapter three it was argued that many of the other variables which influence legislature size can be considered representational in nature. Variables such as geographic size, the nature of the electoral system, social diversity and the nature of parliamentary practices are representational in nature.

In other words, either these variables themselves are influenced by prevailing conceptions of political representation or the relationship between these variables and legislature size is influenced by prevailing conceptions of political representation. Therefore, the second reason for a detailed exploration of the concept of political representation is that political representation can serve as a sort of surrogate for other influential variables.

The third reason is more straightforward. It is assumed that different understandings of political representation involve different priorities and different styles of representation. Thus, the way in which decision-makers conceptualize political representation will influence all aspects of legislature design, including legislature size.

The concept of representation is widely used within political science literature, particularly in the work on democracy, legislatures and electoral systems. Seldom, however, do we find rigorous explanations of the concept. Authors too often assume their readers share a common understanding of the meaning of the term; they utilize the concept as if they were unaware of the variations on how the concept is understood.

Although each of the various conceptions of representation are, in their own unique way, accurate and useful, it will be argued here that political representation should be understood as making those who are absent from the legislative process, present, through processes in which the representatives act for

the represented. As such, political representation is not simply a static "state of affairs" which remains constant and easy to empirically observe. It is a process or activity, the existence and nature of which is determined over time within the institutional arrangements of a political system. The nature of its manifestation will have several normative implications for a political system. For example, in this chapter it will be argued that political representation involves, for the representative, both using judgement to determine the interest of the represented and responding to the desires and demands of the represented. The degree to which either, or both, of these activities are emphasized by the process of political representation, will be a reflection of dominant notions about the essential nature of democratic politics.

The understanding of political representation embraced here is significantly different from various other understandings, such as the "formalistic authorization" conception which is based on the law of agency and stresses the idea that representatives are "empowered" to act. However, it is sufficiently broad to incorporate the most significant imperatives and implications of the other, often more narrow, conceptions of political representation, such as the formalistic authorization view's notion that representatives have the power to bind the represented by their actions.

An added complication in the task of conceptualizing the process of political representation, is that political

representation exists on two levels. Political representation, as it has been described above, involves individual representatives and the individual people who are represented. However, political representation also exists at the group level, involving a legislature and constituencies.[1]

When representation is understood as making those who are absent from the legislative process, present, by acting for their interests in a manner responsive to them, there is still room for important variations on how we conceive of the process of political representation. Most importantly, there is potential for some fundamental variation on our understanding of those persons who are absent from the legislative process; that is, those persons the representatives are representing. In other words, there are different ways to conceive of the principals who are being represented. Who, or what, is it that the representative is "acting for"? One approach, what would be considered a liberal perspective, would suggest that it is people and their individually defined interests which are being represented. Another approach, what will later be explained as a Burkean perspective, would argue representation should involve making present the broad, fixed and objectively definable interests of groupings of people within society. In this chapter it will be argued, that the differences which exist between these

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[1] As will be evident, this understanding of political representation is adapted from Hanna Pitkin's The Concept of Representation, (Berkeley, Calif.: University of California Press, 1967).

two understandings of the principals and the interests which are being represented, will lead to two very different sets of conclusions regarding the appropriate processes and institutional arrangements of political representation, each having different ramifications for the appropriate size of the legislature.

It will be important to understand that neither the liberal nor the Burkean perspective will be strictly adhered to by all decision-makers in any nation. Some aspects of the dominant thinking on political representation will likely be liberal in nature, while others are Burkean. For this reason, broad assumptions about the relationship between each perspective and legislature size will not be entirely useful. Understanding the essential principles and features of the liberal and the Burkean perspectives will be the key to understanding the influence which the dominant conceptions of political representation will have on legislature size.

There will be a number of features which help to differentiate the liberal and Burkean conceptions of political representation. Some will be more important to legislature size than others. Examples of the types of features which have consequences for legislature size include: the understanding of politically relevant interests; the degree to which legislature size is considered a legitimate tool for protecting communities of interest; the value placed on collegial debate; the importance placed on equalizing levels of representation; and, the extent to which executive leadership is valued in legislative

deliberations.

To establish a basis for subsequent discussion, this chapter will begin with a historical overview of the development of the concept of political representation in the British parliamentary system. This will serve to delineate the phenomenon in which we are interested, namely the process of political representation. Next, an exploration of the contribution of several different understandings of political representation will demonstrate that our contemporary appreciations must recognize political representation as a multifaceted concept with a variety of aspects.

With this completed, there will then be a more comprehensive explanation of the conception considered most appropriate; that is, the understanding which views political representation as the process of acting in the interest of those who are not present in the legislative process, in a manner responsive to them. Without abandoning this broad conception, it will be argued that there remains considerable scope for differing understandings. This chapter will conclude by examining the ramifications for legislature size of, first, a liberal understanding and then a Burkean understanding of political representation as "acting for" the represented.

History: The Phenomena we call Political Representation

Representation is an artifact, not a natural fact. It exists within a framework structured by humankind. A true understanding

of representation can not be "discovered" per se. We must

contextualize our conception of political representation within

the political environment in which we function. Hence, it is not

entirely wrong, when striving to understand this artifact, for

one to ask what we "feel", or commonly expect, the concept means,

Heinz Eulau has suggested that an effective route to

understanding political representation is to utilize a framework

which shows how representation relates to other functional

problems of political organization, such as interest

articulation, integration, authorization, and legitimation.[2]

From a slightly different perspective, Nancy Schwartz's

discussion of the development of a modern conception of

representation turns on the relationship between political

representation and the concepts of power and sovereignty.[3]

Most will agree that locating the meaning of representation,

or many other political concepts for that matter, is not an

entirely objective exercise. Yet, it is not acceptable to move

immediately to a subjective investigation of how representation

is understood within our present political context. Hanna Pitkin

has made the point that when the social scientist, interested in

the meaning of representation, sets out to observe

representation, there exists some presupposition of what

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[2] Heinz Eulau, "Changing Views of Representation," in
Heinz Eulau and John C. Wahlke, eds., The Politics of
Representation, (Beverly Hills, Calif.: Sage Publications, Inc.,
1978), p. 35.

[3] Nancy Schwartz, The Blue Guitar, (Chicago: University of
Chicago Press, 1988), Chapters 1 & 2.

representation "is"; "where it leaves off and some other phenomenon begins."[4] It is difficult, in a sense, to separate what representation means from what representation is. Our objective should be to begin by unpacking the concept at its most complex level so that it can be identified at a simpler, less rigorously specified level. Pitkin and others tackle this problem by way of a historical, often etymological, study of representation which serves to delineate the basic elements of this phenomenon which we wish to understand subjectively within our modern political context.

Political representation is essentially a concept of the Modern Age which had its birth in and grew out of the Middle Ages. As Nancy Schwartz suggested, its history can be traced and understood in relation to the political problem of power and the development of the idea of human sovereignty.

The word representation is Latin in origin; however, its initial use in Roman life had nothing to do with government or with the idea of "agency", which relates to the duties of one who acts on behalf of another person. Representation meant "re-presentation", to "present again" or to "make present", and it was most often used in relation to making inanimate objects which are absent, present, through an intermediary.[5] Exactly how

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4 Hanna Pitkin, The Concept of Representation (Berkeley, Calif.: University of California Press, 1967), p. 2.

5 Hanna Pitkin, Representation, (New York: Atherton Press, 1969), p. 16. Also see Pitkin, The Concept of Representation, p. 241.

this would be done would depend on what is being "re-presented."

In the early Middle Ages the term representation began to be more widely used in reference to persons; however, its use at this time was still not related to the ideas of agency or substitution as it often is today. Representation in Feudal and early Medieval Europe meant "impersonation" or "personification".[6] For example, it was said that the Pope and Cardinals were a representation of the persons of Christ and the Apostles; that is to say, that they were a symbol or an embodiment of the image of Christ and the Apostles. Pitkin has referred to this as an incorporeal understanding involving a "kind of mystical embodiment."[7] Similarly, when it was said that the Medieval magistrate represented "the whole", there was no intent to suggest that the magistrate acted for or in the place of the many individuals who make up the whole community. Rather, the magistrate was considered a personification of collective life, representing the image of the whole state. Until the thirteenth century, if a magistrate did act for a community, this activity was referred to as "intervenire" or "respondere," not representing.[8]

Because representation meant symbolically "standing for", and involved some sort of "mystical embodiment" of that which was represented, the King believed that he could legitimize his power

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[6] Schwartz, <u>The Blue Guitar</u>, p. 24.

[7] Pitkin, <u>The Concept of Representation</u>, p. 241.

[8] Pitkin, <u>The Concept of Representation</u>, p. 242.

by the claim that he represented or stood for, in his person, the whole of the realm. The King was sovereign "because" he represented the realm. Thus, political representation, in this sense, was conceived of in hierarchical terms, there was no accounting for the relationship between the representative and the represented.[8]

In time, however, this notion of mystical embodiment was not sufficient for the maintenance of the legitimacy of the King's power. The King required an instrument through which to gain the consent necessary to preserve his power and to obligate communities to pay taxes. To accomplish this the medieval monarch summoned knights and burgesses to Parliament. Schwartz has referred to these first parliaments "as a device of political rule from the centre, in the territorial ruler's search for human sovereignty."[10]

Over the centuries however, as the term "members" of Parliament developed, as joint action on the part of these members increased, as these members became more aware of themselves as a single body, and as the concept of consent became more important to political rule, new potential developed for parliament to limit the King's power. By the sixteenth century sovereignty was increasingly viewed as resting, not with the King, but with the "King-in-Parliament". The initial transfer of sovereignty to the King-in-Parliament was, in part, because of

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[8]   Eulau, "Changing Views of Representation", p. 39.

[10]   Schwartz, The Blue Guitar, p. 2.

the fact that Parliament was viewed as symbolizing or mystically embodying the whole of the realm in the way the King alone had in an earlier era.[11] In time, however, communities began using parliament to present grievances, they paid and often restricted their members of Parliament. The notion of consent became more thoroughly linked to this process of sending members to Parliament, and it was eventually suggested that sovereignty perhaps ultimately rested with the people at large. Thus, as the process of political representation evolved, a relationship to political power and the idea of popular sovereignty developed.

These developments, related to the institution of Parliament, occurred concomitantly with important developments in the etymology of the word representation. In the fourteenth century the term represent, when related to a person, meant "to symbolize or embody concretely".[12] If an individual was said to represent a community, then this individual brought to mind that community as a whole. He "stood for" that community. However, by the turn of the seventeenth century, the term represent, as defined in the Oxford English Dictionary, also included the idea of acting for others. The OED of 1595 contained references such as "fill the place of another... substitute for" and "acting for someone as his authorized agent or deputy."[13] The verb represent, in this sense, clearly had a meaning which related directly to

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[11]   Pitkin, <u>The Concept of Representation</u>, p. 247.

[12]   Pitkin, <u>The Concept of Representation</u>, p. 243.

[13]   Quoted in Pitkin, <u>The Concept of Representation</u>, p. 243.

the activities of members of parliament.

Thus, by the seventeenth century it was acceptable to view representation as substitution or acting for others rather than simply as impersonation or standing for. It was also acceptable to view members of Parliament as delegates or agents sent by the people; although liberal notions of responsiveness to specific constituencies had not displaced the idea that members acted for the whole of the realm. The institution of Parliament and the concept of representation were developing such that they combined to form the phenomena which we understand as political representation. The stage was now set for the debates about sovereignty and the respective prerogatives of the King and Parliamentarians which initiated the English Civil War; and it was during the Civil War period that representation was first widely used as a political concept.[14]

Political Representation: Different Understandings

Since first being utilized widely in a political context, representation has been understood in a number of different ways. This section will review several conceptions of representation - formalistic, descriptive, symbolic - identifying the unique contribution each has made to our contemporary appreciation of the phenomenon. It will be demonstrated that each of these different understandings, in their own unique way, constitute an

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[14] Pitkin, Representation, p.4.

accurate and useful understanding; but, they also lack some element which we normally associate with political representation. They lack the fullness that a useful conception of political representation requires.

Formalistic: One of the earliest thorough treatments of the concept of political representation is found in the writings of Thomas Hobbes.[15] Hobbes explains that the "right of doing any action" can be understood as authority and that men agree to give authority to a representative, which he calls the "sovereign", so that the representative can provide peace and common security. Once society grants authority to the sovereign, he essentially has "sovereign power" over all persons within society. Thus, once the representative is given authority his actions are binding on the represented. Using the analogy of an author writing for an actor, Hobbes makes the argument that the represented retain ownership of and bear responsibility for the actions of the representative. It is in this way that Hobbes justifies arguing that each act of the representative is binding on and attributed to the represented. Essentially, Hobbes would argue that political representation exists whenever a sovereign has been given authority to provide peace and common security. There are no inherent restrictions on this binding authority, there is no reference to the proper use of this authority and the represented

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[15] Hobbes' understanding of representation, as presented here, is found in Leviathan, chapters 16,17,18 & 22. Published in 1651, Leviathan is, in part, a product of the mid seventeenth century etymological and historical developments discussed above.

have no specific right to terminate this authority once it has been granted.[16]

Pitkin refers to Hobbes' understanding of political representation as formalistic. She calls it the formalistic authorization view because it focuses on the formal transfer of authority at the outset and understands representation in terms of giving and having authority.[17] She suggests that Hobbes' sovereign does not seem, to the present day observer, like a representative, because there is no obligation to consult, to be responsive to wishes, or to be responsible to the people as we would normally like to think a representative should be.[18] She argues that if this is all that representation means then elections are merely a process for granting authority.[19]

Harold Foote Gosnell argues that in attempting to justify the monarchical system Hobbes assumes that unrestricted consent is required for representation. In this way political representation, which certainly is "related" to political power, becomes almost synonymous with political power.[20]

In response, other authors have suggested that there is a

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[16]   Thomas Hobbes, Leviathan chapters 16,17,18 & 22, reprinted in Pitkin, "Representation as Authority," Representation.

[17]   Pitkin, The Concept of Representation, p. 38.

[18]   Pitkin, Representation, p. 8.

[19]   Pitkin, The Concept of Representation, p. 243.

[20]   Harold Foote Gosnell, "Democracy - The Threshold of Freedom, chapter 8," reprinted in Hanna Pitkin, Representation (New York: Atherton Press, 1969), pp. 99 - 100.

need to ensure that our understanding of political representation involves some degree of accountability. Robert Hutchins, for example, argues that representation, "if it means anything, means that the representative must be responsible to the represented."[21] This could be referred to as the accountability view. Taken to its extreme, this view, like the authorization view, is a formalistic understanding. The difference is that it focuses our attention on the formal process of holding representatives accountable, rather than on the formal process of granting authority. Neither view tells us very much about the activity of representing, other than at these specific formal moments in time.

However, both of these formalistic understandings offer some insights into what representation means. The authorization view is at the heart of the law of agency, which suggests that representatives should be viewed as empowered to act on behalf of the represented, and the accountability view stresses the belief that sovereignty ultimately rests with the represented.[22] These insights will prove to be useful in examining other understandings of representation.

Descriptive: The idea that "the people" are ultimately sovereign, that the whole of the population should have ultimate controlling power, is central to many justifications for what we

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[21]   Robert M. Hutchins, "The Theory of Oligarchy: Edmund Burke," The Theorist, V (January, 1943), p. 64, quoted in Pitkin, The Concept of Representation, p. 55.

[22]   Pitkin, The Concept of Representation, p. 35.

today call representative government. Theorists such as Simon

Sterne and John Stuart Mill would have preferred to see society

governed by a system of direct democracy, but they viewed this as

an impossibility and advocated their conception of representative

government as an arrangement which makes democracy possible.[23]

Anthony Birch explains that these authors understand

"representative government" to be government by a group of people

typical of the population. It is "representative" because those

who govern, by virtue of their own personal characteristics,

mirror the main characteristics of the population.[24] For those

advocates of representative government a state of true political

representation exists when the characteristics found in the

people who sit in the legislature accurately correspond to those

found in the population; that is, when the legislature is a

microcosm of society. Pitkin refers to this as descriptive

representation.[25]

The understanding of political representation suggested by

the descriptive view seems to begin with the adjective

"representative", rather than with a focus on the process of

representation. A legislature is considered representative if the

characteristics of the members form a "mirror image" of the

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[23] Simon Sterne, "Representative Government and Personal Representation, (Philadelphia: J. B. Lippincott Co., 1871), pp. 19-25, 44-45, 49-63.

[24] Anthony H. Birch, Representative and Responsible Government, (Toronto: U of T Press, 1964), p. 16.

[25] Pitkin, The Concept of Representation, chapter 4.

nation. Thus, the descriptive conception of representation is static; political representation is defined merely by the composition of the legislature. No details are provided with regard to the process or the activity of representing. We can only judge the quality of representation by the accuracy of correspondence between the characteristics of those persons in the legislature and the general population. There is no inherent obligation, for example, for representative to respect the populations' desires or interests, however they be defined. The descriptive view relies on a faith that desires or interests will be respected if representatives are characteristic of the population.[26] Alfred De Grazia suggests that this may not be the case. He argues that the population does not want typical representatives, rather they want "ideal typical" representatives. They wish to be represented by people with "special differences", such as intelligence or legal abilities, which better qualify people to serve as representatives.[27]

Symbolic: In the early Middle Ages the concept of representation, when related to persons, meant to personify, embody concretely or symbolize. Thus, one of the earliest understandings of political representation related to the way the King was understood to mystically embody or symbolize the whole

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[26] A. Phillips Griffiths, "How can One Person Represent Another?," The Aristotelian Society's Supplementary Volume XXXIV, 1960, pp. 187-208,

[27] Alfred De Grazia, Public and Republic, (New York: Alfred A. Knopf, Inc., 1951), p. 3, quoted in Pitkin, The Concept of Representation, p. 78 - 79.

of the realm. Although the idea of mystical embodiment has been largely superseded by new understandings, other views of political representation as "symbolic representation" remain prevalent in the works of more current authors.

When political representation is understood as symbolic representation it often suggests that representatives stand for a nation in a manner similar to that of a flag. The representatives, perhaps together as a legislature, serve as a vehicle for one's conception of the nation; that is, they serve to evoke emotional understandings of the nation which are too diffuse to be totally captured in words.[28]

Griffiths has used the term symbolic representation in a different manner. He argues that symbolic political representation exists when people believe that their attitudes and beliefs, rather than their personal characteristics, are shared by the legislators.[29] From a slightly different perspective, Eulau and Karps, who discuss political representation as political responsiveness, explain symbolic responsiveness as relating to trust and confidence in the process of governing. They argue that irrespective of the nature and characteristics of those who represent and regardless of the policies created by the legislative process, symbolic representation can exist, as long as there is satisfaction with

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[28] Pitkin, The Concept of Representation, p. 97.

[29] Griffiths, "How Can One Person Represent Another?", in Pitkin, Representation, p. 35.

the process of legislating.[30] Both of the understandings of
symbolic representation intimated that political representation
hinges on the representatives maintaining the confidence of the
represented.

Reflecting on this discussion of the formalistic,
descriptive and symbolic conceptions of political representation
we can identify the unique contribution that each has made to our
contemporary appreciation of the phenomenon. From the formalistic
authorization view we have learned that representation involves
empowering representatives to act on behalf of the represented.
This implies that representatives have the authority to act with
some degree of freedom and to bind the represented by their
actions. The formalistic accountability view highlighted for us
the fact that our understanding of political representation
should be understood and structured in a way which recognizes
that sovereignty ultimately rests with the represented. We
learned from reviewing the understanding of political
representation as descriptive representation that the
"representativeness" of the characteristics of legislators may be
an important element of representation, however it provides no
insights into or guarantees respecting the process of
representation. Finally, in reviewing symbolic representation it
was shown that, on a psychological level, political

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[30] Heinz Eulau and Paul D. Karps, "The Puzzle of
Representation: Specifying Components of Responsiveness", in
Legislative Studies Quarterly Volume 11, Number 3, August 1977,
p. 233.

representation does have something to do with the represented
being able, based on their values and beliefs, to have trust and
confidence in the political process.

These lessons will prove useful in the next section, which
attempts to develop a broader and more usefully applicable
conception of political representation. The conception which this
next section will propose as most useful, views the process of
political representation as involving representatives as "acting
for" the represented.

Political Representation as Acting For the Represented

What more can be said about understanding political
representation? Can we build on the lessons learned above and
move toward a broader and more useful conception of political
representation? Several authors have attempted to do so.
Reflecting on the inadequacies of the formalistic, descriptive
and symbolic understandings there has been a trend toward
discussing political representation in a framework which
highlights the process of representatives "acting for" the
represented.

Early in this chapter, the point was made that since
representation is an artifact structured by humankind within a
specific political environment, our understanding must be
contextual and, therefore it is useful to ask ourselves what we
commonly expect political representation to mean. It would seem,
we commonly expect representatives to consult public opinion, to

respond to the peoples' wishes, to protect the self-defined
interests of the represented, and to be, in some sense,
responsible to the people. This is central to the doctrine of
popular sovereignty. Beyond respecting our wishes, however, we
also commonly expect representatives to use their judgement to
determine which decisions would be in the publics' long-term best
interest. We often require of representatives a long-term
national perspective which we would not expect of the
represented. It is with this in mind, that representatives are
empowered to act on our behalf and bind us by their actions.

It may appear, on first inspection, that these common
expectations are in conflict with one another. particularly if
peoples' wishes or desires conflict with what an objective
representative believes is in their best interests. However, if
we assume that in most cases peoples' wishes do coincide with
their interests then the potential for conflict will be lessened.
Moreover, Roland Pennock has suggested that a democratic context
makes "the satisfaction of popular desires itself a legitimate
interest."[31] But, a total solution to this conflict is not likely
to be so simple. There will always be some conflict between what
the represented desire and what representatives believe is in
their best interest. To deal with this conflict, Pennock and
others propose that, in situations where a representative acts
against the wishes of the represented, the doctrine of popular

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[31]   J. Roland Pennock, "Political Representation: An
Overview", in J. Roland Pennock and John W. Chapman, eds.,
Representation: Nomos X, (New York: Atherton Press, 1968), p. 16.

sovereignty places the "burden of proof" on the representative to justify why the chosen course of action is in the interest of the represented.[32]

B. J. Diggs has attempted to deal with the potential for conflict between desires and wishes by his suggestion that representatives are like "advisors". Essentially Diggs argues that the role of a political representative is to act in the place of the represented. However, he does not wish for us to understand representatives as free agents, simply substituting for those who are not present in the legislative process. Nor does he want his readers to understand representatives as delegates, mere instruments of the represented. Diggs argues that political representation involves representatives taking the place of those who are absent from the legislative process. That is to say, representatives "act for" the represented. He then goes on to say, that this should be done in a manner which ensures that the needs and wishes of the represented, are presented in something close to the manner in which they would have presented them themselves. In his view, the representative makes the represented present by putting himself in the place of the represented like an advisor, but the representative "goes a step further than one who advises another on how to act. He

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[32] J. Roland Pennock, "Political Representation: An Overview", p. 15.

himself carries out the advice that he would give".[33]

In attempting to find some common ground between the belief
that representatives should respond to our wishes and the belief
that they must protect the publics' best interest, one inevitably
faces the question of the relationship between political
representation and responsiveness. The essence of that question
is whether the political representative should be a fully
responsive delegate of the represented or a free agent, acting as
a trustee.

Many other authors, particularly those interested in
empirical studies of political representation, have assumed a
link between political representation and responsiveness. Their
work often focused narrowly on policy issues and roll call
votes; representation was expressed as congruence between the
representatives and the represented on policy issues. It was
assumed that where there was policy congruence, the
representative was acting on the desires of the represented and,
thus, there was a situation of accurate or good political
representation. But, this approach has not been satisfactory.

Eulau and Karps argue that policy congruence is not a self-
evident measure of representation. It is their belief that both
responsiveness and political representation are more complex than
mere policy congruence. They propose that responsiveness has
several components: being aware of and responding to the publics'

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[33] B. J. Diggs, "Practical Representation" in J. Roland
Pennock and John W. Chapman, eds., Representation: Nomos X, (New
York: Atherton Press, 1968), p. 36.

policy preferences; responding to articulated demands for government services; providing for the legislative allocation of the types of projects which are in the public interest and which the public would desire, but are not demanding; and ensuring that the style, image and process of government will create a sense of trust and confidence.[34]

One of their main justifications for suggesting that there are several components of responsiveness, is that they rejected the simple demand-input model of the political system which had been assumed by researchers who simply measured policy congruence. The demand-input model assumes that the driving force in our representative system is the conscious desires and wishes of the represented. It assumes that the public states a set of policy preferences and makes a set of demands which are then reflected, to a greater or lesser degree, in public policy and legislative decisions. Eulau and Karps reject this model because empirical evidence has demonstrated that citizens lack the information, knowledge and interest to justify any belief that policy preference are adequately articulated in the broad sense that this model requires.[35] Furthermore, the demand-input model fails to recognize that political representation involves a

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[34] Eulau and Karps, "The Puzzle of Representation: Specifying Components of Responsiveness", pp. 233 - 242.

[35] In this regard Eulau and Karps refer to the work of John Wahlke. See John C. Wahlke, "Policy Demands and System Support: The Role of the Represented", in Eulau and Wahlke, eds., The Politics of Representation (Beverly Hills, Calif.: Sage Publications, Inc., 1978), p. 75.

built-in status difference between the representative and the represented. In the process of political representation, representatives are elevated to a superior position which allows them to take initiative and give direction to the relationship.[36] Although responsiveness is important to representation, Eulau and Karps strove for an understanding of political representation which would also allow the representative to be empowered to use judgement in the interest of the represented.

The main lesson of Eulau and Karps is that given the complexity of the act of representing, responsiveness alone, particularly in the sense of policy congruence, cannot define political representation. Political representation involves representatives acting for the represented in a way that requires both responding to demands and taking the sort of initiatives which provide leadership.[37] This same point has been made by Roland Pennock.[38] It is also very much in line with the ideas of Diggs, which were discussed above, and the understanding of political representation which is accepted in this paper.

The understanding of political representation proposed here is borrowed, in large part, from Pitkin's The Concept of Representation. This formulation suggests that political

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[36] Eulau and Karps, "The Puzzle of Representation: Specifying Components of Responsiveness", pp. 237 & 249.

[37] Eulau and Karps, "The Puzzle of Representation: Specifying Components of Responsiveness", p. 249.

[38] J. Roland Pennock, "Political Representation: An Overview", p. 18.

representation involves representatives "acting in the interest of the represented in a manner responsive to them."[38] It is assumed that representatives are empowered to act independently, using their own discretion and judgement. It is further assumed that representatives "must not be found persistently at odds with the wishes of the represented", however, whenever such conflict does develop, representatives are expected to provide, to the represented, "a good explanation of why their wishes are not in accord with their interests."[40]

Although the language utilized in this formulation focuses our attention at the level of the individual representatives and the individual persons who are represented, Pitkin stresses that "what makes it representation is not any single action by any one participant, but the overall structure and functioning of the system".[41] She hopes that understanding political representation as she does, will allow for complex and long-range ways of representing. It is her belief that political representation is not necessarily related to a constant activity of responding, but she stresses that there must exist systematic institutional arrangements which ensure that as representatives act for the represented, there will be "a constant condition of responsiveness, of potential readiness to respond."[42]

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[38] Pitkin, *The Concept of Representation*, p. 209.

[40] Pitkin, *The Concept of Representation*, p. 209.

[41] Pitkin, *The Concept of Representation*, p. 221.

[42] Pitkin, *The Concept of Representation*, p. 233.

This outline of political representation is quite broad. Pitkin has said that it essentially establishes the outer limits of the concept. She argues that more exact understandings depend on other matters; such as, our conception of the principals being represented, the nature of interests, the relative capacities of both representatives and the represented, and the nature of issues.[43] Most importantly, the specifics of any rigorous and more specifically defined understanding of political representation will depend on exactly who or what it is that we believe the representatives are to be representing. Are the principals of the representational relationship individuals or groupings of individuals, and what is our conception of the nature of interests?

Political Representation as "Acting for": Ramifications for Legislatures Size

Earlier this chapter introduced two approaches to defining the principals who are being represented and understanding the nature of interests. The liberal view suggests that it is people and their individually defined interests which are being represented, while the Burkean perspective proposes that representatives are acting for the broad, lasting and objectively definable interests of groupings of citizens within society. These two different approaches to understanding political representation as "acting for" will lead to two very different

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[43] Pitkin, The Concept of Representation, p. 210.

sets of conclusions regarding the processes and institutional arrangements of representation, each having different ramifications for the size of legislatures.

Liberal thought understands politically relevant interests as self-defined by individual citizens, they are something people "feel". Interests are subjective and always attached to individual persons. As such, it is not entirely possible to objectively define an individual's politically relevant interests. In fact, since most individuals actually have multiple and shifting interests it is near impossible to fully define the configuration of politically relevant interests which exist at any one time.[44]

As a result of holding to this conception of interests, liberals are very concerned with the adequacy of those processes which allow for interest articulation. There is concern, inherent in the liberal conception of political representation, with the capacity of representatives to be aware of individual desires and the capacity of the represented to demand equality in representation. Taken to its extreme, the liberal view stops just short of radical individualism; a "doctrine that the individual is a self-determined whole, and that any larger whole is merely an aggregate of individuals."[45] There would be little faith that

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[44] Pitkin, The Concept of Representation, pp. 191 - 192.

[45] "Individualism," Oxford English Dictionary, (London: Oxford University Press, 1933, 1961), 6:224 quoted in Elaine Spitz, Majority Rule, (Chatham, New Jersey: Chatham House Publishers, Inc., 1984) p. 46.

processes of political representation could provide adequate opportunity for the equal articulation of individual interests. In its extreme, the liberal view very nearly approximates the Rousseauean argument that only "power", and not "will", can be transferred and, therefore, any form of institutionalized representation is tyranny.[46]

In its extreme, the liberal perspective would advocate a legislature designed to reduce any arbitrary groupings of people which could reduce or alter the impact of the individual within the political system. Equal and unfettered opportunity for all citizens to press their own demands is of paramount importance to the liberal. It is difficult to apply such an extremely individualistic perspective to legislature design in the modern nation state. Nevertheless, a legislature design can be conceived of which might be accepted from this extreme liberal perspective. It would involve a large legislature with representatives elected by a flexible system of proportional representation. This would allow voters, in a sense, to self-define how they are grouped into constituencies by defining who is "their" representative.[47]

From an extreme liberal perspective however, problems would arise with this legislature design, problems which show the difficulty of holding to an extreme liberal perspective on political representation. Liberals demand parliamentary practices

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[46] Jean-Jacques Rousseau, Social Contract, excerpt in Pitkin, "The Impossibility of Representation," Representation.

[47] Schwartz, The Blue Guitar, p. 76.

which allow individual representatives to be informed, active and effective. They reject any structured party discipline which might force representatives to deviate from acting in their constituents self-defined interests. However, for representatives to be close enough to their constituents to be fully aware of their desires, the legislature would have to be so very large that the effectiveness of individual representatives in the legislative process would be destroyed. In an inordinately large legislature the capacity of representatives to act on their own is reduced. Coalitions of some type would inevitably arise, effectively shifting the priorities away from interest articulation. It is for this reason that many who value liberal notions of radical individualism advocate political units much smaller than the nation state as ideal for democratic structures of political representation.

Thankfully, there are far less radical liberal approaches to political representation which maintain an emphasis on individuals and their self-defined interests. Mainstream liberal conceptions of political representation can be applied to the problems of legislature design in nation states with political systems based on geographically defined single member plurality electoral districts. Mainstream liberal thinking will still strive to ensure representatives are "sufficiently acquainted with the personal desires of the represented that they can bring

them to bear on public matters."[48] However, since this is not always possible, the liberal will, at the very least, demand that each individual has an equal opportunity to make demands and bring to bear his or her individually felt interest on matters of political importance. Mainstream liberals have been most concerned with equality, with balancing the strength of interests.[49] Furthermore, because of the emphasis on each individual's capacity to articulate their interests, the mainstream liberal conception of political representation emphasizes responsiveness, there is a continued concern for the capacity of representatives to respond to constituents.

With regard to legislature size, the mainstream liberal perspective offers a number of possibilities. The liberal might advocate a large legislature with a multitude of constituencies. As Dahl and Tufte argue, smaller constituencies are more likely to have homogeneous populations and, therefore, it is more likely the aggregate desires of the constituency will coincide with individual desires. Also, in small constituencies representatives can maintain closer contact with citizens; thus, it is easier for representatives to be responsive to the demands of their constituents.[50]

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[48] M. M. Atkinson and M. Mancuso, "Edicts and Etiquette: Managing Legislative Conflict of Interest in the U.S. and Britain" (unpublished: August 1988), p. 3.

[49] Pitkin, _The Concept of Representation_, p. 206.

[50] Robert A. Dahl and Edward R. Tufte, _Size and Democracy_, (Stanford, Calif.: Stanford University Press, 1973), pp. 13 - 15.

On the other hand, James Madison's liberal convictions lead him to advocate a smaller legislature with larger constituencies. His belief was that in more populous constituencies alliances would shift from issue to issue, allowing every individual a competitive opportunity to be in the majority on some number of political debates. What he feared would happen with a large legislature and small constituencies was that an intransigent group of individuals within each constituency would dominate the political process, thus denying any effective representation of the individually felt interests of many other citizens.[51]

These two mainstream liberal approaches to legislature size only consider the constituency based aspects of the process of representation. They do not consider the dynamics of the processes within the legislature which are also important to ensuring effective representation of constituents' demands. The theoretical model underpinning the cube root law of assembly size is a liberal approach to the problem of legislature size which factors in both the constituency based and the legislature based processes of political representation. As explained in chapter three, this model suggests that representatives' responsiveness to their constituents will be maximized when the legislature is designed to minimize the sum of constituency based and legislature based communication channels requiring the attention of representatives.

In contrast, the Burkean perspective on political

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[51] Spitz, <u>Majority Rule</u>, p. 45.

representation provides a different set of conclusions regarding legislature size. Burke's writings actually involved two, not entirely unrelated, conceptions of political representation.[52] His first conception was the elitist conception of a natural aristocracy governing in the national interest. "His position on representation was elitist... and smacked of an aristocratic notion of natural leaders and natural followers."[53] This understanding seems to assume a number of important principles. For example, it assumes that representatives are empowered to act freely, based on their own judgement. It also seems to assume that the represented share a common interest, the "national interest", which can be objectively determined by thoughtful individuals engaged in mature collegial debate.

His second conception understood political representation as the process of acting for broad "unattached" interests. Burke explained that interests are broad, lasting and easily definable because they are "unattached"; that is, they are inherent to specific groups within society and are not self-defined by individuals. His perspective suggests that individual people are grouped together into corporate constituencies based on occupation, racial identity, religion, region of residence or other nonvoluntary characteristics. The interests of any

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[52] Pitkin, _The Concept of Representation_, pp. 168 - 174.

[53] Issack Kramnick, cited in Philip Resnick, "Burke vs. Rousseau: Parliamentary vs. Popular Sovereignty in Canada.", Paper presented to the Canadian Political Science Association, Quebec City, Quebec, June 1989, p. 2.

particular group are understood as singular and lasting; thus, for example, members of the agricultural community shares a definable interest that is different from mercantile or professional interests and is not prone to change.

Unlike the liberal perspective, the Burkean perspective has no obvious concern with balancing the strength of interests; having one representative for an interest is apparently considered as effective as having several.[54] The Burkean perspective places faith in the concept of "virtual representation". The notion of virtual representation suggests that if any group or community is not "actually" represented, it may still "virtually" be represented if another group or community which shares the same broad interests is actually represented. This sort of virtual representation "will presumably bear fruit in action".[55]

Both Burkean perspectives place more emphasis on the discretion and judgement of representatives than the liberal perspective. There is no emphasis on responsiveness or equality in political representation. Since interest can be objectively defined, wise deliberation will produce the same results no matter how many advocates an interest has. In fact, the first Burkean perspective suggests that mature judgement would more likely result from deliberations involving a small number of collegial representatives, a natural aristocracy.

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[54] Pitkin, _The Concept of Representation_, p. 186.

[55] Pitkin, _The Concept of Representation_, p. 175.

For the purposes of this thesis, a Burkean perspective will be understood as one which accepts the existence of a number of broad, lasting and objectively definable interests, but still maintains the belief that a common national interest can be arrived at through mature debate by representatives empowered to act on their own judgement. With this in mind, legislature size will depend, firstly, on the number of broad interests which are politically relevant. It will also depend on the limits within which there would be too few or too many representatives to allow for a process of wise deliberation and collegial debate. Finally, the number of members in the legislature would have to be kept small enough to ensure that a national focus is maintained; a legislature which is too large would allow members to act as free riders, focusing on their constituent group's interest to the exclusion of the national interest.

As one reflects on the liberal and the Burkean approaches to understanding political representation it is apparent that there are no clear answers provided by either conception with regard to legislature size. Thus, broad generalizations will not be useful. Particularly since there will be few nations where either conception is strictly adhered to. In any nation, some aspects of the dominant thinking on political representation will be liberal and others will be Burkean. The relationship between dominant understandings of political representation and legislature size will depend on the relative pervasiveness of each conception. It is important to know which principles of each

conception are embraced by the decision-makers. Moreover, the way in which the dominant understanding of political representation influences legislature size will also depend on the particular situation in a given nation. The current legislature size, the population size, the amount of social diversity, how communities of interest are defined and other aspects of a nation's particular situation will affect the way the decision-makers' conceptions of political representation influence legislature size.

To prepare for the detailed consideration of legislature size in Canada that will follow in chapter five, it is useful to recap some of the features of the liberal and Burkean conceptions of representation which are most relevant to legislature size. From the liberal perspective, interest are understood to be self-defined. Each individual's politically relevant interests are multiple, shifting and beyond objective discovery. Political representation emphasizes responsiveness to these self-defined interests and related demands. Citizens are expected to have equal opportunity to press their demands and the role of the representative is to carry those demands forward in the legislative process. Thus, liberals typically demand that constituencies are relatively small and equal in population. Legislative debate is understood as an opportunity for representative to advance their constituents' interests; thus, legislature size would be limited only to the extent necessary to ensure the effectiveness of individual representatives.

Representatives must be allowed the freedom to pursue their constituents' self-defined interests. Party discipline and executive leadership are at odds with a liberal conception of political representation. Finally, communities of interest are not considered legitimate objects of representation, the focus of political representation is on the individual and legislature size will be very sensitive to population size.

The relevant features of the Burkean perspective are different. Interests are understood as broad, lasting and objectively definable. Interests are shared by groupings of people within society; they are related to communities of interest. There is no strict emphasis on equality in representation because virtual representation is considered as effective as actual representation. The Burkean perspective places considerable faith in the discretion and judgement of representatives. The emphasis regarding legislative processes is on mature and collegial debate and wise deliberation. There is a willingness to limit legislature size to protect the collegial nature of debate. The independence of representatives is not particularly valued. Executive and party leadership are viewed as effective ways of raising the level of deliberation and ensuring a national focus during debate. The Burkean perspective accepts an "intimate tie between executive and legislature, (and) the presence of parties disciplined by parliamentary leadership."[56]

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[56] Alaxander Brady, cited in Resnick, "Burke vs. Rousseau: Parliamentary vs. Popular Sovereignty in Canada.", Paper presented to the Canadian Political Science Association, Quebec

Communities of interest are considered legitimate objects of representation; thus, legislature size is not particularly sensitive to absolute population size.

City, Quebec, June 1989, p. 5.

CHAPTER FIVE

The Size of the Canadian House of Commons

This chapter will focus on understanding the choices which
have been made respecting the number of seats in the Canadian
House of Commons. Most importantly, it will include a discussion
of why the decision was made in 1985 to abandon the Amalgam
method of determining the size of the House in favour of a
formula which severely restricts increases in the number of
legislative seats. The significance of the discussion in this
chapter, however, goes beyond the insight it provides regarding
legislature design in Canada. The Canadian case study which is
the foundation of this chapter, provides evidence of the
usefulness of the research tools required by the three approaches
which this thesis has gone to great lengths to outline.

The method to be employed in this chapter draws on the
lessons of the previous chapters. Those chapters demonstrated a
number of things about the study of legislature size: any study
of legislature size must heed the constitutional and legal
context which constrains the decisions which are made; it is
essential to recognize the substantial influence which population
size exerts on legislature size; and, one must be aware how the
dominant conceptions of political representation have
significant influence on decisions regarding legislature size.

This chapter will recognize the paramount importance of the
influence of population by contrasting the actual size of the

House of Commons with the size predicted by the cube root law of assembly size. It has been proposed that predictions of legislature size arrived at by the cube root law can be considered estimates of optimal legislature size. This proposition is based on a theoretical model of the relationship between population and legislature size which relies on a liberal conception of political representation. Thus, in effect, this chapter will contrast the actual size of the House of Commons with a liberal notion of its optimal size.

The effort to explain any discrepancy which exists between the actual and the supposed optimal size is structured in recognition of the importance of the constitutional and legal context and the influence of prevailing conceptions of political representation. It will involve an exploration of the rationale employed by members of parliament and the parliamentary party leadership when new formulae were adopted for determining the number and distribution of legislative seats. This will require a close examination of the House of Commons debates and committee proceedings. The purpose of this exploration will be to ascertain the understandings of political representation which were most influential in developing the constitutional formula for fixing the size of the House of Commons.

It will be argued that choices regarding legislature size in Canada can, to a great extent, be explained by the pervasiveness of a Burkean conception of political representation. The various formulae which have been used to establish the size of the House

of Commons have consistently fixed the number of seats at
variance with the level which would be considered optimal from
the liberal perspective underlying the cube root law of assembly
size. It will be shown that this discrepancy can be explained by
reference to the features of a Burkean conception of political
representation which have been pervasive since confederation.
With respect to the specific decision in 1985 to abandon the
Amalgam method and limit future growth in the size of the House,
it will be argued that, as the effect of the Amalgam method
became clear, and the House of Commons was set to grow rapidly,
the parliamentary leadership became particularly concerned with
protecting executive dominance and maintaining party discipline.
The leadership was prepared to limit the size of the House to
maintain the traditional power relations and the traditional
emphasis on executive and party leadership which are valued
features of a Burkean conception of political representation.

## Actual vs "Optimal" Size of the House of Commons: An Overview

Figure 5.1 visually contrasts the actual size of the
Canadian House of Commons with its supposed optimal size, as
calculated by the cube root law.[1] Also depicted in Figure 5.1 is

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[1] As was discussed in Chapter three, the cube root law
requires the calculation of the percentage of the total
population which could be considered the politically "active
population"; that is, the percentage of the population which is
both literate and adult. The method for calculating this
percentage, as is outlined by the cube root law, is somewhat
problematic. Depending on the source of literacy and demographic
data, a range of figures can be suggested for calculating the
active population. In light of this, and in keeping with the

the size of the House as it would have been under the Amalgam method, had the Representation Act, 1985 not been introduced.

Figure 5.1

House Of Commons Size:
contrasted with Optimal size
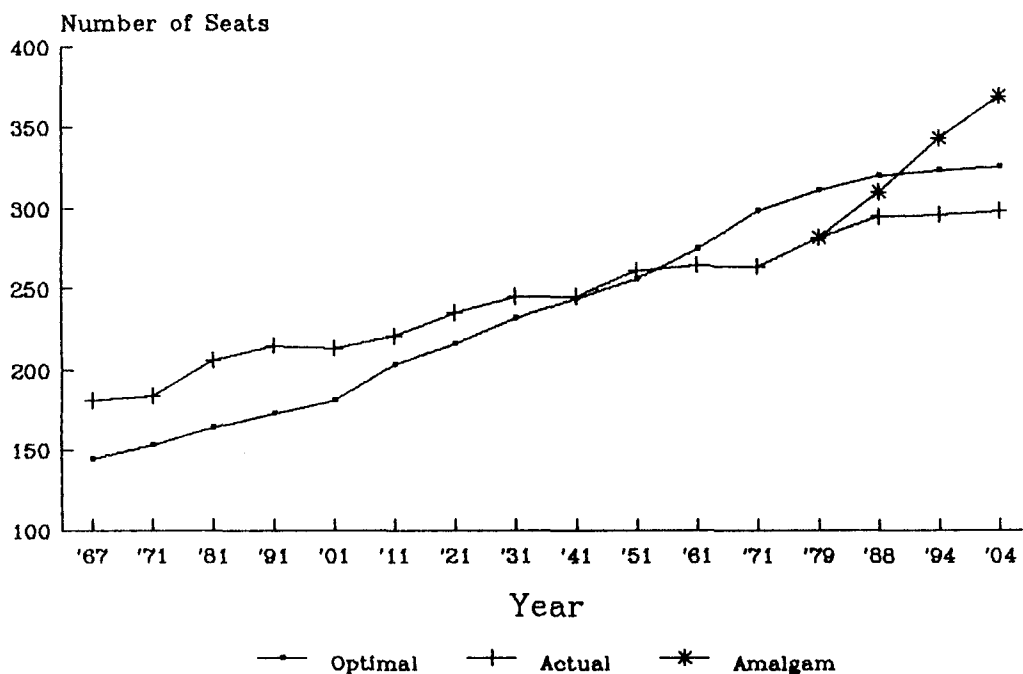
One aspect of this graph that is of particular interest is the section which shows the increasing divergence between the

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sources originally used for the cube root law, an attempt was made to avoid the upper or lower ends of the range of possible estimates of the size of Canada's "active population". Thus, any problems caused by this shortcoming of the cube root law are minimized.

actual size of the House of Commons and the size as would be calculated under the Amalgam method. In 1979, upon the implementation of the only redistribution to be based on the Amalgam formula, the size of the House increased to 282 seats. Following the 1981 census, the Amalgam method would have called for an increase to 310 seats; however, the 1985 Representation Act put an end to the use of this formula and, in 1988, the total number of seats was increased to only 295.

In the early 1990s, after the next redistribution, the actual size of the house will be increased by only one seat, to 296. The Amalgam method would have called for an increase to 343 seats; thus, the gap between the actual size of the house and the size as called for by the Amalgam method will increase from 15 to 47 seats. In the early part of the next century, this putative gap will then grow even larger. It is predicted that the total number of seats after the first redistribution in the next century will be 298. The Amalgam method would have called for 369 seats; a difference of 71 seats. In other words, following the redistribution based on the decennial census of 2001, the House of Commons will be 20 per cent smaller than it would have been if the Amalgam method had not been superseded by the Representation Act, 1985. In this regard it is important to note that while the Amalgam method would lead to a house larger than the supposed optimal size, the formula in the 1985 Representation Act does just the opposite. For the foreseeable future, the Canadian House of Commons will be smaller than would be predicted (and

considered optimal from a liberal perspective) based strictly on the size of the Canadian population.

The next section of this chapter will look at a broad sweep of history, from the pre-confederation period to the 1960s. This will provide a historical perspective on how liberal and Burkean conceptions of political representation and the tensions between them, have influenced the size of the House of Commons. For most of the first century after confederation, the priorities and style of political representation reflected the predominance of a Burkean perspective. Strong party discipline, the emphasis placed on providing adequate representation of provincial communities of interest and the lack of emphasis on equality in constituency populations, provided a setting in which population size would not influence legislature size in the manner predicted by the liberal theoretical model of the cube root law. Because of the pervasiveness of features of a Burkean perspective, the House of Commons was larger than its supposed optimal size.

By the 1950s, the population was growing quite rapidly, but the formula for redistribution provided little growth in the size of the House. As the actual size of the House of Commons levelled off, the supposed optimal size, pressured upward by population growth, continued to increase until the House was actually smaller than the cube root law would suggest was optimal. Also, at this time, some features of a liberal perspective, particularly the goal of equalizing constituency populations, had begun to exert influence on decision-makers. Thus, by the late

1960s there were two concomitant upward pressures on the size of
the House of Commons: on the one hand, there was the pressure of
a growing population size; and, on the other hand, the desire to
respond to the newly emerging liberal priorities as well as the
traditional priorities of a Burkean conception of representation,
could be most easily accomplished with the flexibility provided
by a larger House.

The Third section of this chapter will explore the formula
designed to respond to the situation of the late 1960s – the
Amalgam method. This method, as is shown in figure 5.1, would
have increased the size of the House well above its supposed
optimal level. It will be demonstrated that the large increases
in the size of the House which were to result from the Amalgam
method, were an attempt to accommodate the size implications of
specific features of both liberal and Burkean conceptions of
political representation. However, only a decade after the
implementation of the Amalgam method, it became apparent that
these large increases would not satisfy all the priorities of
both perspectives that it had been designed to satisfy.
Specifically, large increases in the size of the House would
frustrate certain Burkean priorities. If the House continued to
grow, a threshold would soon be crossed which would alter the
parliamentary practices which had ensured strong party discipline
and executive dominance. The Amalgam method would undermine these
important features of a Burkean conception of representation.

The final section of this chapter will focus in more detail

on the motivations behind the 1985 Representation Act. It will be argued that the changes to the formula for determining the size of the House of Commons which were introduced through the Representation Act, 1985, constituted a self-interested attempt on the part of the parliamentary leadership, particularly the executive, to maintain the status quo with regard to the distribution of power and influence within the House. The government chose to limit future increases in the size of the House of Commons, and hold the size of the House below its supposed optimal size, to maintain a Burkean style of political representation which involves the traditional power relations of executive centred parliamentarism with strong party discipline.

The First Century: The Burkean Tradition

From prior to confederation through to the 1960s, the principles and priorities of a Burkean conception of political representation, with its emphasis on representation of broad, lasting and objectively definable communities of interests, were predominant. As far back as the 1840 Act of Union, decisions with respect to the number and distribution of legislative seats in Canada were influenced by this Burkean tradition.

One objective of the Act of Union was the eventual assimilation of French Canadians into a dominant English Canadian culture. The first legislative assembly following the Union of Canada East and Canada West had a membership of eighty-four. Although the population of Canada East was significantly larger,

both Canada East and Canada West were given forty-two seats. P.
B. Waite argues that the size of the legislative assembly and the
distribution of seats were explicitly designed to facilitate
assimilation. It was hoped that the dynamics of such a
legislature would create a situation where the French population
of Canada East would be overwhelmed by a combination of the
English from Canada West and the English from Canada East.[2]

The principles which motivated this legislature design
could not be considered liberal. Politically relevant interests
were not understood to be the subjective interests of individual
citizens, and no emphasis was placed on ensuring that each
enfranchised citizen's vote would have equal force in legislative
action. Instead, it seems each voter's interests where viewed as
one of either the shared interests of English Canadians or the
shared interests of French Canadians, giving the appearance of
being motivated by a Burkean perspective. However, unlike a
strict Burkean understanding of political representation, it was
believed that the numerically better represented interest would
prevail in legislative matters. This expectation was inconsistent
with two aspects of a Burkean perspective: firstly, the belief
that "virtual" representation will be as effective as "actual"
representation in ensuring the presentation of the interests of
any broad, lasting communities of interest; and secondly, that
mature debate will eventually rise above sectional interest, to

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2 P. B. Waite, The Life and Time of Confederation 1864-
1867: Politics, Newspapers, And the Union of British North
America, (Toronto: University of Toronto Press, 1962), p. 36.

the consideration of a national interest. Nevertheless, the basic
notion that political representation involves representing broad
objectively definable group interests was essentially Burkean.
This Burkean emphasis on the representation of broad group
interests, particularly regionally defined interests, has been a
hallmark of legislature design in Canada.

By the 1850s, Canada West was growing more rapidly than
Canada East and was soon expected to be more populous. With these
demographic changes taking place, George Brown and other English
political leaders from Canada West first made proposals for
"representation by population". Although the rhetoric of the call
for representation by population evokes liberal notions, what
was being demanded could not be justified on strict liberal
principles. Their demand for representation by population would
best be described as a demand for proportionate representation of
the provinces. Emphasis was not placed on the liberal principle
of equality of influence for individuals. Brown's conception of
political representation, it seems, was not oriented toward
individually defined interests. Political representation was
understood as the representation of regionally defined groups of
people who share common interests. Certainly, the proposal did
contain an aspect of a liberal emphasis on "equality", or at
least interprovincial "proportionality"; but, Brown was not
advocating "rep. by pop." with the intention of equalizing
constituency populations and, thus, the influence of individual
citizens. His goal was to ensure proportionality in the

representation of provincial communities of interest. In fact, it has been argued that, with Canada West becoming more populous, "rep. by pop." was "simply an approach to Ontario power."[3]

This preconfederation history is important to our understanding of legislature design in Canada because the dynamic of the politics between Canada East and Canada West and the call for representation by population were significant elements in the political climate during the process of Confederation. At the Charlottetown and Quebec conferences of 1864, the proposals for a Union of the Maritime colonies and the provinces of Canada, included an agreement that seats in the future House of Commons would be allocated to the provinces based on Brown's notion of "representation by population". It would seem, there was general agreement that provincial communities of interests, rather than the subjective interests of individual citizens, should be represented in the House of Commons.

The first proposal for a formula to determine the number and distribution of seats in the House of Commons came from George Brown. It was accepted by the conference, and was later the formula inserted as section 51 of the British North America Act. Brown's proposal was for a 194 seat house with Quebec receiving 65 seats and the other five provinces (Prince Edward Island and Newfoundland were also at the Quebec conference) being allocated

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[3]   John C. Courtney, "Electoral Boundary Redistribution in Canada and Australia: Contrasting Approaches to Parliamentary Representation", Paper Presented to the Association for Canadian Studies in Australia and New Zealand, June 1988. pp. 1 - 2.

seats based on their population. In presenting his proposal, Brown suggested that allocating Quebec 65 seats and treating it as the pivotal province for determining the size of the house, "keeps the House within a reasonable limit."[4] In response to a recommendation for an altered formula which would have resulted in a House of Commons with 230 seats, Brown stated that it would be "altogether too large."[5]

Although he offered no explanation of these statements, it appears that the decision to determine the size of the house by allocating 65 seats to Quebec, was simply a pragmatic approach to balancing regional interests. Norman Ward has referred to it as the "least upsetting way of starting."[6] Prior to confederation, Canada East had 65 electoral districts. It would have been politically unwise to suggest allocating any fewer, since there was concern within Quebec about being the only province with a French speaking majority. Furthermore, if Canada East had been allocated more than 65 seats and proportionality was maintained, the absolute majority of Canada West and the Maritimes over Canada East would have been greater. Brown and his cohorts were very much aware that the balance between French and English

[4] George Brown, 19 October 1864, Quebec Conference, cited in G. B. Browne, ed., Documents on the Confederation of British North America, (Toronto: McClelland and Stewart Limited, 1969). p. 107.

[5] George Brown, 19 October 1864, Quebec Conference, cited in Browne, ed., Documents of the Confederation of British North America, p. 111.

[6] Norman Ward, "A Century of Constituencies", Canadian Public Administration, Vol. X #1, March, 1967. p. 105.

interests had "weighed heavily" with French Canadian leaders.[7]

As events unfolded, Canada was founded in 1867 with only four provinces. Quebec was allocated 65 seats and the other provinces were allocated seats in proportion to the size of their population vis a vis that of Quebec. In total there were 181 seats in the first parliament of the Canadian House of Commons. As Figure 5.1 shows, if total population had been the only influential variable and if the liberal assumptions underlying the cube root law had reflected the current thinking on the nature of political representation, then the original House of Commons would have had only 144 seats.

The reason that the house could be established at a size 25 per cent above its supposed optimal size are related to the conception of political representation dominant at the time. Political representation in the Confederation period was understood to involve the representation of broadly defined provincial interests which, in the case of Quebec, meant French Canadian interests. Little concern over the capacity of the legislature to be responsive to individual citizens was in evidence, and there was no expectation that the dynamics of the legislature would involve wholly independent legislators forming coalitions on each individual piece of legislation without any guidance from the parliamentary party leadership. Thus, the liberal theoretical model underlying the cube root law simply did

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[7]   Norman Ward, The Canadian House of Commons: Representation, (Toronto: University of Toronto Press, 1963), p. 20.

not apply. External demands on representation would not be related to population size in the manner assumed by the cube root law. Nor would the internal demands, and the associated constraints on legislature size, be consistent with a liberal perspective. The Burkean emphasis on broadly defined provincial communities of interest led the Fathers of Confederation to establish the House of Commons at a size which would allow for an effective balance between French Canadian and English Canadian interests.

Although Prince Edward Island rejected the formula for allocating legislative seats to the provinces and chose not to join in the confederation, the concerns which the Prince Edward Island delegation articulated with regard to the proposed formula and the subsequent discussion of the Islander's objections, typify the extent to which Burkean conceptions of political representation were predominant in the 1860s. At the Quebec conference the Prince Edward Island delegation argued that allocating seats to the provinces on a strict formula of proportionality was unfair because the smallest provinces would not have enough seats to ensure adequate representation of their interests. Islanders asked why they should give up their own self-government to join in a union where Island interests would have "only a feeble voice."[8] In addition, Islanders were concerned with the difficulties of drawing constituency

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[8] Browne, ed., Documents of the Confederation of British North America, p. 108.

boundaries for the five seats they would have been allocated.
Ignoring liberal principles which would suggest that constituency
populations should be equalized, it was suggested that there
could be one seat for each of the three counties, one for
Charlottetown and one for the whole Island. The Island
delegation's response exemplified a Burkean preoccupation with
the representation of broad objectively defined interests:

> Religious feeling in Prince Edward Island runs very
> high. The Protestants outnumber the Roman Catholics
> and in consequences the fifth member as proposed...
> would not represent the Roman Catholics.[8]

The original formula had one important proviso. This proviso
protected the provinces from losing representation as a result of
the redistribution process unless their proportion of the
aggregate population of Canada had decreased by at least 5 per
cent since the preceding census. This was an indication that the
predominant thinking on political representation might consider
provincial communities of interest worthy of representation
regardless of their population size. The allocation of seats to
new provinces in the 1870s and the introduction of the
"senatorial floor" in 1915 provided further evidence of this.

In the early 1870s, Prince Edward Island, Manitoba and
British Columbia entered confederation with more representation
than the ratio of their population to the aggregate population
would indicate they deserved. R. MacGregor Dawson has explained
that it was thought that upon entering confederation,

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[8]   Browne, ed., Documents of the Confederation of British
North America, p. 112.

proportional representation may be "subservient to the right of each colony to adequate representation in view of its surrender of a large measure of self-government."[10] The notion of "adequate representation" seems inconsistent with the Burkean claim that "virtual representation" will be as effective as "actual representation"; however, granting a province more representation than would be allocated based on population is certainly consistent with the Burkean assumptions that it is broad, unattached and objectively defined interests, and not individuals qua individuals, that are represented in legislative assemblies. Likewise, the "senatorial floor" which was established in 1915 to ensure a guaranteed level of "adequate" representation for the smallest provinces, was evidence of a conception of political representation which emphasized the representation of broadly defined provincial communities of interest.

Since, in the original formula, the divisor used to calculate a province's allocation of seats was the average constituency population of Quebec's 65 seats, the overall size of the House of Commons would not increase unless population growth outside of Quebec outpaced population growth within Quebec. For most of the first half century, population growth in western Canada provided the ingredient which ensured growth in the total number of legislative seats. However, by the early 1940s,

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[10] R. MacGregor Dawson, _Constitutional Issues in Canada 1900-1931_, (London: Oxford University Press, 1933), p. 173.

Manitoba's population growth had slowed and Saskatchewan's
population was declining.

Even with the "5 per cent decline" proviso and the
senatorial floor protecting over half of the provinces from any
loss of seats, applying the original formula with the 1941 census
data would have resulted in the size of the House of Commons
decreasing by six seats. Of greater concern, Ontario and Alberta
were among the five provinces which would have their level of
representation protected if the formula was not amended. The fact
that the three small maritime provinces would be protected from
losing representation was acceptable to most parliamentarians.
However, since Ontario would be "over represented" by eight seats
and Alberta would receive more seats than neighbouring, and more
populous British Columbia, there was considerable
dissatisfaction with the formula among parliamentarians from the
other eight provinces.

Thus, before a full redistribution was completed for the
1940s, the government moved to introduce a new formula for
determining the number and distribution of seats. The main
difference between the old and the new formula was in the method
used to attain the divisor which calculated the provincial
allocations of seats. Instead of using the average population of
Quebec's 65 constituencies, the new formula placed a ceiling on
the total number of seats to be allocated and divided the
aggregate population by this figure. The logic was the same as in
the original formula, however because Quebec had been removed

from its pivotal position, it would no longer have to be allocated the same number of seats in each redistribution.

The "5 per cent decline" proviso was dropped from the formula in the BNA Act, but the senatorial floor was maintained. This ensured that only the smallest provinces, and not provinces such as Ontario and Alberta, would have their representation protected. If any province was to be protected by the senatorial floor, the calculations for all other provinces were to be carried out after subtracting the number of seats in that province from the total number of seats and subtracting that provinces population form the total population. In this way the senatorial floor did not alter the overall ceiling for the size of the house.

The two aspects of this new formula which potentially had the most direct impact on the size of the House of Commons were the removal of the "5 per cent decline" proviso and the decision to establish a ceiling on the total number of seats rather than allocating 65 seats to Quebec. However, because the decision was made to establish the ceiling at 255 seats, (254 for the provinces and one for the Yukon), no provinces would have been protected by the "5 per cent decline proviso; thus, the removal of this proviso was on no consequence for the size of the house in the first redistribution following implementation of the new formula. Upon introducing the legislation to implement the new formula, the Minister of Justice, Louis St. Laurent, explained that the new formula was required because the previous method had

not satisfactorily ensured proportionality in the distribution of representation between provinces.[11] When asked why the figure 255 was chosen as a ceiling for the total number of seats, St. Laurent responded: "I cannot say just why the figure 255 was chosen."[12] During the same debate however, he gave some indication of why the government was so concerned about proportionality and why the ceiling was established at 255.

> Should it be 255; should it be 245, or 238? These
> are matters of detail. But it so happens that by
> making it 255 there seems to be at this time only
> one province which will see its representation
> diminished.[13]

These comments[14] are an indication that the government was concerned about maintaining the representation of broadly defined provincial communities of interest. However, in addition to this Burkean perspective on the nature of politically relevant interests, there was also the continued, if limited, liberal influence related to the emphasis on "proportionality". From the government's perspective, the problem with the previous formula was that some provinces were being treated more favourably than others. Thus, St. Laurent's legislation was introduced to satisfy

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[11]   Canada, Parliament, House of Commons, Debates, 1946, vol. II, 28 May 1946, p. 1931.

[12]   House of Commons, Debates, 1946, vol. II, 28 May 1946, p. 1934.

[13]   House of Commons, Debates, 1946,vol. II, 28 May 1946, p. 1937.

[14]   In fact the comments were partly in error. There were actually two provinces which were to have their population diminished. However, in both cases they lost fewer seats than under the previous formula.

the representational concerns of the provinces. No province would lose any more than one seat, and proportionality would be maintained.

During debate on this legislation, the rhetoric of both sides involved references to ensuring that "equality" is safeguarded by the redistribution formula. At first blush, this rhetoric about equality seems to suggest that members were approaching the debate with a liberal conception of political representation. However, careful consideration of the debate suggests otherwise. To argue that these references to equality were founded on liberal principles would be similar to arguing that George Browns call for "rep. by pop." reflected a liberal perspective. It is important to distinguish between using provincial populations to ensure interprovincial "proportionality" in the representation of provincial communities of interest, and equalizing constituency populations to ensure "equality" of influence for individual voters. Certainly the emphasis on "proportionality" indicates some liberal influences, however the object of representation remains provincial communities of interest; thus, emphasizing proportionality should not be confused with a strict liberal emphasis on equality of constituency populations as it often is in this debate.

For example, St. Laurent said to the house:

> The general principle is representation by
> population... In this house there are twenty
> representatives who are not here because there is
> behind them the quotient provided by the general
> rule. In my opinion that is sufficient to make it
> desirable to get back to a rule which will provide

> for a truly proportionate distribution of
> representation.[15]

His speech focuses on the problem of unequal constituency
population, which is a critical problem for anyone who approaches
the issue from a liberal perspective. However, St. Laurent's
facts were incorrect[16] and, in any case, his proposed formula
left the senatorial floor in place and did not address the issues
of redistricting or maldistribution in constituency populations.

Other members also seemed to misuse liberal rhetoric.
Liberal member, Edouard Rinfret of Outremont, supported the new
formula because it would return to the principle of
representation by population and ensure that each citizen's vote
provided them with "the same political influence."[17] But, in
making his case, the data Rinfret used were average constituency
populations. He never considered the wide variation in
constituency populations within provinces. Rinfret refused to
descend the conceptual ladder and consider "equality" at the
level of the individual. Instead, he had been satisfied by the
fact that, under the new formula, Quebec's interests and

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[15] House of Commons, _Debates_, 1946, vol. II, 28 May 1946,
p. 1937.

[16] In 1946 there were well over 100 representatives who
represented fewer persons than the quota obtained by dividing
Quebec's population by 65. There were also over 100
constituencies in the four provinces then protected by the
senatorial floor and the "5 per cent decline" proviso. It is
difficult to say to which twenty representatives Mr. St. Laurent
was referring.

[17] House of Commons, _Debates_, 1946, vol. III, 19 June
1946, p. 2638.

Ontario's interests would both be represented in proportion to the size of their respective populations.

Certainly, in 1946, there were participants in the debate who accurately articulated a liberal conception of the priorities which should underpin a formula for determining the number and distribution of legislative seats. In particular, the CCF member for Davenport, John MacNicol, criticized Canada as being "conspicuous throughout the world as one state where representation by population is not observed."[18] He gave examples of constituencies which differed in population by as much as 90,000 and argued that "such a disproportion in the value of each elector's vote... does not seem defensible."[19] But, MacNicol and others who held to a liberal perspective, were unable to force changes in the legislation. The formula was eventually adopted as presented, largely because the majority of members had approached the debate from a Burkean perspective.

Walter Tucker, Parliamentary Assistant to the Minister of Veterans Affairs, responded to arguments in favour of equalizing constituency populations by arguing that it would be unwise to do so because it is more difficult to represent widely scattered agricultural populations.

> ...when representation is placed upon a basis which
> is regarded as fair and just, agricultural areas
> are held to be entitled to smaller constituency

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[18]   House of Commons, _Debates_, 1946, vol. II, 6 June 1946, p. 2262.

[19]   House of Commons, _Debates_, 1946, vol. II, 6 June 1946, p. 2263.

populations.[20]

Even CCF member of parliament, Stanley Knowles, did not wholeheartedly support the liberal principle of equalizing constituency populations: "...there is something to be said for a smaller population per constituency in... the rural parts of our country."[21] Perhaps the most telling evidence of the continuing predominance of a Burkean conception of political representation was the argument in favour of allocating a representative to the Northwest Territories. The legislation established a ceiling of 255 seats on the size of the house. Of those, 254 seats were to be allocated to the nine provinces and one was for the Yukon. The Northwest Territories were not allocated a representative. The residents of that vast region of the country were to be represented indirectly by the representative elected by voters in the Yukon.

The opposition could have effectively attacked from a liberal perspective. They could have criticized this aspect of the legislation for being an example of misplaced Burkean reliance on "virtual representation" which is unfair to the disenfranchised residents of the Northwest Territories. Instead, the opposition offered Burkean justifications for their demand that the Northwest Territories be allocated a seat. For example, M. J. Coldwell offered this argument:

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[20] House of Commons, Debates, 1946, vol. III, 18 June 1946, p. 2603.

[21] House of Commons, Debates, 1946, vol. III, 20 June 1946, p. 2662.

> ...in the matter of representation in parliament regional representation may be as important as population representation. For example, I believe that the northwest territories are entitled as well as the Yukon to a member in this house, because of the mining, trapping and other interests which are unrepresented here in the sense in which they should be represented.[22]

In the final analysis, the new formula, which St. Laurent introduced in 1946, was designed from a primarily Burkean perspective. The main concern was for broadly defined provincial interests and interprovincial proportionality. The new formula was structured to accomplish three specific tasks: the government wanted to remove any protection which allowed provinces other than the smallest in population, to be "over represented"; they wanted to free Quebec from its position of having a fixed number of seats; and, they wanted to avoid or reduce immediate reductions in the representation of any provinces. Steeped in these short term practical considerations, the legislation lacked foresight. Nothing was included in the formula to provide for growth in the size of the house or protect provinces from sudden decreases in their representation as a result of future redistributions.

Following the 1951 census the government realized that the continued decline in Saskatchewan's population would mean that the province's representation would decline by five seats, or 25 per cent of its previous level of representation. Still motivated by Burkean priorities and a desire that all provincial interests

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[22] House of Commons, Debates, 1046, vol. II, 6 June 1046, p. 2237.

would be adequately represented, Prime Minister Louis St. Laurent introduced legislation which would amend the redistribution formula to ensure that no province could have its representation reduced by more than 15 per cent. A second feature of St. Laurent's new amendment ensured that no province could have fewer representatives than any provinces with smaller populations.

His justification for the amended formula demonstrated once again, that the government considered broadly defined provincial interests to be worthy of special protection, regardless of the impact such protection may have on the representation of individual subjective interests. St. Laurent stated that it is desirable that

> ...all sections feel that their special situations
> receive consideration from the body politic...
> although there has been a diminution in the number
> of people counted in Saskatchewan in the last
> census, there has been no diminution in the
> contribution of new wealth to the Canadian economy
> provided by the people of that province.[23]

As was the case in 1946, the opposition's attack on the 1952 legislation demonstrated the predominance of a Burkean perspective. Any liberal rhetoric used in attack was quite inconsistent with a strict liberal perspective. James Ross, member of parliament for Souris, argued that the legislation was unacceptable because it would create a situation where provinces protected by the new 15 per cent rule would have smaller "average populations". Offering a comparison of the predicted average

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[23] House of Commons, _Debates_, 1952, vol. II, 21 April 1952, p. 1430.

constituency populations in Saskatchewan and Manitoba under the

new formula, Ross stated:

> This would leave a difference of some 6,430 of
> population per riding in those two provinces... the
> disparity that will exist between these two
> adjoining provinces under this 15 per cent
> formula...would be unfair.[24]

From a liberal perspective, however, Ross's critique is missing

the point, because average constituency populations mean very

little when there are no rules forcing constituency populations

to be established near to the average. His concern about a 6,430

person difference in average constituency populations seems

unimportant, unless the units for comparison are provinces rather

than constituencies, since nearly 60 per cent of all constituency

populations were either above or below the national average by

more than 6,000 people.

Many who favoured the new 15 per cent rule, did so to allow

the more difficult to represent rural constituencies to be

smaller in population. Others employed arguments which were even

more obviously Burkean. Angus Maclean, member of Parliament for

Queens, argued that sparsely populated, isolated or specialized

geographic territories often have peculiarities which require

representation in the same way that individuals should be

represented.

> ...in addition to representation of individuals,
> there is the matter of representation of areas and
> political units. There is also the matter of

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[24] House of Commons, *Debates*, 1952, vol.II, 21 April 1952,
p. 1449.

representation of natural resources.[25]

The bottom line for many of the members who supported the 1952 amendment, was, in keeping with Leslie Mutch's statement: that any member "who has been here as long as I have... will realize that representation by population never was anything but a political slogan."[26]

Although a Burkean conception of political representation had been predominant in the debates on the various redistribution formulae, liberal principles were articulated by at least some members in each debate. In addition, the ongoing concern with proportionality was evidence of liberal influences on the predominately Burkean understanding of political representation. If one could define a conception of political representation as "Canadian", it would not be entirely Burkean - liberal notions always had some degree of influence. But it was not until the 1960s that liberal priorities reached their point of greatest influence.

In 1964 the Electoral Boundaries Readjustment Act established ten provincial commissions to administer the process of redistricting during decennial redistributions. For the purpose of this paper, the most interesting aspect of this Act was section 13. This section established instructions for the commissions with respect to the types of factors which should be

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[25] House of Commons, _Debates_, 1952, vol. II, 21 April 1952, p. 1459.

[26] House of Commons, _Debates_, 1952, vol. II, 21 April 1952, p. 1453.

considered in drawing electoral districts and the level of tolerance which would be allowed between a province´s average constituency population and the population of any particular constituency.

The mere fact that constituency populations were being discussed was evidence of the increasing influence of a liberal conception of political representation. However, the types of factors which were suggested as justifications for overriding a requirement to adhere to an average population quota, are evidence that Burkean notions persisted. For example, Liberal member Lloyd Francis, argued that

> ...certain ridings represent language distinctions and any electoral commission which attempted to redistribute mathematically without taking language boundaries into effect would be doing something that many of us would not like.[27]

John Diefenbaker suggested that electoral boundaries commissions should be sensitive to religious politics in making their decisions regarding electoral districts:

> Throughout the years it has been a matter of tacit tradition and accepted policy in Halifax that one member shall belong to the Protestant faith and one member to the Roman Catholic faith. We have to make allowances for that.[28]

In fact, Diefenbaker was prepared to argue that the boundaries commissions should depart from the population quota required for

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[27] House of Commons, _Debates_, 1963, vol. V, 26 November 1963, p. 5180.

[28] House of Commons, _Debates_, 1963, vol. V, 26 November 1963, p. 5128.

"any special community or diversity of interest."[28]

With regard to tolerance levels, the point on which most of the debate turned was the question of whether or not rural constituencies should have smaller populations than urban constituencies. Suggested tolerance levels ranged up to 33 1/3 per cent. In general, those who argued in favour of greater tolerance invoked Burkean reasoning for the protection of rural interests. Those who favoured less tolerance made their arguments based on liberal principles and the belief that the essence of democracy - one man, one vote - is destroyed by unequal constituency populations.

Diefenbaker and the Progressive Conservatives led the fight for greater tolerance. It was their contention that in a vast country with widespread regions of low density population it is necessary to distinguish between equal representation, in the sense of mathematical equality, and fair or equitable representation in the sense of removing the barriers which have made it more difficult to represent vast rural constituencies.

The most obvious of the barriers to providing equally effective representation in rural constituencies is the size of the geographic territory. In addition, however, Gord Aiken of Parry Sound-Muskoka argued that a rural member is "called upon to give more service per capita to his constituents" because of the nature of rural issues and the lack of government offices in

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[28] House of Commons, Debates, 1963, vol. V, 26 November 1963, p. 5180.

rural communities.[30] In defence of smaller populations in rural constituencies Pauline Jewett suggested that since "the organized pressure group in Canada is an urban phenomenon and... the daily press is entirely urban", the representational activities of urban members are being supplemented in a way that makes it possible for urban members to represent larger constituencies.[31]

Those who favoured a smaller level of tolerance did not accept these arguments. NDP member, Reid Scott of Danforth, proposed that urban ridings are considerably harder to represent because of the high degree of population mobility and the high level of case work on unemployment, pensions and immigration.[32] More importantly, Scott referred to the imbalance in constituency populations as "rural tyranny", and argued, based on liberal principles, that allowing smaller populations in rural constituencies undermines the essence of democracy.[33] New Democrat, Barry Mather of New Westminster, supported the notion that maldistribution of constituency populations, will undermine democracy. He argued that there exists

> ...a pressing need for Canada to redress the
> present unfair basis of representation in
> parliament which gives such legislative power into

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[30]   House of Commons, <u>Debates</u>, 1964, vol. I, 10 March 1964, p. 772.

[31]   House of Commons, <u>Debates</u>, 1964, vol. I, 11 March 1964, p. 804.

[32]   House of Commons, <u>Debates</u>, 1964, vol. I, 12 March 1964, p. 830.

[33]   House of Commons, <u>Debates</u>, 1964, vol. I, 12 March 1964, p. 829.

the hands of rural minorities.[34]

In the end, the tolerance was set at 25 per cent. It seems that the traditional predominance of a Burkean conception of political representation was influential in bringing about this high tolerance level. Moreover, the fact that the legislation called for the establishment of a separate commission for each province also suggests the influence of a Burkean perspective. From a liberal perspective, one commission might be the best route to ensuring equal constituency populations. Establishing independent provincially based commissions, each free to interpret the provisions of the Act as they see fit potentially allows for divergence in the use of the allowed tolerance and, therefor, inequality in constituency populations.[35] However, the growing influence of liberal principles was evidenced by the mere fact that electoral boundaries commissions were directed to strive for equalized constituency populations.

1974: The Introduction of the Amalgam Method

By the early 1970s, twenty-five years had passed without a substantial increase in the size of the House of Commons. The

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[34]   House of Commons, Debates, 1964, vol. I, 20 May 1964, p. 297.

[35]   Courtney has, in fact, found this to be the case, He has reported on an "unbroken pattern first established in the 1960s of previous redistributions moving in increasingly divergent directions in their use of population ranges." John C. Courtney, "Parliament and Representation: The Unfinished Agenda of Electoral Redistributions.", Presidential Address to the Canadian Political Science Association, Windsor, Ontario, June 10, 1988.

1946 formula simply would not allow for one. Canada's population, however, had increased substantially. As a result, relative to its supposed optimal size, the House of Commons was undersized by over ten per cent. On average, individual members of parliament represented 10,000 more people than the cube root law would suggest was optimal. Thus, from the liberal perspective of the cube root law, one would anticipate that population size was exerting an upward pressure on the size of the house.

Using the 1946 formula, the electoral boundaries commissions' preliminary proposals for the post 1971 census redistribution did not call for increases in the size of the house. However, when parliamentarians received these proposals they began to make just such demands. It became apparent that a new tension between the desire to satisfy the traditional Burkean priorities and the more recently influential liberal concerns regarding constituency populations, was at the root of these demands for increases in the size of the house.

Shortly after the submission of their preliminary proposals, Allan J. MacEachen, then President of the Privy Council, introduced legislation to discontinue the work of the electoral boundaries commissions. In the house, members from all parties expressed their displeasure with the electoral boundaries maps as they had been proposed. The Progressive Conservative member for Dauphin, Gordon Ritchie, presented two complaints. He argued that the first problem with the maps was that there was too little use made of the 25 per cent tolerance which was allowed

under the Electoral Boundaries Readjustment Act. From his

perspective, the commissions had been too focused on improving

the degree of equality in population between constituencies. They

did not acknowledge the differences between urban and rural

constituencies and they were "insensitive to communities of

interest, to the flow of people in natural trading and

transportation areas, and seemed to disregard natural

boundaries."[36] New Democrat, Randolph Harding, supported Ritchie

on this point. He stressed the importance of paying more

attention to communications, acreage, resource development and

other economic considerations when determining the boundaries of

electoral districts.[37] Fred McCain, of Prince Edward Island,

also stressed the need to consider several guidelines other than

population:

> These are principles which I think must be taken
> into consideration in any redistribution in
> Canada... The economic guidelines, the social
> guidelines, the geographic guidelines, the
> political realities and the rural realities cannot
> be overlooked.[38]

It seems that the commissions took the liberal principles

inherent in the Electoral Boundaries Readjustment Act's goal of

equalizing constituency populations too literally, at least for

the politicians. Perhaps unaware of the traditional Burkean

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[36] House of Commons, Debates, 1973, vol. V, 5 July 1973,
p. 5344.

[37] House of Commons, Debates, 1973, vol. V, 5 July 1973,
p. 5351.

[38] House of Commons, Debates, 1973, vol. V, 6 July 1973,
p. 5372.

principles which dominated the 1964 debate on tolerance levels,
the commissions considered the 25 per cent tolerance as a tool to
be used sparingly. Clearly, many members of parliament felt
otherwise.

Gordon Ritchie's second complaint about the proposed
electoral maps was that, based on the 1946 formula, five
provinces would lose seats. As many had done before him, he
linked the protection of provincial interests to having an
adequate number of representatives. Ritchie did not want to see
any provinces lose seats. He suggested that the total number of
seats should be expanded if expansion was necessary to protect
provinces from losing representation while also respecting
proportionality.

> ...the number of members of the House should be
> enlarged. There has been no great change for about
> 30 years... Some enlargement of the House might
> prevent the loss of seats by those provinces
> falling behind in population growth, without
> detracting from the proportionate increase of those
> provinces enjoying rapid population growth.[38]

A third line of attack on the proposed electoral maps
involved demands for more strict adherence to proportionality in
the representation of the provinces. Particularly among the
members from British Columbia there came the criticism that
proportional representation of provincial interests had been
sacrificed to too great an extent by the protection offered to
small and slow growing provinces. Prince Edward Island and New

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[38] House of Commons, *Debates*, 1973, vol. V, 5 July 1973,
p. 5346.

Brunswick were both protected by the senatorial floor, and

Saskatchewan was protected by the 15 per cent rule. Allan

McKinnon, the Progressive Conservative member from Victoria,

argued that it is unfair that the distribution of seats does not

more closely reflect provincial populations.

> It now takes 14 B.C. votes to equal 10 votes in
> Saskatchewan, and it takes 37 B.C. votes to offset
> 10 votes in P.E.I. We cannot be equitable to the
> people of Canada until we are willing to go back to
> basic principles...[40]

It is unclear whether McKinnon would extend this line of

argument and embrace the liberal principles which call for an

equalization of constituency populations. From the context of the

debate, however, it would appear not. His judgement on whether

formula is "equitable" was not pitched at the level of individual

voters, rather it seems he was more concerned with proportional

representation of provincial communities of interest.

Early in 1974, MacEachen followed up his suspension of the

electoral boundaries commissions with a White Paper titled

"Redistribution 1974: Approaches and Perspectives". This

document demonstrated that the government recognized the

conflicting principles which were guiding the redistribution and

redistricting process in Canada. In particular, there was the

recognition that proportionate representation of the provinces

conflicts with guaranteeing basic levels of adequate

representation and, that the instruction to electoral boundaries

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[40] House of Commons, _Debates_, 1973, vol. V, 5 July 1973,
p. 5350.

commissions to strive for equal constituency populations

conflicts with the wishes of member of parliament for greater use

of the 25 per cent tolerance.

> Redistribution in Canada has been a continuous
> endeavour to find an equitable compromise between
> the affirmation of the principle of representation
> by population and the practical recognition of the
> particular nature of our political, social,
> cultural and geographic characteristics.[41]

MacEachen's white paper outlined four factors which are

important in designing a formula for redistribution: the desire

to attain representation by population (proportional

representation of the provinces); the wish to ensure adequate or

meaningful representation of each province and territory; the

concern regarding the ever increasing constituency populations;

and, the effects the formula for redistribution will have on

future redistributions.[42]

With regard to representation by population the paper said:

> (t)his principle has never been achieved as an
> absolute objective because of various conditions
> essentially flowing from our federal structure and
> geographical and social make-up...[43]

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[41]   Canada, President of the Queen's Privy Council for
Canada, "Redistribution 1974: Approaches and Perspectives,"
reprinted in Canada, Parliament, House of Commons, Standing
Committee on Privileges and Elections, Minutes of Proceedings,
Issue No. 3, 9 April 1974, p. 3:29.

[42]   President of the Queen's Privy Council for Canada,
"Redistribution 1974: Approaches and Perspectives," reprinted in
Standing Committee on Privileges and Election, Minutes and
Proceedings, Issue No. 3, 9 April 1974, pp. 3:30-31.

[43]   President of the Queen's Privy Council for Canada,
"Redistribution 1974: Approaches and Perspectives," reprinted in
Standing Committee on Privileges and Election, Minutes and
Proceedings, Issue No. 3, 9 April 1974, p. 3:31.

In other words, proportional representation of the provinces

suffered because of the desire to provide provinces with adequate

representation. In fact, the white paper stated that the

"objective must be adequate and realistic representation of all

Canadians"[44]

Regarding increasing constituency populations, the white

paper was less than bold about stating specific levels which are

"too large". However, it was suggested:

> (t)here probably is a limit to constituency
> population beyond which meaningful participation in
> the democratic process cannot be exercised.[45]

The white paper concluded with the presentation five

options for a new formula to replace the one which had been

inserted in section 51 of the BNA act in 1946. The most important

of these was what came to be called the Amalgam method. When the

house resumed in the next Parliament, the new President of the

Privy Council, Mitchell Sharp, introduced a bill to put this

Amalgam method in place as the new redistribution formula. The

government considered the Amalgam Method the most favoured of

the five proposals in MacEachen's white paper. The Amalgam method

was substantially different and certainly more complicated than

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[44] President of the Queen's Privy Council for Canada, "Redistribution 1974: Approaches and Perspectives," reprinted in Standing Committee on Privileges and Election, Minutes and Proceedings, Issue No. 3, 9 April 1974, p. 3-:39.

[45] President of the Queen's Privy Council for Canada, "Redistribution 1974: Approaches and Perspectives," reprinted in Standing Committee on Privileges and Election, Minutes and Proceedings, Issue No. 3, 9 April 1974, p. 3:35.

previous formulae. By providing for substantial increases in the total number of seats, the government believed the new formula could incorporate a number of objectives: all provinces were to be ensured adequate representation by being guaranteed that they would never lose seats; proportionate representation of the provinces would be achieved by increasing the overall size of the house; and, constituency population would be maintained at a reasonable level. Moreover, Sharp explained that increasing the size of the house and maintaining reasonable constituency populations would allow electoral boundary commissions to continue to pursue the goal of equalizing constituency populations without ignoring the traditional Burkean demand to be sensitive to special communities of interest. In his words, increasing the size of the house "will ensure that attention may be paid by the commissions to maintaining, social and geographic patterns of constituencies."[46] Underlying the new formula was the decision to treat provinces of different populations in different ways. The Amalgam Method also returned to the original practice of treating Quebec uniquely. Quebec was to receive 75 seats in the next redistribution and an additional four seats in each subsequent decennial redistribution. Large provinces, such as Ontario, with populations over 2.5 million, would have their allocation of seats calculated using the average constituency population in the province of Quebec as a divisor. Small

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[46] House of Commons, Debates, 1974, 2 December 1974, vol. II, p. 1847.

provinces, with populations less than 1.5 million, which had had
a population increase were to be allocated seats based on a
calculation using the average constituency size of all small
provinces, as of the previous redistribution, as a divisor. Small
provinces and any intermediate sized provinces which had not
increased in population would receive the same number of seats as
in the previous redistribution. The remaining intermediate sized
provinces were to receive the number of seats they had as of the
previous redistribution and an additional allocation of one seat
for every two additional seats the province would have received
if it had been treated as small province. The one important
caveat to this formula was, that no province could have an
average constituency population larger than the province of
Quebec.

As figure 5.1 demonstrated, the impact if the Amalgam method
on the size of the House of Commons threatened to be quite
substantial. The house would increase from 264 to 282 seats upon
completion of the first redistribution. It was then expected,
based on population predictions, that the house would increase to
310 seats after the 1981 census, then to 343 seats in the 1990s,
and 369 seats after the first census of the next century.

Increases of this magnitude would take the house well above
its supposed optimal size. However, in light of the Burkean
demands for guarantees of adequate provincial representation, the
liberal demands for reasonable and equalized constituency
populations, and the original desire to provide for

proportionate representation of the provinces, these increases appeared necessary. The government believed that to satisfy these separate sets of requirements simultaneously, large increases were necessary.

The majority of the debate on the bill introducing the Amalgam method centred on two issues: whether or not there should exist a certain level of guaranteed representation for each province and how large of an increase in the size of the House of Commons would be appropriate. Mitchell Sharp's position on the issue of protecting a certain base level of representation for the provinces was that the federal structure of Canada can only be respected if each province is guaranteed an effective voice in the House of Commons. In defence of this stance Sharp quoted a statement made by Wilfrid Laurier in 1915, the year that the senatorial floor was introduced:

> It is the very essence of our constitution that we should endeavour to have all provinces fairly represented, and the views of all provinces accepted in this parliament...[47]

Sharp's comments indicate that the government was sticking to the traditional Burkean principle of ensuring that the provincial interests have an adequate voice in the House of Commons.

Few members from either side of the house opposed the principle of that provinces, as communities of interest, were deserving of a guaranteed level of representation. Prior to the release of the MacEachen white paper, CCF member, Stanley

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[47] House of Commons, Debates, 1974, vol. II, 2 December 1974, p. 1846.

Knowles had suggested that perhaps the redistribution formula should "provide for each province a certain number of members... just because they are provinces."[48] The Liberal Labour member form Kenora-Rainy River, John Reid referred to protecting provinces from any loss of seats as a "fundamental principle." He then went on to argue, as Sharp had upon introducing the legislation, that if we accept the goal of protecting provinces from losing seats

> ...it therefore means that you either freeze the existing system at its current levels or you come up with some kind of system which will require the adding of seats in order to keep some sort of rough balance in the relationship between the smaller and the larger provinces.[48]

For many members, the suggestion that increasing the size of the House of Commons was an effective method of protecting provinces from losing seats and still leaving room for ensuring some degree of representation by population was very appealing. However, this solution raised the question of how many seats could be added before creating problems respecting the operation of the House of Commons.

1985: The Retreat From Growth

In The fall of 1984, Ray Hnatyshyn was sworn in as President of the Privy Council in the new Progressive

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[48] House of Commons, _Debates_, 1973, vol. V, 5 July 1973, p. 5346.

[49] Standing Committee on Privileges and Elections, Issue No. 4, 23 April 1974, p. 4:8.

Conservative government. He had the responsibility of presenting

to parliament the reports of the electoral boundaries commissions

which had been prepared following the 1981 census. Based on the

application of the Amalgam method those reports included the

description of 310 constituencies.

On June 11, 1985, after considerable delay, Hnatyshyn opted

for an alternative course of action. Instead of proceeding with

the electoral boundaries commissions' reports, he presented his

"White Paper on Redistribution". In that document Hnatyshyn

argued that increasing the size of the House of Commons by 28

seats would have several "negative consequences". In particular,

there would be significant increases in expenditure required to

support the additional members and there would be a loss of

"collegiality" in the house.[50] According to estimates provided

in the white paper, $90 million of direct costs would be incurred

by the House of Commons over the next decade if the house was

increased to 310 seats.[51] Hnatyshyn claimed he could not justify

this additional expense because he felt it was "not clear that

the electorate would be any better served by a larger House."[52]

Thus, the main objective behind the proposed formula was

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[50] Canada, President of the Queen's Privy Council for
Canada, White Paper on Redistribution, (Ottawa: Minister of
Supply and Services, 1985), pp. 3 - 4.

[51] Canada, President of the Queen's Privy Council for
Canada, White Paper on Redistribution, (Ottawa: Minister of
Supply and Services, 1985), p. 3.

[52] Canada, President of the Queen's Privy Council for
Canada, White Paper on Redistribution, (Ottawa: Minister of
Supply and Services, 1985), p. 4.

limiting increases in the size of House. A second, but equally
influential, objective in designing the formula was the now
traditional goal of ensuring that no province would lose seats as
a result of the redistribution process. To accomplish this, the
formula calculated the distribution of seats in the following
manner. A divisor is established by dividing the aggregate
population of the provinces by 279, which was the total number of
seats allocated to the provinces as of 1985. Then each
province's allocation is tentatively determined by dividing its
population by the divisor. If the tentative allocation is
smaller than the province's previous allocation, then the
province's allocation simply remains unchanged as a result of
the redistribution. If this tentative allocation is larger than
the province's previous allocation, the province would receive
one half of the increase. In other words, the province would
receive their previous allocation plus half the difference
between that number of seats and the number of the tentative
allocation.

Hnatyshyn was aware that protecting provinces from losing
seats while also limiting the increases awarded to growing
provinces, would detract from proportionality. However, his goal
was to limit overall increases in the size of the house "even at
the expense of strict proportionality"[53] Since Confederation,
the emphasis on proportionality had been a consistent liberal

[53] Canada, Parliament, House of Commons, Standing
Committee on Privileges and Elections, Minutes of Proceedings,
Issue No. 10, 18 June 1985, p. 10:11.

feature of the predominantly Burkean perspective guiding the design of redistribution formulae. Hnatyshyn was prepared to reject proportionality.

It seems Hnatyshyn was also aware that limiting increases in the size of the house would make it more difficult for the electoral boundaries commissions to both achieve equality in constituency populations and respect communities of interest. The Amalgam method had been designed to put both these goals within reach of the commissions. To ensure that constituency level communities of interest could be respected in redistricting, Hnatyshyn decided to move away from the liberal priority of equalizing constituency populations and provide the commission with the flexibility to depart beyond the 25 per cent tolerance level.[54] He rejected the liberal emphasis on equality to accommodate the Burkean emphasis on communities of interest.

Hnatyshyn's white paper and his proposed new formula were sent to the Standing Committee on Privileges and Election for consideration. In committee he again stressed that fiscal responsibility and preserving collegiality were the goals of his proposed formula.

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[54] It is interesting to note that, although Hnatyshyn was prepared to reject the liberal principle requiring equality in constituency populations, Courtney has shown that: "For their part, commissions made it clear by their subsequent actions that they would draw constituency boundaries as they see fit, not as the MPs, saw fit. Only three commissions seized the opportunity in 1987 to go beyond the 25 per cent limits, and at that they designed a total of only five seats whose boundaries were justified on "extraordinary" grounds". Courtney, "Parliament and Representation: The Unfinished Agenda of Electoral Redistribution.", pp. 6 - 7.

> I am concerned that we would lose an important
> sense of collegiality if the House were to become
> much larger. And... that private members would not
> have sufficient opportunities to become involved in
> the legislative process.[55]

His emphasis on fiscal responsibility is understandable

considering the new Progressive Conservative government's

priorities. However, the concern for preserving collegiality

deserves further consideration.

From a liberal perspective, preserving collegiality suggests

maintaining the ability for representatives to effectively

interact, and monitor other interactions within the legislature,

as they pursue their constituents interests. A small house is

best for ensuring this sort of collegiality, but if the house is

too small, representatives will have too many constituents and

their ability to be aware of their constituents wishes and self-

defined interests would be constrained. This is the line of

thinking behind the cube root law. From a liberal perspective,

the principle of preserving collegiality must be understood

relative to the ability to be responsive to constituents' wishes

and interests. Since, in 1985, as is shown in Figure 5.1, the

House was smaller than its supposed optimal size, a liberal

perspective would suggest that there was a relative abundance of

collegiality.

A Burkean perspective on collegiality would be somewhat

different. The Burkean conception of political representation

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[55] Standing Committee on Privileges and Elections, Issue
No. 10, 18 June 1985, p. 10:10.

places less emphasis on responsiveness and more emphasis on mature debate. In other words, preserving collegiality suggests maintaining the ability of members to work together, to rise above local interests and to focus on a national agenda. As was argued in chapter four, the Burkean emphasis on wise deliberation with a focus on the national interest accepts a legislative process with a high degree of executive leadership and party discipline. In chapter three it was suggested that larger legislatures will have relatively less executive leadership and party discipline. Thus, from a Burkean perspective, preserving collegiality may require limiting growth in legislature size once executive leadership and party discipline appear threatened. This, it seems, was the position the government adopted in 1985.

Prior to hearing from witnesses, opposition members of the committee had an opportunity to criticize Hnatyshyn's proposed formula. Liberal, Jacques Guilbault expressed his concern that constituency populations would grow too large.[56] Maintaining reasonable constituency populations had been one goal MacEachen outlined in his White Paper prior to the introduction of the Amalgam method. Manageable constituency populations are essential if a liberal emphasis on responsiveness is to be achieved. The new formula seemed to reject the necessity of increasing the size of the House to ensure responsiveness. New Democrat, Ian Deans attacked the proposal for further destroying any semblance of

[56] Standing Committee on Privileges and Elections, Issue No. 10, 18 June 1985, p. 10:14.

equality in the relative weight of individual votes.[57]
Hnatyshyn's response provides an indication of the degree to
which he had embraced a Burkean understanding of the relationship
between representatives and constituents.

> ...the effectiveness of a Member of Parliament is
> not only with respect to dealing as the ombudsman
> for the constituent, but also with respect to the
> ability to participate in the debates of the
> country and to be involved in a meaningful way.[58]

One of the early witnesses appearing before the committee
was political scientist Andrew Sancton. He supported the goal of
limiting the size of the House, but was concerned that
Hnatyshyn's formula would detract too much from proportional
representation of the provinces.[59] Sancton argued that limiting
growth in the size of the House was necessary to ensure the
preservation of a meaningful role for the member of Parliament. A
larger House, he argued, inevitably produces amateur part-time
politicians with no meaningful policy-making role.[60] He seemed
to suggest that executive dominance is more likely in a large
legislature. This is the sort of message which Hnatyshyn wanted
the parliamentarians to hear. However, Sancton was in the
minority among the witnesses heard.

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[57] Standing Committee on Privileges and Elections, Issue
No. 10, 18 June 1985, p. 10:21.

[58] Standing Committee on Privileges and Elections, Issue
No. 10, 18 June 1985, p. 10:22 - 23.

[59] Standing Committee on Privileges and Elections, Issue
No. 10, 20 June 1985, p. 12:6.

[60] Standing Committee on Privileges and Elections, Issue
No. 10, 20 June 1985, p. 12:4.

Professor Michael Atkinson of McMaster University, told committee members that legislative size will influence the capacity of the House to achieve autonomy from executive direction.[61] However, contrary to Sancton, and to the view espoused by Hnatyshyn, Atkinson argued that more rather than fewer members would best serve to enhance the capacity of the House relative to the executive. In a large House, members would have more time for policy and legislative work and there would be more competition for cabinet. He speculated this might elicit higher quality legislative and policy effort by M.P.s, encourage parliamentary careers and enhance the autonomous capacity of the House.[62] This view was not embraced by many parliamentarians. Members of Parliament seemed to look less at the overall dynamics of the legislative process and more at their position relative to other actors in the process. If the size of the House is limited, members feel like bigger fish in a smaller pond.

After hearing witnesses, the committee met in camera to consider the white paper and Hnatyshyn's proposed new formula. The White papers proposals then went forward unchanged to be introduced into the House as legislation. In the House, the debate on second reading lasted only a few hours. During that short debate the opposition raised doubts about Hnatyshyn's justification for limiting the size of the House. Guilbault

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[61] Standing Committee on Privileges and Elections, Issue No. 10, 20 June 1985, p. 12:8.

[62] Standing Committee on Privileges and Elections, Issue No. 10, 20 June 1985, p. 12:10.

pointed out that a justification of fiscal responsibility was not consistent with the fact that the legislation would necessitate abandoning the current redistribution process, which had already cost $5 million.[63] Ian Deans again pursued the liberal line of argument that the formula was not based on the democratic principle of providing citizens with an equal voice in government.[64] And Liberal, George Baker, argued that limiting the size of the House will not enhance collegiality or the ability of members to participate in debate because "Members in this Chamber will only get the freedom to speak the Government is willing to give them."[65]

When the legislation returned again to committee, most of the members who participated in the debate were preoccupied with the degree to which the new formula would, or would not, cause further deviation from proportional representation of the provinces. This aspect of the debate was important because the committee members and the witnesses who made presentations were able to convince Hnatyshyn to accept a change to his proposal. Hnatyshyn agreed to allow provinces that were to have their allocation of seats increased, to receive the entire increase rather than only one half, as had originally been proposed. In

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[63] House of Commons, Debates, 1985, vol. V, 1 October 1985, p. 7188.

[64] House of Commons, Debates, 1985, vol. V, 1 October 1985, p. 7190.

[65] House of Commons, Debates, 1985, vol. V, 1 October 1985, p. 7194.

the redistribution of 1988, this added six seats to the size of the House of Commons. By the year 2001, however, because of the anticipated distribution of population growth, the House will only be two seats larger than it would have been without the change.

At committee stage, Professor William Christian stressed the extent to which Hnatyshyn's new formula reflected a Burkean conception of political representation. He argued that deviating from proportionality in the representation of the provinces and allowing greater inequality in terms of constituency populations "conforms to British parliamentary history and to the whig theory of representation, articulated most famously by Edmund Burke."[66] Christian attacked Hnatyshyn's avowed concern for maintaining the collegial nature of the House of Commons. He suggested that it was not collegiality that the government wished to preserve; rather, the government wanted to ensure continued executive dominance and party discipline.

> With regard to collegiality, some cynics might
> suggest that this is a word used as a synonym for
> party discipline. It would in principle be
> consistent with the government's stated intention
> to strengthen the role of Parliament to envisage a
> House of Commons with a membership sufficiently
> large to crate nightmares for the party whips.[67]

Christian's understanding of the relationship between the size of the House and its autonomy from the executive is consistent with

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[66]   Standing Committee on Privileges and Elections, Issue No. 10, 24 October 1985, p. 16:12.

[67]   Standing Committee on Privileges and Elections, Issue No. 10, 24 October 1985, p. 16:9.

Atkinson's. His comments provide an insightful interpretation of the motivation behind the decision to replace the Amalgam method with Hnatyshyn's new formula. Although Hnatyshyn's rhetoric indicated that his formula would enhance the capacity of parliamentarians, a Burkean conception of political representation, which accepts a large degree of executive dominance and party discipline, underlay the design of the new formula. Christian seems to suggest that this indicates a veiled self-interest on the part of Hnatyshyn and his cabinet colleagues. However, members of parliament never picked up on these issues. After the legislation returned to the House, several days were spent debating the legislation, but there was little discussion of the impact it would have on the nature of power relations and influence in the legislative process.

Progressive Conservative member for Crowfoot, Arnold Malone, did speak at some length on the effect of the size of the House on the capacity of parliamentarians. His argument, however, was consistent with that of Hnatyshyn and Sancton; it reflected the belief that it is better for M.P.s to be bigger fish in a smaller pond. Malone's comments indicated a Burkean perspective on the importance of designing legislatures to ensure "collegial" debate, although it did not appear that he fully appreciated the ramifications of such a perspective for the autonomous capacity of the House.

> I believe the House of Commons is probably already
> too large and the optimum size should be somewhat
> smaller... I would say that a smaller Parliament
> would lead to more effective debate, a stronger

Parliament and less domination by Cabinet."[68]

It is interesting to put the Representation Act, 1985 in a historical perspective. Since Confederation, the choices regarding legislature size in Canada, have been influenced by the pervasiveness of a Burkean conception of political representation. The divergence between the actual size of the House of Commons and the size which would be considered optimal from the liberal perspective of the cube root law can be explained by the extent to which decision-makers have embraced specific features of a Burkean perspective.

In 1867 the emphasis on representing broadly defined communities of interest led the Fathers of Confederation to establish the House at a size which would allow for an effective balance between French Canadian and English Canadian interests. Over the decades, as new provinces entered confederation and as redistribution formulae were changed it was, more than anything else, the continued emphasis on the representation of provincial communities of interest which influenced the size of the House. Nevertheless, the priority given to ensuring proportionality in provincial representation and the attempt, beginning in the 1960s, to, at least partially, equalize constituency populations, were indications that a liberal perspective has also been influential. In fact, the Amalgam method was designed specifically to maintain proportionality and allow for equalized

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[68] House of Commons, _Debates_, 1985, vol. VI, 28 November 1985, p. 8808.

constituency populations without abandoning the priorities of a Burkean focus on the representation of communities of interest.

Until the 1980s, the emphasis which the Burkean perspective places on executive leadership and party discipline seemed to provide a degree of flexibility in establishing the size of the House by reducing internal demands on legislators. However, because the dynamics of legislative processes in large legislatures are likely to reduce party discipline and enhance the capacity of the House relative to the executive, the growth in the size of the House which was to result form the Amalgam method alterred the importance of this feature of the Burkean perspective. It would seem, as Christian argued, the governments move, in 1985, to limit future increases in the size of the House of Commons was an attempt to head the threat to executive dominance off at the pass.

CHAPTER SIX

Conclusion

The choices which are made regarding legislature size can not be understood easily. There is no simple, single explanatory model which will explain why a given national legislative assembly is fixed at a particular size. A number of research tools are required to fully understand why such decisions are made. This thesis contributes to our understanding of legislature size by outlining three approaches and then applying the research tools of these approaches to the problem of legislature size in Canada.

The first approach is based on the assumption that any study of legislature size must include an exploration of the constitutional and legal context within which decisions are made. There are two ways to understand why this is necessary. Firstly, the constitutional and legal context will constrain the way in which other factors influence legislature size. Exploring how other factors influence legislature size without an awareness of these constraints will produce inappropriate conclusions. Secondly, the decision process and the formula or constitutional arrangements which provide the rules or guidelines for establishing the number of legislative seats, will demarcate the options available to decision-makers. In Canada, where specific constitutional formulae have bound legislators to fix the size of the House at specific levels after each decennial census, it

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would be foolhardy to study legislature size without a solid understanding of these formulae. This has been recognized by most who have ventured into this field.[1] In this thesis, both chapters two and five focus considerable attention on understanding the details of the calculations required by these constitutional formulae. Also, much of the discussion in chapter five involved exploring the rationale underlying the design of the various formulae which have been used since confederation.

The second approach suggests that it is essential, when studying legislature size, to recognize the substantial influence which population size typically exerts on legislature size. Comparative empirical analysis demonstrates an extremely significant relationship between population and legislature size. The size of nations' populations explains in the range of 80 per cent of the variance in legislature size between nations. In fact, the cube root law of assembly size, which has been dubbed "one of the strongest" quantitative laws in political science,[2] is based on a theoretical model of the relationship between population size and legislature size. The need to understand the relationship between population and legislature size has often

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[1]   John C. Courtney, C. E. S. Franks, Harvey Pasis, T. H. Qualter, Andrew Sancton, and perhaps most significantly, Norman Ward, are all examples of individuals who, in making their contribution to the understanding of legislature size in Canada, placed significant emphasis on the various constitutional formulae which have been utilized.

[2]   Rein Taagepera and Mathew Soberg Shugert, Votes and Seats, (New Haven, Yale University Press, 1989), p. 182.

been recognized in the past.[3] This thesis heeds the lessons learned from studying this relationship by contrasting the actual size of the House of Commons with the size as estimated (and considered optimal) by the cube root law. This allows us to focus on deviation from the supposed optimal size, rather than attempting to study the size of the House without any reference point.

The third approach employed in this thesis, suggests that choices regarding legislature size can be explained with reference to prevailing conceptions of political representation. At its simplest level, the assumption behind this approach is that different understandings of political representation involve different priorities and different styles of representation, each of which will have different ramifications for legislature size. Extending this line of thinking it is assumed that the relationship between population and legislature size will vary, depending upon the nature of the prevailing conception of political representation. It is the emphasis placed on this approach which is the principle contribution of this thesis. It is a previously under used approach, which has the capacity to enhance our understanding of decisions regarding legislature size. Chapter four was devoted to understanding the concept of political representation and exploring its likely implications for legislature size. Then, in chapter five, the explanation of

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[3] In particular, the work of Taagepera and Shugert and the work of Dahl and Tufte have stressed this relationship.

the choices which have been made regarding legislature size in Canada were rooted in the assumptions developed in chapter four.

With regard to legislature size in Canada, it has been argued that the choices which have been made regarding the number of seats in the House of Commons can be effectively explained by the pervasiveness of a Burkean conception of political representation. Discrepancy between the size of the Canadian House and the supposed optimal size (as calculated from the liberal perspective of the cube root law) can be explained by the predominance of specific features of a Burkean perspective at the times when redistribution formulae were designed.

The most recent decision, in 1985, to severely limit future increases in the size of the House is no exception. It can be explained with reference to the Burkean emphasis on executive leadership and party discipline. Prior to the 1980s this feature of a Burkean perspective was relatively inconsequential. If anything, the existence of party discipline and executive dominance provided some flexibility in establishing the size of the House because the deliberative demands on individual legislators are lessened when cues are provided by the parliamentary party leadership. However, as the impact of the Amalgam method became clear, the government was concerned that large increases in the size of the House would alter the dynamics of the legislative process. They claimed that the House was soon going to lose its "collegial nature". However, a more telling explanation would be that the government feared a larger House

would threaten executive dominance by enhancing the autonomous capacity of Parliament. It was explained in chapter three, and again in chapter five, that the independence and power of backbenchers are enhanced in a larger legislature.[4] In light of this, the appeal to "protecting collegiality" appears to be an attempt to veil the governments self-interest in maintaining a legislative process which is consistent with a Burkean conception of political representation.

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[4] In this regard references where made to the views of John Courtney, Graham White, Michael Atkinson, and William Christian, all of whom suggest that party discipline and executive dominance are likely to suffer in a larger House.

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