

How far and how fast should we go with referendums?

Even the most populist leaders know the masses can't decide every issue

BY DON CAYO, VANCOUVER SUN APRIL 2, 2013



Former Reform party leader Preston Manning is perhaps the most accomplished of parliamentary reformers in recent Canadian history. Manning, a time when politicians would face public wrath if they voted the 'wrong' way.

Photograph by: The Canadian Press Files, Vancouver Sun

Third in a four-part series

In Canada's early days, democracy in action basically meant citizens (men only, as women did not become legal persons until 1929) yelling "Yea!" or "Nay!" in public meetings.

Intimidation was rife, and some politicians tried to buy support with booze, says Preston Manning, the first federal Reform party leader and now head of the Manning Centre for Building Democracy.

Unsurprisingly, he notes, some of these men got drunk. And some got beat up - even killed - for voting the "wrong" way.

Manning's point in recounting this bit of history is that, if it took from then until now to work out most of the bugs in today's electoral system, it will likely also take a long time to fully figure out tomorrow's. Especially if, as seems to be the trend, the electoral system shifts from merely the straightforward task of choosing representatives who do as they wish - or as their parties dictate - for the next four years to the much more complex matter of giving citizens a more direct voice in policy-making.

And because there is no consensus on how far or how fast to travel down this road.

It would be possible in this era of the Internet and instant communication to let citizens vote all the time and on every issue. Yet many still hold the view, famously voiced by 18th-century Irish statesman and philosopher Edmund Burke, that, "your (elected) representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion."

No one interviewed for this series went so far as to endorse either the legislative equivalent of mob rule or the idea of leaving governing solely to elected representatives who ignore the public view. But the analysts, activists and politicians who shared their insights with The Vancouver Sun did speak in favour a wide range of different starting and stopping points along the broad continuum of electoral possibilities that lies between total direct democracy at one end and unrestrained power for the elected few at the other.

Manning thinks the federal government and the provinces can and should go a fair distance toward giving voters more direct voice. But, perhaps surprisingly to those who remember what a hurry his Reformers were in during their rise to influence under his leadership in the 1990s, he now counsels going slow.

Change should come incrementally, he says, and voters should expect some false starts and steps backward in the process.

But Burke's opposing view also has its defenders. Among them are two former finance ministers, Colin Hansen and Kevin Falcon, whose careers felt the full brunt of the HST referendum and who will be stepping out of provincial politics as of next month's election.

Both concede the appropriateness - and the strength - of the message that B.C. voters sent the governing Liberals when they resoundingly voted to force the government to back down on a badly implemented value-added tax.

But both also defend not just the right, but also the duty, of elected legislators to make decisions - even unpopular ones. A key reason is that lawmakers have a lot more information at their fingertips and a lot

more time to digest it than most members of the public.

"I would much rather have elected people making decisions, even decisions I disagree with, if they're fully informed," Falcon said. "That's why we elect people.

"Even though they irritate us, frustrate us and piss us off sometimes, and you wonder what they're doing, we ought to allow them to make decisions."

Hansen said he sees two big problems with referendums. One is that most issues are too complex and the best solutions too nuanced to lend themselves to yes-or-no responses. The other - and this, he believes, was manifest in spades during the HST vote - is that a lot of voters base their decision on incomplete information and on aspects of the issue that have little or nothing to do with the merits of the policy that is at stake.

"A number of people were not casting a vote on whether the HST had merit," he said. "They were voting on their perception of the politics behind it.

"People to this day are absolutely convinced they were lied to on the HST, which they were not. But a lot of people have told me to my face they thought the HST had merit but they voted against it because they were just mad at us."

During separate interviews, the solution favoured by both Hansen and Falcon - and one that is endorsed by virtually all who were interviewed for this series - involves a lot more consultation, which is easier than ever to do in this era of instant communication.

But even the simple act of listening to constituents has its limitations, Hansen warns.

"I've talked to lots of constituents who feel their view is absolutely right, and I should reflect it. They are completely in denial that they may have a minority view. They believe, even if there's no strong public opinion in support of what they're saying, that a huge silent majority supports them.

"So I don't think it serves constituents well for representatives to just go whichever way they think the wind is blowing."

But Hansen, Falcon, Manning and many others agree with pollster and analyst Angus Reid when he notes that "direct democracy and representative democracy aren't opposite ends of a teeter-totter. When one goes up, the other doesn't have to go down."

If this appears to be the case at times, it is only because most politicians are so slow to adapt new technology, said Reid, who cut his professional teeth with old-fashioned telephone polling but now heads Vision Critical, a company specializing in high-tech market research.

He pooh-poohs a lot of the "citizen engagement" tools that are still in common use.

"The telephone polling industry, which used to be the mainstay of the connection between people and government, is completely broken," Reid said. "The refusal rate (to take part) is 95 per cent."

"Now the robo-call guys are in there, and they'll finish ruining it for the rest. If you get a phone call and you hear this three-second delay and then some robotic voice, you're going to hang up," Reid added.

"So that chapter is over, or largely over."

Similarly, "in Vancouver, look at how they tried to decide what to do with casinos. Or with changes in community centre governance. People would come to meetings and wait for hours to speak."

"In the past, we'd spend millions of dollars to have a parliamentary committee travel across the country and hear from 1,000 people, or maybe 2,000.

"Now the technology exists to involve literally millions of Canadians who have a stake in an issue like child care policy and many more. They have some ideas, and some experiences they would like to share."

To Seth Klein, who runs the Vancouver office of the Canadian Centre for Policy Alternatives, the words "would like to share" are a considerable understatement - his think-tank's research has found what he characterizes as "a hunger to participate."

Interestingly, in today's polarized political environment, Klein also detects a great capacity for compromise - if or when people with different initial viewpoints sit down, as they did for B.C.'s citizens' assembly, they look at the facts and discuss them calmly.

The system of polarized parties that so often do a poor job of reflecting the public mood and the public will is an inevitable byproduct of Canada's first-past-the-post electoral system, says political scientist David Laycock of SFU.

"As long as you have a winner-take-all democracy, you'll have intense partisans on both sides," he said. "In other forms of governance, people will be bargaining, and with a changing group of players."

Antony Hodgson, the president of Fair Voting BC and a strong advocate of proportional representation, agrees. He sees some of the steps the province has taken - particularly its recall legislation - as the kind of false steps that Manning says an evolving system is bound to take from time to time.

"Recall is essentially irrelevant," Hodgson said.

"It doesn't change the decision-making process.

"When you have a majoritarian system, the party in power can do what it likes.

"Every MLA is just a replaceable doll. It really doesn't matter if you lose one of them, unless you're in one of those situations where you're just one or two above a tie."

Former premier Bill Vander Zalm, although also a proponent of direct democracy, cautions about the limitations of compromise.

"Most compromises are not 'up,' in the sense of agreeing on something that's better," he noted. "They generally mean watering something down."

Vander Zalm and several others point the finger at the Canadian political tradition of party discipline as a major culprit in building toxic levels of partisanship and massive distrust.

Former finance minister Hansen doesn't entirely disagree, but he defends the practice nonetheless.

The two biggest complaints most people have about the political system, he said, is that once politicians are elected they simply tow the party line instead of representing their constituents; and they don't keep their promises.

"These two things are often contradictory," Hansen said. "Without party discipline, a government can't deliver on the election platform they promised."

Hansen cites policies concerning hunting as a prime example of an instance where the system is fairer when MLAs adhere to party discipline and don't necessarily vote to reflect their constituents' views.

"B.C. has significant constituencies of people who see hunting as an important part of their lifestyle, heritage, culture and upbringing," he said.

"But this isn't part of my value system. And if I look at it through the eyes of my urban constituency, Van-couver-Quilchena, the vast majority would not be pro-hunting either."

So the question is whether an MLA's personal values and/or lack of interest in an issue - particularly a regional issue or one of more relevance to some groups of citizens than to others - should be allowed to squelch policies cherished by other British Columbians?

This brings up the role that legislators have from time to time played in leading public opinion and/or protecting the rights of unpopular minorities.

Cristian Worthington, a Vancouver-based IT entrepreneur who has consulted extensively for campaigning politicians, notes a classic example from 1976 when parliamentarians - by a narrow margin in a free vote - defied what was believed to be the popular sentiment of the day in order to formally end capital punishment.

Elected representatives have played a similar role on issues such as protecting the rights of gays and other minorities, or maintaining fairly open immigration policies even at times when the public mood turns sour.

And here in B.C., the Campbell government obtained a mandate in a referendum to take a hard line in negotiations with First Nations, yet subsequently ignored it to reach deals that required a lot of flexibility.

"What happened," Falcon noted wryly, "is we ran headlong into some realities."

This question of leadership on issues of the day can cut two ways. Last year's referendums in Washington and Colorado on legalizing marijuana are solid, recent examples of the electorate going where their elected representatives had feared to tread.

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Part 4: An irony in the push to take power from elected representatives and share it with the people is that making such a change requires the cooperation, if not the leadership, of those already in office. So this series ends Wednesday with the views of the leaders of the two main parties in next month's election, Christy Clark and Adrian Dix.

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Former finance minister Kevin Falcon felt the full brunt of the HST referendum and will be leaving provincial politics as of next month's election.

Photograph by: Adrian Lam, Times Colonist Files, Vancouver Sun

