

Brief to the Canadian Parliamentary Special Committee on Electoral Reform

Submitted by Russ Houldinⁱ

From Spinocracy to Stochastocracy

1. Summary

Electoral reform should address the fundamental problem of representation, not tinker with voting procedures. Canada is a liberal representative democracy that is in a crisis, similar to other such democracies, that requires long-term reform. The crisis is a chronic withdrawal of legitimacy, most clearly reflected in voter apathy. At the same time, politics has become captured by “spin doctors” – agents who use techniques from product marketing and apply them to politics. The solution is to move to the selection of legislators by random choice, with the rules of executive power determined by Parliament. As a first move towards this long-term solution, the Senate should be chosen by lottery. Citizens’ Assemblies would be the appropriate mechanism to draw up the details.

2. Introduction

While the Committee has already received and will receive detailed evidence and argument about the advantages and disadvantages of different voting procedures from other far more qualified, this brief proposes that the Committee should address the central issue of political representation. The concerns that have given rise to the current deliberations of the Committee have more deep-seated roots in widespread discontent among Canadians about how they are represented. One, admittedly radical, response is to consider representation by random selection (“stochastocracy”). The time has come to begin a discussion of such an option. This brief is organized as follows:

- Basic civics – how political legitimacy is established in liberal representative democracies;
- A more detailed discussion on representation;
- How representation has been diminished;
- Rise of spinocracy;
- How stochastocracy can be the solution;
- Some obvious rebuttals;
- How to proceed;
- Disclaimer – not an attack on “career” politicians; and,
- Relation to Committee mandate and recommendation.

3. Basic Civics¹

Plato laid out the basic principle of political power, i.e. there must exist a shared equality of the governed with respect to those who wield authority (the “state”). The unique feature of democracies is that the legitimate exercise of power is not held together by a shared equality of weakness with respect to coercive force. In liberal representative democracies the shared equality is the belief of citizens that authority is vested in the citizenry itself. In turn, this belief is founded on four fundamental beliefs.

- i. The state guarantees the liberal freedoms; of speech, from arbitrary arrest and detention and of association.
- ii. The state allows each person the chance to develop themselves as a person.
- iii. The state allows each person to earn a living via a market economy.
- iv. Each person is represented in the governed by a process of equal competition for votes by political parties that are open to all and regarding the choice of which the state is neutral.

4. Trouble in Paradise

Liberal representative democracies everywhere are under strain with regard to the four fundamental beliefs that underlie their legitimacy. This brief focuses on the crisis in representation.

The ability to legislate, including the levying of taxes, relies on the legitimacy of the legislature. In Canada, as elsewhere, the legislatures of the federal and provincial governments are representative assemblies, not “direct democracy”. As Russell² pointed out many years ago, the universal method of choosing representation geographically is quite arbitrary. In the extant political theory legislators elected from geographical ridings form parties, which compete for voters with “policy bundles” in which competition there is a fundamental equality among parties. General dissatisfaction with democracy in Canada has shown itself in increased voter apathy.

Figure 1 shows Federal and Ontario election turnout since the 1960s.³ The downward trend is apparent in both cases. For the period 1962-1988 the average federal turnout is 70.3% versus 60.9% for 1993-2015. The corresponding percentages for Ontario are 64.5% and 54.4 %. Municipal voter turnout is much lower but reliable comparable statistics are hard to find. While turnout for the most

¹ For a scholarly discussion of the matters raised in sections 3 and 4 see, Cunningham, F., **Theories of Democracy: A Critical Introduction**, Routledge, London, 2002.

² Russell B., **Political Ideals**, New York, Century, 1917.

³ Sources: Elections Canada and Elections Ontario. Years between elections are interpolated

recent federal election showed an uptick, the long term trend towards greater citizen disengagement is worrisome.

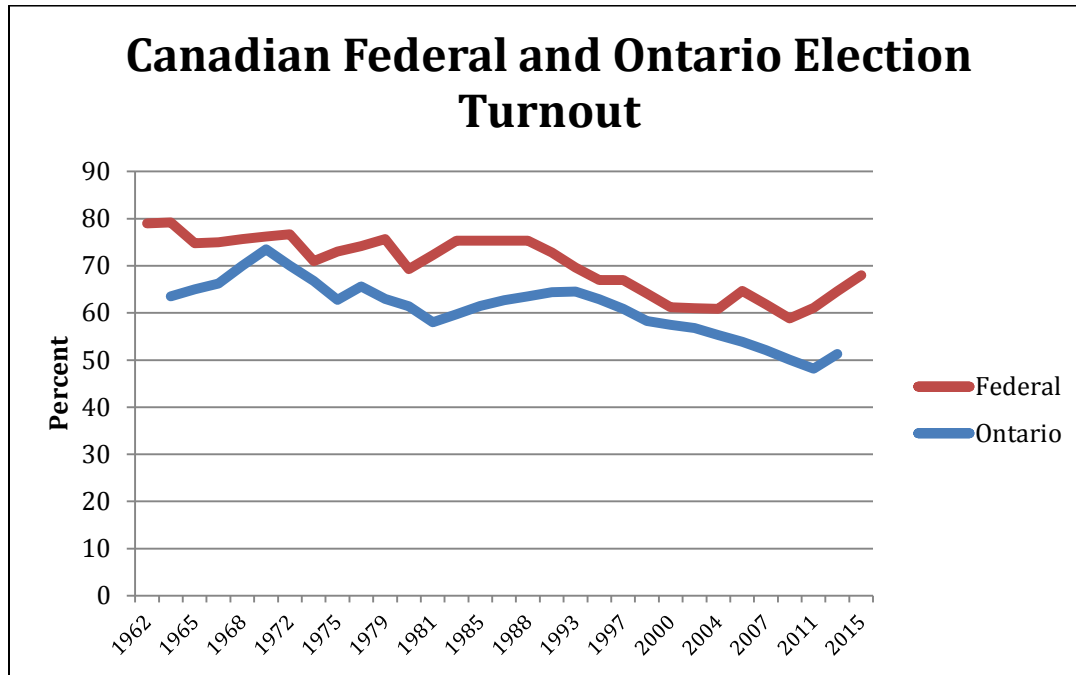


Figure 1

Much of the specific dissatisfaction with democracy that has emerged in Canada is about representation. Most obviously, there are serious regional concerns with how certain citizens are represented in the federal Parliament. Quebec has held two referenda in the past forty years on potential secession from Canada. In the West, too, especially Alberta, there is a strong dissatisfaction with Federal representation of the West’s interests. In addition, there have been mounting calls for changing the electoral system to Proportional Representation and for recall procedures for individual members of Parliament. These are clear signs of disenchantment with how Canadians feel they are represented (or not) in the Federal legislature.

5. Pockets full of kryptonite⁴

Since the election of Richard Nixon as President of the US we have seen a steady encroachment of marketing techniques into politics.⁵ These techniques consist mainly of polling and Focus Groups. The term “spin doctors” has also come to denote the “spinning” of events to the mainstream media to conform to the “marketing” categories by “communications” specialists. The categories are most often selected as a combination of Factor Analysis and Focus groups to derive key “messages” to the demographic groupings deemed most important by the spin

⁴ The title of an album by the musical group, The Spin Doctors.

⁵ McGiniss, J., **The Selling of the President, 1968**, New York, Trident, 1969.

doctors. We have now reached the point that no policies at any level of government are put in place without spin advice.

In effect, the representation of citizens' political attitudes is now via polling and Focus Groups not the elected representatives themselves. Unfortunately, these techniques are deeply flawed.

Since the 1950s research by social psychologists have demonstrated the complete unreliability of survey methods for revealing political attitudes.⁶ This work has largely been ignored in the growing enthusiasm for polling, reflecting the adage "Some numbers beat no numbers." More recently, the work of Daniel Kahneman⁷ has, *inter alia*, drawn more widespread public attention to the shortcomings of survey-based methods. All polling is also statistically unsound, primarily due to the universal lack of corrections for non-response bias. Non-response bias may occur when not all of the people polled agree to respond. The usual assumption is that non-respondents are represented by the same population as those who do respond. This is merely an assumption. There are many reasons why this may not be true in political polling as now practiced. The most common technique is to use phone calls, for example. Depending on the time of day of the calls and the type of phone (cell or landline), non-respondents may belong to a very different demographic, with regard to the subject matter of the polls, than respondents. Responsible statistical agencies, like Statistics Canada, attempt to determine if this assumption is warranted or not in specific surveys by follow-up methods. This never done by political pollsters. Since the response rates of typical internet or phone polling are very low (often less than 50%) this is no "academic" quibble.

Spin methods are also very prone to manipulation. The choice of questions, the phrasing of questions, the placement of questions in a list, along with the type of survey (phone, internet, mail) all present ways for subtle biases to be introduced and reproduced in the results. Consequently, the views of the constituents of a particular electoral Riding on specific topics, for example, may come to be represented incorrectly.

6. The Lottery Solution

This solution recognizes that we have advanced too far down the road of spinocracy to pull back. If we are going to be represented by statistical means, let's at least do it correctly. Without stratification⁸ a 308 member House of Commons (the current number of members) would be a true representation of Canadians at a greater than 99.9% confidence level. In individual selections for the House it is certain that in come years the smaller provinces and territories will be over or under represented

⁶ See the works of Henri Tajfel, *inter alia*.

⁷ Kahneman, D. **Thinking, Fast and Slow**, Toronto, Doubleday, 2011

⁸ Stratification means the independent sampling of sub-populations, for example, by region, sex or cultural identity or by Aboriginal group.

but in the long run they will be represented much more closely to their proportion of the Canadian electorate.

It is fundamental to the existing legitimacy of the Canadian state that members of the House of Commons are not “experts”; they are meant to be the representative of the Riding in which they run for office. With the assistance of an expert permanent bureaucracy they make judgments on policies that represent their constituents. In a system that used random selection the members of the Parliaments that they would form (Federal, Provincial and Territorial) would be collectively representative of all Canadians.

As a society we are comfortable with taking away citizens’ liberty (and, more than sixty years ago, their lives) by random groups of 12 citizens in criminal trials. We should be comfortable with similarly-selected citizens becoming our legislators (and, thereby, the executive authority over the state).

7. The “Idiot Brother” Objection

The most obvious objection to selection to the legislature by random selection is that we will be represented by people who are not “fit” to legislate, in some way, such as an “idiot” relative. A moment’s reflection reveals that this is just a prejudice; any citizen can learn the rules of Parliament and, if necessary, of governing authority. **If we believe that people can govern themselves there can be no objection to random selection in principle.**

A closer examination of the “idiot brother” objection actually reveals the strength of moving to stochastocracy. People who may not themselves feel comfortable in the role of legislator will have their own networks; a relative who works for some level of government, a friend who used to run a company, etc.. They would draw on these networks, in addition to, as now, receiving the assistance of the professional bureaucracy. These would be different networks than those that are drawn on now and this would be a positive development since it would represent a broadening of political engagement.

Some may be concerned that moving to stochastocracy will increase bureaucratic control of policy. Bureaucratic control of policy is a myth. The rise of spinocracy has greatly diminished the policy role of the permanent bureaucracy. The retrieval of this role would be a positive development. Currently, policy analysts and advisors are relegated to the role of handmaidens to the pollsters. While strict neutrality was never achieved in practice, before the rise of the spin doctors there was far more dispassionate and professional analysis of issues and options. A new equilibrium amongst the advisory networks of the members selected at random, the roles that would develop for experienced political “insiders” and the permanent bureaucracy will evolve over time. There is no reason to believe that bureaucrats would be able

to lead legislators “by the nose” than was the case prior to the ascendancy of the spin doctors.⁹

Another general objection would be that stochastocracy may appear to be a capitulation to apathy. Currently, not more than half of citizens are engaged enough in their own governance, considering all levels of government, to bother to vote. Stochastocracy would appear to let almost everyone “off the hook”. This is a superficial view. The chance that every citizen may become a legislator and part of the executive would surely energize the general interest in policy. As already noted, the natural process of developing networks on the part of those selected would engage citizens in innovative ways. These developments may also be supplemented by new methods of consultation through the internet. As we evolve slowly to a stochastocracy there is very reason to believe that citizen engagement with policy will grow, not lessen.

There are certainly many practical issues that would be involved in moving to stochastocracy. Not the least of which are appropriate arrangements for the people selected and transitional measures. All of these issues can be addressed through a Citizens’ Assembly.

8. How to Proceed

As already indicated, such a radical change should proceed slowly and in stages. This would allow for lessons to be learned and absorbed before moving further down the path to stochastocracy.

A suggested first step is to strike a Citizens’ Assembly to develop a proposal to move the Senate to a Lottery system, which would address, *inter alia*:

- Number of representatives and term of office;
- Lottery method, eligibility and special exclusions;
- Compensation, including provision for return to current employment; and,
- Transitional issues.

This could provide a model for municipalities, which may also need Provincial statutory changes. As experience is gained, Provinces, Territories and the Federal governments could develop their own approaches. A significant difference between the Senate and the House of Commons and provincial and territorial legislative assemblies is that the Senate only has a review function and no executive function. There are a number of ways in which these issues may be addressed. There may still be a role for existing political parties or each new legislative assembly may decide its own decision rules for forming an Executive. Again, Citizen Assemblies would be

⁹ Contrasting two UK comedies, *Yes Minister* (later *Yes, Prime Minister*) and *The Thick of It*, captures perfectly the sea-change that has occurred.

an excellent vehicle for developing appropriate proposals, which would be ratified by extant legislative rules.

9. Still a role for people attracted to public service

This proposal is not motivated by a widespread antipathy to “career” politicians. As a public servant for 35 years who had substantial contact with elected members of the Ontario legislature I have nothing but profound respect for those who choose to give their lives to elected public service. In many ways, representing citizens is a thankless job which requires a very strong inner commitment to serving the public good to sustain legislators through long days of meetings. A downside of stochastocracy is that there is a less obvious role for people motivated by public service. Yet there will be new opportunities. There will always be avenues for people of good will to be involved in governance. Once more, a slow evolution towards a system based on random selection is to favored to allow these avenues to take shape.

10. Relation to Committee mandate and Recommendations

This proposal is fully consistent with advancing the 5 principles of the Committee’s mandate.

The specific recommendation of this brief is that:

- The Committee develop a proposal for consideration by Parliament for a Citizen’s Assembly which will report back on a reform of the Senate which uses random selection from all eligible Canadians as the means to appoint the membership of the Senate.

All of which is respectfully submitted.

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