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POSTDOCTORAL STUDIES**

**Mark Greenan**

-----  
AUTEUR DE LA THÈSE / AUTHOR OF THESIS

**M.A. (Political Science)**

-----  
GRADE / DEGREE

**School of Political Science**

-----  
FACULTÉ, ÉCOLE, DÉPARTEMENT / FACULTY, SCHOOL, DEPARTMENT

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A Case Study in Deliberative Democracy**

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TITRE DE LA THÈSE / TITLE OF THESIS

**Caroline Andrew**

-----  
DIRECTEUR (DIRECTRICE) DE LA THÈSE / THESIS SUPERVISOR

-----  
CO-DIRECTEUR (CO-DIRECTRICE) DE LA THÈSE / THESIS CO-SUPERVISOR

**EXAMINATEURS (EXAMINATRICES) DE LA THÈSE / THESIS EXAMINERS**

**Douglas Moggach**

**François-Pierre Gingras**

**Gary W. Slater**

-----  
Le Doyen de la Faculté des études supérieures et postdoctorales / Dean of the Faculty of Graduate and Postdoctoral Studies

**Electoral Reform in Prince Edward Island:  
A Case Study in Deliberative Democracy**

**Mark Greenan**

Thesis submitted to the  
Faculty of Graduate and Postdoctoral Studies  
In partial fulfillment of the requirements  
For the MA degree in Political Science

Department of Political Science  
Faculty of Social Sciences  
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## ABSTRACT

This thesis examines the political theory of deliberative democracy, as elucidated by Habermas, through a case study of the electoral reform process in Prince Edward Island. For deliberative democrats like Habermas, public debate ideally possesses an epistemic, or truth-tracking, dimension. After a thorough discussion of the reform process in that jurisdiction, complimented by interviews with important actors in that process, the public debate on electoral reform in PEI is evaluated in terms of its correspondence with the idealistic presuppositions of deliberative democracy. It is argued that, due to low levels of public knowledge and problematic media coverage of the issue, the PEI electoral reform process provides little empirical support for the theory of deliberative democracy. Examining the dynamics of this case of public deliberation allows us to identify the factors that impede reasoned public deliberation in contemporary society.

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## 1. Introduction

### a) Electoral reform as a case study in deliberative democracy

As John Dunn has noted, we are all democrats now (1993: 1). Put another way, almost all states – from regimes in liberal democracies to those in authoritarian states – publicly espouse (some type) of normative belief in democracy and seek to legitimize their authority through claims of popular support (even if their support is not measured at the ballot box). Making a link between the normative claims of democracy and its empirical reality is a central concern of contemporary democratic theorists. Blaug elaborates many of the important questions raised in philosophical debates on democracy:

Do the present institutions of democracy have anything to do with popular sovereignty? Are they legitimate in any meaningful sense? Should new institutions be implemented and if so, what would they look like? How might competing institutional designs be evaluated? Does normative theory have anything to do with empirical practice at all? (x)

These questions are of particular interest to theorists of deliberative democracy, like noted German social philosopher Jürgen Habermas. Deliberative democracy rests on the hypothesis that public deliberation has epistemic qualities, the idea that reasoned public debate is likely to create *better* policies.

In a survey article entitled, “The Coming of Age of Deliberative Democracy”, James Bohman defines deliberative democracy as “a family of views according to which the public deliberation of free and equal citizens is the core of legitimate political decision making and self-government” (1998: 401). Compared to liberal theories of democracy that emphasize

negative rights and voting, deliberative democrats argue that legitimate law must emerge from the reasoned public deliberation of citizens. In Between Facts and Norms, Habermas explicitly links the legitimacy of law with deliberation when he writes that “the democratic principle states that only those statutes may claim legitimacy that can meet with the assent of all citizens in a discursive process of legislation that in turn has been legally constituted” (110). As Habermas writes in a recent essay on the topic of deliberative democracy in today’s mass media driven political society, democratic theory directs our attention to the gap between the normative and the empirical, as “contemporary theories of liberal democracy express a demanding ‘ought’ that faces the sobering ‘is’ of ever more complex societies”. He adds that this problem is particularly acute for “the deliberative model of democracy, which claims an epistemic dimension for the democratic processes of legitimation” (2006: 411).

This thesis will consider the deliberative democratic theory of Jürgen Habermas through the prism of a contemporary political issue – electoral system reform in Canada, specifically the case of the electoral reform process in the province of Prince Edward Island (PEI). Did the public debates surrounding voting system reform in that province provide empirical support for the central notion of deliberative democracy, that public debate has an epistemic character? In other words, did the public debate on electoral reform in PEI support the idea that democracy is “truth-tracking”? It will be argued that the electoral reform process illustrates some of the important problems in realizing deliberative democracy, notably low levels of political knowledge among the general population and the distortion, through power relations and the ideology of media “objectivity”, of the public debate on political issues.

But why electoral reform? Why is this issue an excellent case study to view through the lens of deliberative democratic theory?

Electoral reform is an interesting issue to use to evaluate the practical realization of theories of deliberative democracy for many reasons. First, the electoral system, which determines how votes will be translated into legislative seats, affects multiple aspects of political life in a democracy, from the party system to political culture to electoral campaigns. All of these aspects of a given jurisdiction's political culture are influenced by the incentives inherent to their voting system. As Thompson explains, different electoral systems "significantly affect the value and range of choices that citizens enjoy when they exercise the right to vote" (22). Comparative studies of democratic polities demonstrate clearly that plurality or majoritarian electoral systems (such as those used in Canada, the UK and France) present both voters and political actors with significantly different choices and incentives than proportional or consensual voting systems (like those predominating in continental Europe) (Lijphart; Norris 2004). These incentives, in turn, then influence party strategies and tactics during election campaigns and later impact their behaviour in the legislature.

Second, referenda on issues like electoral reform, about which most voters have, at the outset, neither fully formed opinions nor the information required to make reasoned choices, are necessarily exercises in public education. As Pilon has explained, the general public in Canada is woefully ignorant about the functioning of our current voting system (2007: 2). As a result, the process of electoral system change is inextricably linked with *informing* voters about how the voting system affects our political lives, as citizens are asked to *pass judgment* (ideally, a reasoned judgment) on a specific electoral reform proposal at the ballot box.

While most voters are ignorant about the functioning of electoral systems, there is a growing academic literature on the effects of electoral systems. Political scientists in the area of comparative politics, through extensive studies of elections and legislative politics, have started to draw conclusions about how electoral institutions influence politics, government and legislators.

Finally, and perhaps most importantly, electoral reform processes have been in Canada were explicitly influenced by theories of deliberative democracy, particularly the innovative Citizens' Assembly processes that studied the issue in British Columbia and Ontario. Habermas himself cites the BC Citizens' Assembly as a real-world example of deliberative democracy in action in a recent paper (2006: 414). While the recommendation that was presented to PEI voters in the Fall of 2005 was not designed by a similar assembly, it was nonetheless designed through a public consultation process that was generally consonant with the principles of deliberative democracy, as will be discussed.

There is a broad consensus among Canadian political elites and supporters of electoral system change, most notably Fair Vote Canada and Fair Voting BC, the largest Canadian electoral reform organizations, that any electoral reform initiative must win popular approval in a referendum or a plebiscite before being enacted into law by the legislature. As a result, electoral reform initiatives in Canada necessarily become exercises in deliberative democracy because citizens are called upon to approve change in a referendum or plebiscite after a period of public education and campaigning. For this reason, electoral reform becomes an ideal case study for illustrating the prospects for realizing the goal of reasoned public deliberation in contemporary democracies.

The development of theories of deliberative democracy has produced a body of

empirical case studies that aim to test the claims of the theory in a wide variety of real-world situations (Chambers 2003: 318). This case study aims to contribute to that literature. Deliberative democrats generally believe that studies such as this contribute to understanding how deliberation unfolds in real world social situations. Indeed, Bohman concludes his survey article with a call for more case studies on deliberative democracy:

Studies that detail the empirical course of deliberative processes in particular historical settings are also normatively useful for diagnosing the conditions that are conducive to successful deliberation. By pointing out the ways in which institutional norms and designs are effective in their goals or are ineffective due to unintended consequences, they deepen philosophical discussions of feasible deliberation (1998: 420).

Habermas shares the opinion that applying social theory to real-world situations is an important endeavor. As he writes in the second volume of his magnum opus The Theory of Communicative Action, “the social sciences can enter into a cooperative relation with a philosophy that has taken up the task of working on a theory of rationality” (1987: 397). While much of Habermas’ considerable body of work deals with broader philosophical questions, practical applications of his theory are well within the spirit of his social philosophy. Also, as signaled by the publication of Between Facts and Norms, his recent work is particularly concerned with questions of deliberative democracy and legal justification. However, as Blaug notes, while Habermas “is able to highlight the importance of the public sphere and to call for the increase in deliberative fora in order to deepen democracy, he never really confronts questions regarding the actual functioning of such fora” (xiv), as his theory is “purposefully indeterminate when it comes to the questions of institutional design” (45). This thesis endeavors to concretely evaluate the actual functioning of a deliberative process in contemporary Canadian political life.

But how can we *evaluate* electoral reform processes in light of the theory of deliberative democracy? We can analyze the content of public deliberation to see if public debate on electoral reform reflects a search for mutual understanding and thus reflects what Habermas calls *communicative power* or if it is instead driven by strategic interests and deformed by illegitimate power relations.

As the debate on the issue of electoral systems turns on both normative and factual questions, it is ideal for an analysis in terms of Habermas' speech act theory. By looking at the discourse of both proponents and opponents of reform, and the media coverage of those debates, we can evaluate the public debates on reform in terms of their *rationality*. Do the actual claims made by both sides conform to the evidence garnered from the literature in comparative politics? How effective is the media in parsing the respective truth claims of proponents and opponents of reform? Are normative claims in the public debate indicated and recognized as such? To recast the questions in Habermasian terms, we will be concerned with discussing the *communicative rationality* of the electoral reform debate in PEI. As will be discussed, Habermas' concept of communicative reason implies a search for mutual understanding guided by a free and non-coercive search for truth that is orientated toward the public good.

Public debate on electoral systems, in PEI or any other polity, hinges on both normative and empirical questions. This is because the public deliberations make reference to questions of interest to both normative political theorists and empirical political scientists. The normative questions are addressed by political philosophy and deal with the nature of democracy. For example, can specific electoral systems be more fairly classified as more "democratic" than others? Of course, the public debates on electoral reform in Canada has

centered around these types of questions. For example, proponents of electoral change have argued that proportional voting systems produce legislatures that better reflect the preferences of voters and are therefore more democratic. It has been argued that proportional voting systems – like the system proposed in the PEI electoral reform process are more likely to promote the norms associated with deliberative democracy than majoritarian voting systems, like the single member plurality system currently used in Canada (Bowler et al. 436; Skogstad 970); however, these arguments will not be developed in this essay. This thesis will touch on the normative aspects of the electoral reform debate, but it is more concerned with deconstructing the empirical truth claims put forward in the public discourse on electoral reform on Prince Edward Island.

As we will see, the debate on electoral reform in PEI also concerned factual questions about political systems that can be answered by the field of comparative politics. Both proponents and opponents of reform made validity claims – often contradictory ones – about how the proposed proportional systems would work in practice. Of course, these claims can be tested empirically for their truthfulness. For example, the proponents of proportional voting systems have argued that a move to proportional representation would promote a more collaborative political culture. Conversely, those defending the electoral status quo argue that proportional representation promotes unstable governments. Therefore, by considering the comparative literature on political systems, we can evaluate the empirical validity of those claims. It will be argued that, in PEI, the proponents of reform put forward a case for reform that accurately reflected the body of empirical research on electoral systems, while opponents of reform and defenders of the status quo generally distorted and misrepresented the evidence on how proportional voting systems function in practice.

Theories of deliberative democracy, like that developed by Habermas in his recent work, offer both a *normative ideal* of how democracy *should* be and can be used as a *critical standard* to highlight ways in which real-world practices do not meet the normative standards of the ideal. As Chambers writes, “deliberative democratic theory is a normative theory that suggests ways in which we can enhance democracy and criticize institutions that do not live up to the normative standard” (2003: 308). This essay will make the case that even though the decision-making process that led to the specific recommendation for reform was a well-designed deliberative exercise, the experience of the electoral reform campaign in PEI illustrates important problems with the practical realization of deliberative democracy in contemporary Western democracies, which allows to, as Bohmann says, “diagnose the conditions” necessary for reasoned public deliberation (1998: 420).

As discussed, this thesis will consider the electoral reform process in PEI as a case study in deliberative democracy. Using the theory of deliberative democracy as elucidated by Habermas as a critical standard, it will be argued that inability of the electoral reform process on PEI to support reasoned deliberation was due to a lack of public engagement in the issue, low levels of knowledge of the political system, hostility to change among political elites and the poor role the mass media played in informing voters. Combined with government indifference and insufficient resources for public education, the electoral reform process in Canada’s smallest province can not be characterized as a successful practical realization of deliberative democracy. In short, the PEI electoral reform debate provides little support for the idea that political debate in contemporary Canadian society has epistemic qualities.

This hypothesis will be supported by a review of the public record on the electoral reform processes in PEI, an analysis of media coverage of the public debate on the issue and

through interviews with important figures in the electoral reform process. In addition, some references will be made to scholarly discussion of the May 2005 British Columbia electoral reform referendum and the October 2007 Ontario electoral reform referendum. These materials – informed by my personal observations – will be compared with the political science literature on elections and electoral systems. This will allow us to consider the *rationality* of the decisions made in the electoral reform referenda in Canada. Were they successful example of public reasoning, where citizens come together to learn and make a *reasoned* decision? Or was the public debate on these questions distorted? I believe that the answers to these questions illustrate the prospects for and challenges in realizing public deliberation in contemporary democracies. But before discussing electoral reform in PEI, we must consider the development and essentials of Habermas' deliberative democratic theory.

#### b) Organization of the thesis

The remainder of this thesis is organized into three sections. The first will present Jürgen Habermas' theory of deliberative democracy and place his work in the context of the growing body of literature on the subject. Habermas' extensive body of work is a good example of deliberative democratic theory for many reasons. First, Habermas' conception of democracy as embodied by reasoned deliberation between free and equal citizens is reflective of the consensus position among deliberative democracy theorists. Second, like many other deliberative democrats, Habermas sees case studies, like this thesis, as a fruitful avenue for research. Finally, the breadth and scope of Habermas' philosophical project means he has directly discussed the issue being considered in this thesis - whether the

promise of deliberative democracy can be realized in real-world political situations in contemporary society.

The second section of this thesis will discuss, in detail, the electoral reform process in Prince Edward Island. After a short discussion of the history of electoral reform in Canada and on PEI and a brief presentation of the academic literature on the particular electoral reform proposal under consideration in that province, we will discuss two conceptually distinct parts of the electoral reform process - the decision-making and campaign phases. The decision-making phase is defined as the process that led to the recommendation of the specific electoral reform proposal, while the campaign phase consists of the period between when the proposal was finalized and when it went before voters at the polls. During the discussion of the campaign, particular attention will be paid to the public discourse of proponents and opponents of reform.

Finally, this thesis will conclude by evaluating the PEI electoral reform process - both the decision-making and campaign phases separately - in light of the normative claims of the theory of deliberative democracy. In what respects was the electoral reform discussion on PEI based on reasoned deliberation? In what ways did it fall short of the regulative ideal presented by deliberative democrats like Habermas? To conclude, we will discuss how the electoral reform process might have been made more deliberative.

## 2. Habermas' theory of deliberative democracy

### a) The genesis of Habermas' democratic theory

Jürgen Habermas' academic career began in the 1950s with studies in philosophy and sociology at the University of Frankfurt am Main under the tutelage of Max Horkheimer and Theodor Adorno, the intellectual leaders of the Frankfurt School of Critical Theory. However, his later academic career would be notable for the ways he would break with his mentors to re-conceptualize practical reason through the intersubjectivity of language, work that culminated in his magnum opus, the two volume Theory of Communicative Action. For Habermas, the first generation of Critical Theorists' exclusive identification of reason with instrumental or purposive rationality would mean that they are unable to theorize social change. Furthermore, he saw the internal contradictions of Critical Theory as illustrating the need to recast the project of a critical theory of society in a non-metaphysical manner by rejecting the paradigm of the philosophy of consciousness. As a result, Habermas' social theory is strongly influenced by Critical Theory, even though much of his career has been devoted to criticizing that tradition.

Despite an initial ideal of "rationalizing social relations", the founders of the Frankfurt School would quickly become sceptical about the practical possibilities for social change in capitalist societies (Ferry and Renaut 1978). The failure of state socialism and the methodological problems associated with their quest for a materialist and auto-reflexive epistemology (Ferry and Renaut 1984: 109) meant that they were unable to "overcome the empirical/normative split and the separation of theory from practice that follows from it"

which is essential to the project of a critical social theory (McCarthy 1975: x). It would depend on their student, Habermas, to reconceive truth in such a manner that the idealist convergence of reason and freedom could be accommodated within a materialistic theory of history through what McCarthy calls “a linguistic reformulation of the philosophical foundations of historical materialism” (1975: xiii).

Habermas discusses in the first volume of the Theory of Communicative Action how the critique of reason developed by Horkheimer and Adorno became heavily influenced by the work of Max Weber. For Habermas, those three thinkers share the view that contemporary society is primarily determined by purposive rationality, that is “a structure of action orientations that is determined by cognitive-instrumental rationality without regard to standards of morally or aesthetically practical rationality” (Habermas 1984: 345). Like Weber, Horkheimer was particularly concerned with what is lost when action becomes oriented according to purposive or instrumental considerations. Both thinkers also share the view that modern, industrial society is characterized by losses of meaning and freedom.

Horkheimer and Weber’s analyses of the loss of meaning in capitalist societies are quite similar, with both authors seeing it as a necessary product of cultural rationalization (Habermas 1984: 345). As Habermas writes, those two thinkers share the view that:

the credibility of religious and metaphysical worldviews falls prey to a process of rationalization to which they owed their own development; in this respect, the Enlightenment critique of theology and ontology is rational, that is, understandable on internal grounds, and irreversible (1984: 350).

Further, they share the view that this development has led to a splintered modern consciousness characterized by a subjectivization of faith and knowledge. Horkheimer believes that this process explains the rise of instrumental, or subjective, reason, which he

sees as increasingly replacing objective reason – “ontological thinking ... that conceived of the human world as part of a cosmological order” (Habermas 1984: 346).

Where Horkheimer and Weber ground the loss of meaning in modern society in the process of cultural rationalization, they see the loss of freedom in contemporary times as a result of social rationalization, particularly the development of the State and the associated bureaucratic offices of what the former calls the “administered world”. Social rationalization is seen as accelerating the process through which systems of purposive action that structure individual choices are transferred to social organizations that remain opaque to the moral-practical value judgements of the general public.

As a result of their view of reason, Horkheimer and Adorno became pessimistic and critical regarding the potential for qualitative social change, sentiments that were reinforced by the Soviet failure of State socialism and the increasing integration of capitalist reproduction and culture – which spawned the integrative force that Adorno called the “culture industry” in Western democracies. In an essay on Critical Theory in the second volume of The Theory of Communicative Action, Habermas describes how the seeming failure of the Marxist philosophy of history at the base of Critical Theory meant that Horkheimer and Adorno’s work went from “historical-materialist assumptions regarding the dialectical relation between productive forces and productive relations [and] had been transformed into pseudonormative propositions concerning an objective teleology in history” (1987b: 382). As such, their social theory became less interested in formulating a practical guide for social change than in speculating on why the masses in Western societies remain passive in the face of capital and in doing so:

They develop[ed] theories of fascism and of mass culture

which deal with the socio-psychological aspects of a deformation that penetrates into the deepest regions of subjectivity and takes hold of the motivational foundations of the personality, which explains cultural reproduction from the perspective of reification (Habermas 1984: 368-9).

These theories were intended to justify the socially integrative accomplishments of elites in totalitarian/authoritarian states in the case of the former and liberal democratic states in the latter.

The first generation of Critical Theory does provide some explanation for absence of social revolution in 20<sup>th</sup> Century capitalist societies, but it can be rightly criticized, particularly as concerns Adorno's theory of mass media and culture, for neglecting to perceive the fundamentally ambivalent nature of media. While Habermas acknowledges that the mass media are subject to the laws of the market, he argues that "the media of mass communication remain dependent on achieving understanding in language" and, as such, their understanding cannot be reduced to the concept of the commodity that permeates Adornian cultural criticism (1984: 372). Certainly mass media have and will be used for perlocutionary and one-sided communication, but as Habermas writes:

whether a mass culture tailored to mass media develops into a regressive integration of consciousness depends in the first instance in whether "communication (brings about) the assimilation of human beings by isolating them" and *not* on whether the laws of the market exert an increasingly decisive influence on cultural production itself (1984: 372).

This is opposed to Adorno's view of contemporary cultural production in mass-media society, what he calls the "culture industry", which necessarily sees mass culture as blunting revolutionary tendencies. The theories of fascism and mass culture developed by the Frankfurt School, while certainly possessing some descriptive accuracy, are clearly not

particularly useful for theorizing social change.

It should be clear by now that it would be a misnomer to speak of the democratic theory of Horkheimer or Adorno. While those two thinkers have certainly left us important reflections on authoritarianism and culture, there is nothing in their writings that would allow us to adequately theorize democracy. Therefore, it is striking that one of their foremost students would become so associated with democratic theory. Indeed, the development of Habermas' theory of deliberative democracy can be read as an attempt to transcend the aporias of the first generation of Critical Theory by elaborating a social philosophy that can allow us to realize the goal of rationalizing social life.

#### b) Habermas' theory of communicative reason

Having rejected the philosophical pessimism and metaphysical paradigm of Horkheimer and Adorno, Habermas would look to developments in the philosophy of language to construct an alternative conception of reason – which he calls communicative reason. This open, non-oppressive form of reason allows Habermas to realize his goal of elucidating a social theory that redeems the promise of the Enlightenment. By locating reason neither in a transcendental order nor in the knowing subject, but in the intersubjective structure of language itself and our ability to come to a consensus in language, Habermas is able to conceive of a form of reason other than instrumental rationality.

To comprehend the intersubjective processes of understanding that underlie social life, Habermas looks to the linguistic philosophy of Ludwig Wittgenstein. As Wellmer notes, Wittgenstein's speech act theory and its critique of the subject-as-constitutive-of-meaning is

central to the post-modern critique of the subject; however, unlike the deconstructivism of the critique of instrumental reason, linguistic philosophy is “concerned with the discovery of a quasi-fact which pre-exists all intentionality and subjectivity, i.e. the discovery of linguistic systems of meaning, of life-forms of a world disclosed in a particular way through language” (1991: 67). As a result, linguistic philosophy decentres the subject but does so in a way that “provides no legitimation for either hermeneutic objectivism or hermeneutic anarchism” nor for the irrationalism of some post-modernists (Wellmer 1991: 70)

As Habermas explains, the shift from the paradigm of the philosophy of consciousness to one based upon the philosophy of language allows us to begin to conceive of how human beings can come to rational conclusions about social relations and thereby fashion a theory of social evolution that can accurately explain the rationalization of society. He is able to reject the pessimism of earlier Critical Theory by looking to how we come to an understanding in language. This shift of perspective means that:

The focus of the investigation thereby shifts from cognitive-instrumental rationality to communicative rationality. And what is paradigmatic for the latter is not the relation of a solitary subject to something in the objective world that can be represented and manipulated, but the intersubjective relation that speaking and acting subjects take up when they come to an understanding (Habermas 1984: 392).

Consequently, Habermas would begin his academic career by arguing that the very nature of language presupposes an ideal consensus. As he would explain in his inaugural lecture, “with the first sentence used the intention to reach a general and uncompelled consensus is pronounced unmistakably” (1970: 163). As Brand explains, for Habermas:

The human use of language implies a common endeavour to achieve consensus in a situation in which all participants are free to have their say and have equal chances to express their

views. Thus there is in language an inbuilt thrust for the achievement of what Habermas calls the “ideal speech situation” in which discourse can fully unfold in its potential for rationality. (11)

With the concept of the ideal speech situation, Habermas implicitly links the idealistic presuppositions of his discourse theory with social and political organization. He associates the necessary conditions of the ideal speech situation – unlimited, uncoerced discussion guided by open communication, with no force other than that of the most reasonable argument – with an ideal form of life (Habermas 1975: 107-8). The counterfactual presuppositions of that concept, which are rarely actualized in social relations, nonetheless allow Habermas to defend some of the key tenets of classical philosophy – the inseparability of theory and practice and of truth and justice – in a distinctly modern manner (McCarthy 1975: xvii-xviii). McCarthy summarizes Habermas' argument succinctly when he writes that “the emancipated form of life that is the goal of critical theory is inherent in the notion of truth: it is anticipated in every act of communication” (1975: xviii).

Habermas' critique of the philosophy of the subject is not limited to the epistemological level as he also analyzes the ontological assumptions of that paradigm, only to find them unable to account for the complexity of modernity. As we have discussed, communicative action is defined by the use of language for the purposes of reaching understanding through criticisable validity claims. Habermas argues that all speech acts contain three components: “the propositional component for representing (or mentioning) states of affairs; the illocutionary component for taking up interpersonal relationships; and finally, the linguistic components that bring the intention of the speaker to expression” (1987a: 312).

By showing how our use of language involves more than references to an objective world of facts and objects, as in the philosophy of consciousness, Habermas is able to expand his ontology through the concept of three formal worlds, which are linked with the three separate functions of speech acts. As he writes in an essay on communicative action in The Philosophical Discourse of Modernity, if we accept that language can serve those three functions then we must posit “a ‘world’ not only for what is ‘objective’, which appears to us in the attitude of the third person, but also for what is normative, to which we feel obliged in the attitude of addressees, as well for what is subjective, which we either disclose or conceal to a public in the attitude of the first person” (1987a: 313). As such, for Habermas, the very nature of language provides us with the conceptual tools that broaden the conception of action beyond the instrumental reason critiqued by the first generation of Critical Theorists.

Of the three formal world concepts discussed by Habermas, only one – the objective world, where validity claims refer to an ideal of *truth* and are guided by formal rationality – is generally recognized by positivists. The second world is the social world of interpersonal relations which are to be guided by normative claims to a *universal morality* oriented by moral-practical reason. Finally, a third world of subjective experience and feelings, to which each individual has privileged access, can be differentiated. For Habermas, the guiding principle for this sphere should be that of *authenticity*, or in other words, faithfully representing one’s inner self in inter-personal relations. However, as Brand explains, these formal world concepts should not be seen as analogous to “geographical territories with clearly marked boundaries” but instead are linked with the forms in which we organize our attempts to come to an understanding in language (16).

Those three ideal types of discourse can serve as guideposts for practical discourse. For

example, when the discourse concerns one's subjective inner feelings, the discussion should be guided by the principle of authenticity - that is, being true to one's inner self. On the other hand, if the debate concerns normative questions, reference should be made to universal moral principles. Finally, there are factual questions which should be answered by making reference to empirically observable truths. Considering the debate over electoral systems that comprises the second half of this thesis, it should make reference to normative and empirical questions. While discussions of electoral reform do not concern subjective questions, they do pivot on normative issues (Are some electoral systems more *fair* than others? What should be the balance between local representation and proportionality?) and, at the same time, make reference to empirically observable facts (What are links between electoral systems and particular political outcomes?).

The concept of communicative action, that is action oriented by a motivation towards reaching understanding, allows Habermas to overcome the philosophical pessimism of the Frankfurt School. Furthermore, the theory of communicative action allows him to make further claims regarding its role in social coordination. Instead of seeing modernity as primarily determined by instrumental rationality, Habermas' theory of social evolution sees progress as also being influenced by communicative reason. Indeed, he argues that the ideal of a coercion-free consensus, built into the idea of communicative reason, can serve as a powerful force for social integration. For Habermas, "the idea of rationally motivated shared understanding – and rational motivation implies the total lack of compulsion or manipulation – is built into the very reproduction of social life" (Brand 11).

c) Habermas' theory of society: lifeworld and system

While Habermas' social theory explicitly seeks to rehabilitate the project of the Enlightenment, his work remains cognizant of the complex nature of modern societies. He argues that we should identify two separate but interrelated processes of rationalization driving social change – the *symbolic* and *material* reproduction of society. He locates each of these processes in theoretically distinct spheres of society – the Lifeworld and the System.

As he writes in Legitimation Crisis:

Societies are *also* systems, but their mode of development does not solely follow the logic of system autonomy (power); social evolution transpires rather within the bounds of a logic of the life-world, the structures of which are determined by linguistically produced intersubjectivity and are based on criticisable validity claims (14).

This differentiation in Habermas' view of social progress allows his work to account for the many contradictory flows of moral, technical and ethical change that characterize contemporary society.

In the sixth chapter of The Theory of Communicative Action, Habermas argues that a truly critical theory of society requires us to conceive of the world as both Lifeworld and System. This separation is reflective of the distinction “between a *social integration* of society, which takes effect in action orientations, and a *systemic integration*, which reaches through and beyond action orientations” (Habermas 1987b: 117). Also, it reflects an important shift of perspective underlying each concept. The Lifeworld is seen through the *participant* perspective of an acting subject, while the System must be analyzed through the perspective of a disinterested *observer*.

The Lifeworld should not be seen as equivalent to the whole of society or with the less-

encompassing notion of “civil society”. Further, it should not be confused with the three formal world concepts discussed above, which refer to the three different types of validity claims that can be made in language. The Lifeworld is most succinctly defined by Habermas as “represented by a culturally transmitted and linguistically organized stock of interpretive patterns” (1987b: 124). It can be conceived as the inexhaustible source of background knowledge that permits mutual understanding – and thus, communicative action. In this view, actors cannot take a place outside the Lifeworld; therefore, they must always remain *within* its horizon. As Habermas writes:

The Lifeworld is, so to speak, the transcendental site where speaker and hearer meet, where they can reciprocally raise claims that their utterances fit the world (objective, social, or subjective), and where they can criticize and confirm those validity claims, settle their disagreements, and arrive at agreements. (1987b: 126)

For Habermas, the Lifeworld is a necessary context for mutual understanding, while the three formal world concepts make reference to how mutual understanding can and should be achieved in a given situation.

Certainly, the dynamic of rationalisation that occurs in the Lifeworld can be emancipatory. As traditional beliefs and superstitions have been demystified and subject to public criticism, a greater awareness of human agency and its role in social integration has taken hold in modern societies. For example, the decline in salience of religious world views in the West has led to more pluralist forms of life. Furthermore, as worldviews are “rationalized” and split into specialized realms of knowledge and institutions, the stock of knowledge upon which humans can draw is broader and deeper than ever before. However, it should also be apparent that the emancipatory promise of rationalisation has not been fully

realized. To some extent Habermas shares with Weber, Marx and Adorno the view that modern society is characterized by a pronounced *loss* of freedom and meaning. To understand how Habermas accounts for this problem, we must first consider his concept of the System and how its rationalization has affected society.

As discussed above, the distinction between Lifeworld and System is best encapsulated by the opposing perspectives a sociological observer would adopt in analysing them. While the former should be seen through a *performative* point of view, the System is best analyzed by an *objectivating* attitude that allows one to perceive functional relations. The Lifeworld-System distinction also reflects an important difference between Habermas and earlier Marxist thinkers.

It would be erroneous to say that Marx did not distinguish between labour and interaction; however, as McCarthy has written, he does tend to prioritize the former concept (1975: xix). As such, Marxist analysis tends to explain all social phenomena in terms of their material or economic basis. We see this reflected in Adorno and Horkheimer's view of labour. Like Marx, they identify work, the appropriation of nature by an acting subject, as the primary category of social action and characterize labour as an asymmetrical relationship between subject and object. As one would expect, Habermas criticizes this conception as too narrow. He argues that while the rationalization of *nature* can be described using instrumental reason, *social* rationalization occurs as a result of another equally important category of action – interaction, which occurs through intersubjective communication in the public sphere (Honneth 51). In doing so, Habermas is arguing that social theory and the human sciences must not, to use Marx's terminology, limit themselves to analyses of either the economic base or ideological superstructure of society. To adequately analyse

contemporary capitalist societies, we must therefore consider both the material and symbolic reproduction of society (McCarthy 1975: xxii-xxiii)

For Habermas, the development of the System – the State, the market and those institutions serving the *material* reproduction of society – has been a direct result of the rationalisation of the Lifeworld that began with the Enlightenment. However, as System complexity increases with technological development, it slowly begins to insinuate itself into the Lifeworld, which is ideally reproduced by unfettered communicative action. Habermas calls this intrusion of systemic mechanisms, particularly power and money, into civil society “the colonisation of the lifeworld.”

The central paradox of Western democracy for Habermas is how, despite the “increased criticisability of the cultural tradition” central to the process of rationalisation and the “linguistification of the sacred”, social integration becomes more and more dependent on achieving consensus in language (Brand 44-5). But increased system complexity requires more functions to be transferred to market and State institutions, where they become increasingly regulated by power and money. In particular, Habermas makes a key distinction between steering media that *replace* communicative action and thus motivate action *empirically*, like power and money, and those that merely *condense* it, like influence and prestige, and thus can motivate action *rationally* (Habermas 1987b: 181; Brand 46-7).

Despite this analysis, Habermas does not see the colonisation of the Lifeworld as an inexorable or inevitable process. Making a distinction between the logic and dynamics of development, Habermas notes that the latter is strongly influenced by systemic imperatives and non-linguistic methods of coordination, but this does not mean that the logic of modernity necessarily leads to the same pessimistic conclusions as Weber and Adorno.

Drawing on Piaget's view of cognitive development, he links the development of differentiated world-views and the three value spheres with our innate human learning capacities. In this view, the full possibilities for reasoned and uncoerced social coordination through communicative action remain dormant and inactive under the pressure of systemic imperatives.

#### d) Defining deliberative democracy

In Deliberative Democracy and Beyond, Dryzek argues that democratic theory has taken "a strong deliberative turn" in the last two decades as "democratic legitimacy came to be seen in terms of the ability or opportunity to participate effective deliberation on the part of those subject to collective decisions" (1). Theories of deliberative democracy can be differentiated from other democratic theories by their emphasis on public debate. Where the liberal view of democracy is based on the logic of the market, deliberative democracy is instead based on an analogy with the forum (Elster). As Chambers writes, the deliberative model "begins with a turning away from a liberal individualist or economic understandings of democracy and toward a view anchored in conceptions of accountability and discussion"; however, it not posited as an "alternative to representative democracy" but "rather an expansion of representative democracy" (2003: 308).

Where liberal theorists of democracy tend to conceptualize democracy as a process where interests compete for power strategically, deliberative democrats see democracy as a procedure for justifying policies based on publicly contested conceptions of the common good. As Cohen has written, "the deliberative conception of democracy is organized around

an ideal of political justification ... [where] the exercise of collective political power is to proceed on the basis of a free public reasoning among equals” (99). Benhabib phrases it slightly differently, arguing that deliberative democracy “is best understood as a model for organizing the collective and public exercise of power in the major institutions of a society on the basis of the principle that decisions affecting the well-being of a collectivity can be viewed as the outcome of a procedure of free and reasoned deliberation among individuals considered as moral and political equals” (1996: 68). Flowing from this view, democratic legitimacy must be seen as “result[ing] from the free and unconstrained public deliberation of all about matters of common concern” in the public sphere (Benhabib 1996: 68).

Deliberative democracy ascribes stronger normative connotations to the democratic process than the liberal model (Habermas 1994: 7). As discussed, the model is based on the hypothesis that deliberation possesses epistemic or truth-tracking potential. The theory invests “the communicative presuppositions that allow the better arguments to come into play in various forms of deliberation” with a legitimating force (Habermas 1994: 4).

Benhabib argues that deliberation can be linked with rational decision-making for three reasons. First, deliberation is a learning process that “impart[s] information” (1996: 71). Second, even though the deliberative model of democracy accepts the reality of conflicts between interests and values in social life, it directs us to consider procedures that can produce mutual cooperation and understanding (1996: 73). Finally, deliberative democracy is based on a view of pluralist view of society that privileges a “*plurality of modes of association* in which all affected can have the right to articulate their point of view ... from political parties, to citizens’ initiatives, to social movements, to voluntary associations, to consciousness-raising groups” (1996: 73). Where the liberal view of democracy identifies

“the *official* public sphere” as the main “site of political contestation and of opinion and will formation”, deliberative democracy draws our attention to social movements and the various types of associations that comprise “the *unofficial* public sphere as well” (Benhabib 2002: 21). In opposition to the communitarian idea of a general will, the model rests upon a “public sphere of mutually interlocking and overlapping networks and associations of deliberation, contestation and argumentation” (Benhabib 1996: 74). As we will discuss, Habermas’ democratic theory places a similar emphasis on the important role that civil society groups play in the public sphere.

As we have seen, theories of deliberative democracy contain a normative ideal that justifies democratic rule. The theory also has consequences for social interaction as the ideal of a rational consensus essential for deliberation necessitates the norms of universal respect between partners in dialogue and egalitarian reciprocity, which assures equality of rights for all regardless of social status (Benhabib 2002: 19; 37). Thus, the very notion of deliberation central to the model contains normative aspects that make claims about how social interactions should ideally occur, by including and empowering minorities that might be otherwise sidelined by competing democratic theories (Benhabib 2002: 134).

Deliberative democracy also serves a critical standard with which we can evaluate real-world practices. Indeed, Dryzek argues that “a defensible theory of deliberative democracy must be critical in its orientation to established power structures” (2). Chambers explains in detail how deliberative democracy can be used to critique social life:

Deliberative democratic theory critically investigates the quality substance and rationality of the arguments and reasons brought to defend public policy and law. It studies and evaluates the institutions, forums, venues and public spaces available for deliberative justification and accountability. It

looks at the social, economic, political and historical conditions necessary for healthy deliberation as well as the attitudes, behaviors and beliefs required of participants ... [and] contains a deep reading (some would say rereading) of foundational issue regarding rights, popular sovereignty and constitutionalism (2003: 309).

But why is the deliberative democratic theory of Jürgen Habermas a good example of the model to use for the purposes of this particular case study? First, despite his intellectual beginnings as a Critical Theorist, Habermas' work since the publication of Between Facts and Norms places him squarely in the midst of debates on deliberative democracy (Dryzek 20-7). As will be discussed, he shares the view of democracy that defines deliberative democrats - that legitimate rule, whether by legislature or the administrative offices of the State, should be justified with reference to processes of public deliberation. Chambers identifies Habermas as a central figure in the literature on deliberative legal theory, which attempts "to articulate a relationship between the public and legislative authority that goes beyond the voting booth to investigate how law might be an expression of popular will via communicative power" (2003: 311).

Also, the tremendous breadth and scope of Habermas' work makes his deliberative democratic theory particularly effective for the purposes of this case study. For example, he has not only elucidated a comprehensive theory of democracy (largely in Between Facts and Norms), but he has recently written specifically on a central question to be addressed in this work - the possibilities of and challenges in realizing reasoned public deliberation in contemporary media society (Habermas 2006). Also, as Chambers notes, Habermas' writings are noted for "a technical vocabulary that often makes [his] work appear far removed from quotidian concerns, it has much stronger roots in ordinary intuitions, everyday practices and

common ways of talking than [other theorists of deliberative democracy]” (1996: 12). Finally, Habermas’ work is well suited for the purposes of this thesis because he affirmatively recognizes the need for empirical case studies that investigate “whether deliberation does indeed introduce an epistemic dimension into political will-formation and decision-making” (2006: 413).

Before continuing in the next section with a discussion of Habermas’ theory of law and democracy, it is important to briefly discuss the relationship between the normative and the empirical in his work. As Habermas wrote in one of his early works Theory and Practice, his work aims to elucidate “a theory of society with a practical intent” (1973: 3). Blaug describes the practical goals of his work as being concerned with “overcoming systematically distorted communication, both through its identification (using the posited counterfactual of ideal speech) and through its active opposition.” (Blaug 31). As Benhabib has written, “the deliberative theory of democracy is not a theory in search of practice”, instead democratic theories like the one developed in Habermas’ recent writings seek to make “claims to elucidate some aspects of the logic of existing democratic practices better than others” (1994: 42). This particular case study aims to establish the extent to which deliberative democratic theory corresponds with the reality of the 2005 electoral reform debate in PEI.

As we have seen, theories of deliberative democracy make normative claims that law and public policy should be able to be justified by public deliberations. As Blaug has written, “the theory of discourse ethics provides a means by which the validity of decision-making processes can be assessed.” (32). However, this does not mean that Habermas sees his theory as “a tool for arriving at determinate solutions to substantive policy disputes.” (Chambers 2003: 317). Rather, Habermas’ theory of deliberative democracy should be seen as a

normative ideal that allows observers to evaluate political practices in terms of their correspondence with the ideal of communicative reason. While Habermas claims that his theory of democracy reflects the reality *to some extent*, he certainly does not claim that the model he has presented in his recent works is a perfect description of the empirical reality of contemporary democracy.

In this respect, Habermas' theory can serve as a critical standard, useful for evaluating practices in terms of their correspondence with the deliberative ideal, by "provid[ing] tools for applied research and ... stimulat[ing] an interdisciplinary research program that, he hopes, will have practical implications" (Blaug 31). It should be clear that Habermas' democratic theory is intended to be a guide for social criticism, as Habermasian "concepts of the public sphere and of communication that is free from domination are highly suggestive of practical applications, and in terms of our present concerns, particularly in regard to questions surrounding the design and evaluation of democratic institutions" (Blaug 32).

Habermas' theory can be therefore used to evaluate the legitimacy of democratic practices and institutions. Blaug argues that "it is this provision of a normative procedural standard that distinguishes Habermas from most other theorists of discursive democracy. It has also been, as he fully intended it to be, the inspiration for a large body of research." (43). In that spirit, this case study endeavours to contribute to the body of research that seeks to evaluate the legitimacy of democratic institutions and practices in terms of the theory of deliberative democracy.

e) From communicative action to deliberative democracy

The implications of Habermas' theory on law and politics is elaborated in great detail in his 1996 book Between Facts and Norms, characterized by its translator, William Rehg, as "drawing out the legal, political and institutional implications" of The Theory of Communicative Action (x). Communicative action is "post-metaphysical", because unlike earlier theories of reason it locates rationality in the structures of interpersonal communication rather than in the subject, history or the cosmos. This allows Habermas to broaden his conception of action from earlier views of practical reason. First, communicative reason is located in neither individual actors nor transcendent orders but "inscribed in the linguistic telos of mutual understanding and forms an ensemble of conditions that both enable and limit", this means that when seeking to come to an understanding actors must be prepared to accept an agreement based upon criticizable validity claims and undertake any actions that might result from a consensus (Habermas 1996: 4).

For Habermas, in a modern pluralistic society, normative orders, such as law, should be legitimated with reference to communicative reason. In the particular case of the law, the facticity of its enforcement is inextricably intertwined with its legitimacy or validity. In a modern constitutional democracy, law is justified and, as such, is generally seen to be rational if it protects liberty or rights, at least by proponents of the liberal variant of democracy. But the validity of law depends on more than its facticity, nor is it solely defined tautologically in terms of whatever is enacted through constitutional channels. Habermas argues that the validity of law depends further on its acceptance as legitimate by the general public, ideally through a discursive process of public justification. Thus, the legal system in Western democracies comes to rest on two pillars – its social efficacy (facticity) and its ethical justification (validity) (Habermas 1996: 28-30).

The theory of communicative action allows us to make normative evaluations of legislation, and the legislative process, in terms of its correspondence with ideal communicative practices. In such a view, legislators should not act as Hobbesian self-interested actors, but should instead behave like communicatively engaged citizens oriented to the public good. According to Plamenatz, this view was first expressed by Rousseau and later by Fichte in his Foundations of Natural Right. He cites the latter's Letters Written from the Mountain, where Fichte wrote that "whenever anyone does what he pleases he often does what displeases others; and that is not called a condition of freedom. Liberty consists ... in not subjecting another's will to our own" (402). Ideally, such a process would result in positive law that reflects the legitimate will of a rational, communicative legislative process (Habermas 1996: 32-3). For this to occur, however, positive political rights that allow citizens to perceive themselves as both authors and objects of law must complement the negative rights stressed by liberal theories of democracy.

In the third chapter of Between Facts and Norms, Habermas outlines his theory of rights, which is an ambitious and comprehensive attempt to justify the constitutional state on the basis of the principles of discourse theory. In contrast to liberal and communitarian views of rights, he aims to elucidate a system that "gives *equal weight* to both the private and public autonomy of the citizen" (Habermas 1996: 118). He argues that it is essential that a country possess a liberal and participatory political culture for such a system of rights to take root, as "only participation in the practice of *politically autonomous* lawmaking that makes it possible for the addressees of law to have a correct understanding of the legal order as created by themselves" (1996: 121). In this view, it is essentially that citizens perceive the legal order as legitimate and rationally justifiable based on universal moral principles.

By linking the discussion of law and rights central to constitutional law with what he calls the discourse principle (D), Habermas attempts to justify an inextricable link between rights and democracy. He defines D as “just those action norms are valid to which all possibly affected persons could agree as participants in rational discourses” (1996: 107). While he concedes that D is initially neutral vis-à-vis legal and moral questions, he argues that the legal institutionalization of the discourse principle in the system of rights results in a principle of democracy that can legitimize the legislative process. Habermas argues that this “logical genesis of rights” can be retrospectively reconstructed, so that we can see how the process that begins by applying the discourse principle to general liberal rights leads to the legal institutionalization of the conditions that provide the necessary foundation for effective political autonomy and legitimate law-making (1996: 121).

Habermas argues that there are 5 basic categories of rights that must be protected in a modern liberal constitutional state. The first three categories can be seen as the basis of the legal code, as they provide the basis for the recognition of citizens as legal persons.

1. Basic rights that result from the politically autonomous elaboration of the *right to the greatest possible measure of equal individual liberties*.
2. Basic rights that result from the politically autonomous elaboration of the *status of a member* in a voluntary association of consociates under law.
3. Basic rights that result immediately from the *actionability* of rights and from the politically autonomous elaboration of individual *legal protection*. (Habermas 1996: 122).

In addition to these liberal rights, Habermas argues that the discourse-theoretic conception of law also requires two further general categories of legal rights, which can be classified as political and material rights respectively:

4. Basic rights to equal opportunities to participate in

processes of opinion- and will- formation in which citizens exercise their *political autonomy* and through which they generate legitimate law.

5. Basic rights to the provision of living conditions that are socially, technologically, and ecologically safeguarded, insofar as the current circumstances make this necessary if citizens are to have equal opportunities to utilize the civil rights listed in (1) through (4). (Habermas 1996: 123)

Despite this emphasis on negative rights in Habermas' model of deliberative democracy, it would be inaccurate to characterize him as a liberal. Indeed, as Rehg argues, it is perhaps best to read Between Facts and Norms as an attempt to synthesize elements of the liberal and republican traditions. Certainly, Habermas' democratic theory has commonalities with both of those philosophies. In addition to the liberal emphasis on actionable legal rights, Habermas' model also, through its emphasis on the collective and deliberative aspects of the democratic process, preserves strong commonalities with republican notions of popular sovereignty. However, in opposition to some republican thinkers, such as Arendt, Habermas explicitly denies the existence of a more or less transparent macro-subject which can incarnate the public will and realize both the public and private autonomy of its citizens.

Habermas succinctly compares and contrasts what he calls his proceduralist model of democracy with liberal and republican theories in a 1994 essay entitled "Three Normative Models of Democracy". In his view, the liberal democratic tradition sees the State as being primarily concerned with protecting individual rights while the republican (or communitarian, the terms are used interchangeably in that article) tradition sees politics as not primarily about protecting rights but rather in guaranteeing "an inclusive opinion and will-formation in which free and equal citizens reach an understanding on which goals and norms lie in the equal interest of all" (1994: 2).

For Habermas, the two paradigms are characterized by drastically different views on the nature of politics. For liberals, politics is seen to be governed by market principles:

In the liberal view, the political process of opinion- and will-formation in the public sphere and in parliament is determined by the competition of strategically acting collectivities trying to maintain or acquire positions of power. Success is measured by the citizens' approval, quantified as votes, of persons and programs ... [that] license access to the positions of power that political parties fight over (1994: 3).

In the republican conception, dialogue is seen as paradigmatic for political life, rather than the market:

[For republicans], the political opinion- and will-formation occurring in the public sphere and in parliament obeys not the structures of market processes but the obstinate structures of a public communication oriented to mutual understanding ... This dialogic conception imagines politics as contestation over questions of value and not simple questions of preference (Habermas 1994: 3).

Habermas notes that the republican conception has the advantage of "preserv[ing] the original meaning of democracy in terms of the institutionalization of a public use of reason jointly exercised by autonomous citizens" where the liberal view possesses less of a socially integrative thrust (1994: 3). Furthermore, given the irreducible pluralism of political values and interests in contemporary societies, the liberal view of politics "loses all reference to the normative core of a public use of reason" (Habermas 1994: 3).

Republican democratic theory is criticized for what Habermas calls the "ethical constriction of political discourse". This means that he critiques republican views of democracy that assume a shared form of life or collective identity or an ethical consensus in democratic polities. For Habermas, "political questions may not be reduced to the type of

ethical questions where we, as members of a community, ask ourselves who we are and who we would like to be” (1994: 4). In opposition to this view, he writes that a discourse-theoretic conception of democracy:

Insists on the fact that democratic will-formation does not draw its legitimating force from a previous convergence of settled ethical convictions, but from both the communicative presuppositions that allow the better arguments to come into play in various forms of deliberation, and from the procedures that secure fair bargaining processes (1994: 4).

The article continues to argue that Habermas’ proceduralist model better corresponds with actual practice in contemporary democracies, writing that republicanism’s “assimilation of political discourses to the clarification of a collection ethical self-understanding does not sit well with the function of the legislative processes they issue in” as law is meant to deal with moral and pragmatic questions as well as ethical ones (1994: 4-5). He concludes his comparison of the republican and proceduralist models by writing that:

In contrast to the ethical constriction of political discourse, the concept of deliberative politics acquires empirical reference only when we take account of the multiplicity of communicative forms of rational political will-formation. It is not discourse of an ethical type that could grant on its own the democratic genesis of law. Instead, deliberative politics should be conceived as a syndrome that depends on a network of fairly regulated bargaining processes and of various forms of argumentation, including pragmatic, ethical and moral discourses, each of which relies on different communicative presuppositions and procedures. In legislative politics the supply of information and the rational choice of strategies are interwoven with the balancing of interests, with the achievement of ethical self-understanding and the articulation of strong preferences, with moral justification and tests of legal coherence. (Habermas 1994: 5-6)

Habermas concludes his discussion of the three models of democracy by comparing their respective images of state and society. He contrasts his proceduralist vision with

liberalism and republicanism due to its decentered view of politics, where the two other paradigms “presuppose a view of society as centered in the state – be it the state as guardian of a market society or the state as the self-conscious institutionalization of an ethical community” (1994: 6). His “discourse theory takes elements from both sides and integrates these in the concept of an ideal procedure for deliberation and decision-making [that] ... grounds the presumption that reasonable or fair results are obtained” (1994: 6). It “invests the democratic process with normative connotations stronger than those found in the liberal model but weaker than those of the republican model” and, in opposition to republicanism’s “polemic *understanding of politics directed against the state apparatus*” (1994: 6), “conceives the principles of the constitutional state as a consistent answer to the question of how the demanding communicative forms of a democratic opinion- and will-formation can be institutionalized” (Habermas 1994: 7).

The description of Habermas’ proceduralist model of democracy ends with an argument that this paradigm is best suited for describing, and normatively underpinning, contemporary democracies. Habermas argues that by linking politics with the institutionalization of proper democratic procedures (based upon the theory of communicative action) and making room for civil society, discourse theory “go[es] hand-in-hand with the image of a *decentered society*” (1994: 7). This allows us to discard both “the notion of a social whole centered in the state and imagined as a goal-oriented subject writ large” (as in republicanism) and the idea of democracy as “a system of constitutional norms mechanically regulating the interplay of powers and interests in accordance with the market model” (as in liberal democratic theories) (Habermas 1994: 8). This allows proceduralist views of democracy to “altogether jettison certain premises of the *philosophy of*

*consciousness*” that remain in the other two models. Instead of being based on a view of citizens as a collective actor or as atomized individuals, “discourse theory works instead with the *higher-level intersubjectivity* of communication processes that flow through both the parliamentary bodies and the informal networks of the public sphere. Within and outside the parliamentary complex, these subjectless forms of communication constitute arenas in which a more or less rational opinion- and will-formation can take place” (Habermas 1994: 8).

Ideally, in Habermas’ model, informal public opinion produces “influence”, which is converted into “communicative power” through the institution of electoral politics where it is then transformed in “administrative power” by law. As in liberalism, there is a separation between state and society but it breaks with republican views by conceptualizing “civil society” as “the social basis of autonomous public sphere that remain as distinct from the economic system as from the administration” (Habermas 1994: 8). As Habermas concludes, the normative implications of this model for social cohesion are that:

The integrative force of “solidarity”, which can no longer be drawn solely from sources of communicative action, should develop through widely expanded and differentiated public spheres as well as through legally institutionalized procedures of democratic deliberation and decision-making (1994: 8).

But as discussed in the introduction to this essay, most politically engaged observers would be sceptical that such an idealistic view of communicatively enacted law is necessarily being realized in contemporary Western democracies. As Habermas discusses himself in Legitimation Crisis, the encroachment of strategic action through systemic imperatives can be seen as the root of a great deal of social conflict. Modern society promotes the adoption of self-interested action in most spheres of life meaning that, as Habermas writes, “unfettered communicative action can neither unload nor seriously bear the burden of social integration

falling to it” (1996: 37). Normatively unfiltered values often end up carrying the day due to their political and economic force – allowing them to mask their mere facticity through legal norms. As a result, Habermas highlights the tension between constitutional law and the materialism of commercial law, which in turn reflects the drifting apart of the philosophical and empirical paradigms of law (1996: 40-1).

Habermas believes that a normative understanding of contemporary law necessitates an empirical critique, to see if contemporary law lives up to its moral foundation. As it becomes more apparent that the system – the market and bureaucracy – is being disconnected from the communicatively oriented lifeworld, Habermas sees language, specifically communicatively oriented action, as constituting the legitimating base of contemporary societies. He believes that language promotes social integration insofar as it allows normative messages to be transmitted from lifeworld to system. Indeed, Habermas writes that only through legitimate law can norms circulate throughout society (1996: 54-6).

In Habermas’ view, the normative core of constitutional democracies can be summarized as “only those statutes may claim legitimacy that can meet with the assent of all citizens in a discursive process of legislation that in turn has been legally constituted” (1996: 110). Coupled with the presumption that rational political opinion- and will- formation is indeed possible, this democratic principle leads to the question of whether this process can be institutionalized through the aforementioned system of rights and the equal participation of citizens in the communicative processes that parallel the legislative process.

Drawing upon the work of Cohen and Arato’s Civil Society and Political Theory, Habermas proceeds to outline a “two-track” model of deliberative democracy where an “organized” or “strong public” of legislatures and the bureaucracy is complemented by an

“unorganized” or “weak public” corresponding to civil society and its anarchic communicative flows. In this view, the role of parliaments is to focus the multiple issues and concerns that are spontaneously being thematized in the public sphere. Throughout Between Facts and Norms, it is clear that Habermas grants an important role to civil society groups in ensuring that power is legitimated. His recognition of the fundamentally pluralistic and decentered nature of contemporary democracies, as Scheuerman writes, seems to be a response to “theorists of difference who worry about the potentially anti-pluralistic implications of the tendency ... to privilege a single, homogenous public sphere engaged in the quest for rational agreement or unanimity (157). As such, we see how Habermas’ theory moves away from a Rousseauian model of democracy more characteristic of his earlier writings, like The Structural Transformation of the Public Sphere, by explicitly acknowledging the role bargaining and compromise can play in complex democracies.

We discussed above how Habermas accords to law a central place in his social theory because of its function as “hinge” between the linguistically-constituted Lifeworld and the economic and political systems. While the former is governed by communicative reason, we have seen how the latter is primarily determined by strategic or instrumental reason in contemporary society. Drawing upon Arendt’s classic demarcation of power from violence, which “opposes the consensus achieving force of a communication aimed at reaching understanding to the capacity for instrumentalizing another’s will for one’s own purposes”, Habermas conceives of civil society as the prime generator of a communicative power that can legitimize the administrative and political power wielded by elites (1996: 148).

Communicative power is therefore seen as something upon which administrators and the political system must rely upon for their legitimacy. Habermas’ conclusion on the

relationship between law and communicative power should not come as a surprise. He proposes that “we view law as the medium through which communicative power is translated into administrative power” (1996: 150). This view provides us with a definition of liberal constitutionalism:

We can then interpret the idea of the constitutional state in general as the requirement the administrative system, which is steered through the power code, be tied to the lawmaking communicative power and kept free of illegitimate interventions of social power (i.e., of the factual strength of privileged interests to assert themselves). Administrative power should not reproduce itself on its own terms but should only be permitted to regenerate from the conversion of social power (1996: 150).

While administrative power is ideally seen as flowing from communicative power, it is difficult to see how the strategic rationality of bureaucrats can be legitimated by communicative power, which is supposed to rest ultimately on recognition and mutual respect. As Scheuerman writes, “modern democracy thus seems paradox-ridden to the extent that it requires form of (administrative) power structurally incommensurable with the very (communicative) power which alone makes democratic deliberation possible” (157).

In Habermas’ view, *all* political power should be ultimately derived from communicative power, by making reference to discursive processes in broader civil society. While the interpenetration of law and political power opens up the possibility for the instrumental deployment of power by political elites, the idea of *government by law* requires that political power must be legitimated in the light of positive law. This means that “the law is not only constitutive for the power code that steers administrative processes. It represents at the same time the medium for transforming communicative power into administrative power” (Habermas 1996: 169).

At times in Between Facts and Norms, Habermas appears to draw the conclusion that this idealized situation is being realized in contemporary Western democracies. For example, he writes that democratic legitimacy is dependent upon citizens' perceiving themselves as authors of law, such that their communicative power, through law, "determines the direction" of the administrative and the political systems (1996: 187). Further, throughout the text, Habermas appears to envision an ideal type of society where communicative power can "assert" and "maintain" itself against the encroachment of the market and the bureaucracy into areas ideally organized according to mutual recognition (1996: 150, 299-302). However, in the contemporary era, even the most optimistic social observer would find it difficult to argue that Habermas' ideal model of communicatively enacted law is being realized in the political life of Western democracies.

Scheuerman argues that this reality creates tensions in the model of society drawn out in Between Facts and Norms. He contends that, by drawing upon the realist scepticism of Bernhard Peters' sociology, the critical impulses of Habermas' model are blunted, such that it becomes "utopian to hope that communicative power can gain the upper hand in relation to bureaucratic (and market) mechanisms" (Scheuerman 163). After incorporating Peters' concept of political "centre" and "periphery" (corresponding respectively to the legislative/bureaucratic systems and civil society) into his work, Scheuerman sees Habermas as making some important concessions in his model, perhaps in deference to the real-existing state of contemporary democracy. Where initially civil society was seen as the primary site for identifying and thematizing political issues, he later accords that function to the legislature. In the same vein, where parliament was given the primary role in handling and solving problems in early chapters of that work, the administration is given primacy in later

sections (Habermas 1996: 307, 355). Scheuerman argues that this is more than a trivial shift, that it reflects a downgrading of the role that civil society can play in democratic politics (165).

By drawing upon Peters, Habermas does appear to be influenced by his scepticism. Like Peters, he appears to accept that the centre is increasingly becoming independent vis-à-vis the periphery, due to the increasing complexity of contemporary life (Habermas 1996: 356-9). By the same token, he asserts that during periods of political “normalcy”, the executive and the administration generally possess more important agenda-setting powers than the legislative branch and undoubtedly more than the disparate groups of civil society (1996: 380).

Scheuerman argues that these flaws in Habermas’ model can be explained by his desire to craft a model that corresponds empirically to the existing state of democracy. He concludes that this ultimately results in Habermas’ view of democracy taking on a Janus-face, as it attempts in vain to synthesize realist democratic theory and Critical Theory (Scheuerman 166). Scheuerman sees this as a reflection of the fundamental opposition between communicative and administrative power:

Is not the task of translating communicative into administrative power inevitably destined to remain highly enigmatic? ... No wonder at times Habermas stumbles in his description of the interface between communicative and administrative power: he may have defined the task in such a manner as to render it virtually impossible to perform (Scheuerman 168).

The preceding point regarding the difficulty of transcribing communicative into administrative power is prescient; however, in Habermas’ work there is nothing to indicate that the process by which the State legitimizes itself is easy. Perhaps the difficulty of

specifying exactly how communicative power can guide political action is a reflection of the fundamentally unstable nature of all social structures, even liberal democracies. But this does not necessarily invalidate Habermas' model. To so do, we would have to, as Bohmann argues, look to real world examples of deliberative democracy in action:

Deliberative democracy is still in large part a critical and oppositional ideal, especially in encouraging citizens to think differently about problems, conflicts and institutions in the wider public sphere. Because it is a practical ideal, demonstrating its feasibility and clearly understanding its limitations ultimately makes deliberative democracy a more, rather than less, appealing basis for genuine reform and innovation (1998: 423).

Finally, Scheuerman makes another point that is of particular interest for this discussion of Habermas' deliberative democracy. He notes that one weakness of Habermas' study is its lack of attention to the institutional aspects of deliberative democracy. While Between Facts and Norms does allude to some recent trends to democratize public administration (1996: 440-1), as Scheuerman writes, "does anyone really believe that more ombudsmen or administrative hearings can really protect us from what Habermas himself describes as the 'crisis tendencies' of modern representative democracy?" (171-2). He notes that Habermas remains open to "institutional fantasy" that could attempt to concretize his theoretical model. In that spirit, this paper will discuss the institutional response of the "strong public" of the PEI legislature to the calls for electoral reform and what it means for the theory of deliberative democracy. But before commencing that case study, we must to discuss a recent paper by Habermas, on the prospects for deliberation in contemporary society, that is particularly relevant to the subsequent case study.

#### f) Habermas on political communication in media society

In a 2006 article in Communication Theory entitled “Political Communication in Media Society: Does Democracy still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research”, Habermas discusses criticisms concerning the applicability of the theory of deliberative democracy and highlights two critical conditions for reasoned deliberation in mediated public spheres. The article starts by again contrasting his deliberative model with liberal and republican theories of democracy. Where the liberal view has affinities with economics and social choice theory and the republican sees society a politically heterogenous macro-subject, the deliberative paradigm is primarily concerned with democratic process. As Chambers has written, “voting-centric views see democracy as the arena in which fixed preferences and interests compete via fair mechanism of aggregation. In contrast, deliberative democracy focuses on the “communicative processes of opinion and will-formation that precede voting” (2003: 308).

The ideal of deliberative democracy sees legitimation as being supported by opinion- and will-formation procedures that provide for publicity and transparency in deliberation, inclusive and equal opportunity participation and a “justified presumption of reasonable outcomes” which “rests in turn on the assumption that institutionalized discourses mobilize relevant topics and claims, promote the critical evaluation of contributions, and lead to rationally motivated yes or no reactions” (Habermas 2006: 413). But this does not necessarily mean that the ideal of reasonable deliberation is always realized in contemporary political debates, as “whether deliberation does indeed introduce an epistemic dimension into political will-formation and decision-making is, of course, an empirical question” (Habermas

2006: 413).

In the subsequent section, Habermas discusses several small-group studies that consider how political communication enhances learning and shapes collective decision-making and problem solving. It is here that Habermas briefly talks positively about the British Columbia Citizen's Assembly on Electoral Reform. As he writes, this growing literature on deliberative democracy provides "empirical evidence for the cognitive potential of political deliberation. However, small-scale samples can only lend limited support to the empirical content of a deliberative paradigm designed for legitimation processes in large-scale or national societies" (2006: 414). Such studies may tell us how good communicative practices and inclusive deliberation can improve decision-making in smaller groups, but do not provide support for the claim that democratic procedures are truth-tracking at the macro, society-wide level.

Despite an increase in the *volume* of political communication in recent years, the dominance of *mediated* communications in contemporary political societies means that "the political public sphere is at the same time dominated by the kind of mediated communication that lacks the defining features of deliberation", particularly "face-to-face interaction between present participants in a shared practice of collective decision making" and "reciprocity between the roles of speakers and addressees in an egalitarian exchange of claims and opinions" (Habermas 2006: 414-415). These problems with contemporary political communication are also shaped by how "the dynamics of mass communication are driven by the power of the media to select, and shape the presentation of, messages and by the strategic use of political and social power to influence the agendas as well as the triggering and framing of public issues" (Habermas 2006: 415).

However, Habermas argues that these realities do not mean necessarily that political deliberation in contemporary societies cannot possess epistemic properties. He writes that “mediated political communication need not fit the pattern of fully fledged deliberation” (2006: 415). Before going on to discuss in detail the main actors and fora in contemporary mediated public spheres, Habermas describes how the public sphere can support deliberation:

Political communication, circulating from the bottom up and the top down throughout a multilevel system (from everyday talk in civil society, through public discourse and mediated communication in weak publics, to the institutionalized discourses at the center of the political system), takes on quite different forms in different arenas. The public sphere forms the periphery of a political system and can well facilitate deliberative legitimation processes by “laundering” flows of political communication through a division of labor with other parts of the system (Habermas 2006: 415).

But whether or not the public sphere can support reasoned deliberation depends on whether the power structure of the public sphere prevents rational public communication. As Habermas writes:

Notwithstanding the impersonal and asymmetrical structure of mass communication, the public sphere could, if circumstances were only favourable, generate considered public opinions. I use the conditional here to draw your attention to the other obvious reservation: the power structure of the public sphere may well distort the dynamics of mass communications and interfere with the normative requirement that *relevant* issues, *required* information, and *appropriate* contributions be mobilized (2006: 418).

Habermas concludes the essay with an observation that is particularly prescient for this particular case study. He writes that even if empirical evidence fails to provide support for the ideal of deliberative democracy possessing an epistemic quality, the model can form the

basis of a critical analysis by “enabl[ing] us to read the contradicting data as indicators of *contingent* constraints that deserve serious inquiry” as the ideal requirements of a self-regulated media system and a positive feedback loop between the media and civil society “can serve as detectors for the specific causes for existing lacks of legitimacy” (2006: 420). In this regard, we see how analyzing particular examples of public deliberation are useful for understanding deliberative democratic theory more fully.

In that vein, the remainder of this thesis will consider the electoral reform process in Prince Edward Island as a case study in deliberative democracy. It will be argued that the experience of electoral reform in that province provides little support for the epistemic claims of deliberative democracy at the macro-level. But as we have seen, the theory of deliberative democracy can still serve as a critical tool. The discussion of the failure of that particular experiment in deliberative democracy illustrates and highlights some of the problematic tendencies in contemporary democracy, including the power of the media to shape public debate, low levels of political engagement and high levels of political cynicism. Habermas' theory of democracy provides us with a critical standard and a useful framework for analyzing how contemporary democracies live up to the normative ideal of theories of deliberative democracy.

### **3. The electoral reform process on PEI**

#### **a) Distinguishing between the decision-making and campaign phases**

Deliberative democracy provides us with a critical standard which we can use to evaluate policy development and public consultation processes. As argued earlier in this thesis, the electoral reform process in PEI presents us with an excellent case study with which to evaluate the applicability of the theory of deliberative democracy to contemporary political life. The third section of this paper will discuss this case to see if it provides empirical support for the idealistic suppositions of deliberative democratic theory. Were the public deliberations on electoral reform in PEI “truth-tracking”? Did the electoral reform process and plebiscite campaign culminate in a reasoned public decision by the electorate? The remainder of this thesis will endeavour to answer this question.

Before discussing the electoral reform process in that jurisdiction, an important conceptual distinction must be made between two separate phases of the reform process - the decision-making and campaign phases. The “decision-making phase” is defined as the public consultation process that culminated in a specific recommendation for electoral change to be presented to voters in a plebiscite or referendum. In Prince Edward Island, this refers specifically to the work of the one-person Commission on Electoral Reform in Prince Edward Island in 2003 (as former Chief Justice of the PEI Supreme Court Justice Norman Carruthers was the Commissioner, it will hereafter be referred to as the Carruthers Commission) and the 2005 Commission on Prince Edward Island’s Electoral Future (hereafter known as the Russell Commission, after its Chair Leonard Russell). This thesis

will evaluate the "deliberativeness" of the process that led to the recommendation of a mixed-member proportional (MMP) voting system in PEI. The "campaign phase" is defined as the period between the completion of the decision-making phase and the plebiscite, more precisely the period between when the Russell Commission finalized their recommendation on October 14 and the November 28 plebiscite. We will consider to what extent the public debate that occurred on the Russell Commission's proposal supported reasoned deliberation among Island voters.

These two phases will be discussed separately because they correspond to logically distinct parts of the electoral reform process. The decision-making phase is primarily concerned with producing a well-reasoned and justified case for replacing the existing voting system and with a particular recommendation for an alternative electoral system. While the decision-making phase was transparent to the public and the media, it was primarily followed by a small sub-section of the population with an interest in politics. On the other hand, as they will ultimately pass judgment on the proposal at the polls, the campaign phase of the electoral reform process has the entire population as its audience. Another important distinction between the two phases is that the decision-making phase was undertaken by a relatively small group which deliberated face-to-face on a regular basis, while the campaign phase unfolded in the anarchic public sphere and was, naturally, strongly influenced by the media as a primary source of political education for most voters.

This case study will proceed in three main parts. The first section will briefly consider the academic literature on the mixed-member proportional (MMP) electoral system that was put before Island voters in the November 2005 plebiscite. The second section will, in the style of a journalistic narrative, discuss the electoral reform process in Prince Edward Island,

dealing first with the decision-making phases, followed by the campaign phase. Finally, the electoral reform process in PEI will be evaluated in light of the theory of deliberative democracy.

As discussed, this thesis will conclude with an evaluation of the electoral reform process in PEI in terms of its consonance with the ideal of deliberative democracy. It will be argued that the “deliberativeness” of a public consultation process can be evaluated in three main ways. The first two criteria primarily concern the decision-making phase, while the third primarily concerns the campaign phase. First, a deliberative public consultation must be open, public and transparent. Second, the consultation must allow for public input from interested citizens. Finally, there must be adequate resources and opportunities for public education on the topic under consideration that will allow citizens to access the relevant knowledge required to make a reasoned decision. Taken together, these are necessary to ensure an informed decision, which is the ideal for theorists of deliberative democracy like Habermas. As he recently wrote: “the public sphere could, if circumstances were only favourable, generate considered public opinions ... [however] the power structure of the public sphere may well distort the dynamics of mass communications and interfere with the normative requirement that *relevant* issues, *required* information and *appropriate* contributions be mobilized.” (Habermas 2006: 418). This paper will attempt to describe the extent to which public opinion on electoral reform in those two provinces was considered or reasonable after the conclusion of the electoral reform campaigns and, if found wanting, attempt to identify the reasons that public opinion remained irrational.

Before continuing with the rest of the thesis, it is important to briefly discuss an important aspect of the debates surrounding electoral reform stressed by Pilon in his Politics

of Voting. He argues that the existing literature on electoral reform - both in Canada and more generally - tends to see the issue as a debate over “values” rather than as a political debate. For Pilon, “inattention to the politics of institutions - to the fact that institutions themselves are products of political contestation and competition - prevents analysts from understanding how voting systems function in practice, how and why such rules were first chosen or have been kept in place, and how any proposal for change might fare when cast into the organized realm of political combat”. This depoliticization of the issue of electoral reform “leave[s] the politics out of voting systems [as] reformers try to link abstract values to institutional designs, an approach that flattens key value distinctions between the systems and curtails a critical reappraisal of the traditional voting-system debates” (Pilon 2007: 4). To cite an example used by Pilon to illustrate this trend, many scholars assume that our present use of single-member ridings somehow reflects the public’s presence for local representation, which conveniently ignores the fact that, historically, multi-member ridings have been used on most Canadian jurisdictions (as in Prince Edward Island).

This author’s perspective on the reform process has been influenced by Pilon’s analysis of the “politics” of voting system reform. While it acknowledges that the “values” approach played a role in the electoral reform processes, particularly in the deliberations the Citizens’ Assemblies in British Columbia and Ontario, it is particularly concerned with discerning the political aspects of the debate and how they influenced public understanding of the electoral reform proposals. This thesis will attempt to show how the electoral reform process in PEI was much more influenced by politics than values. As Norris has written, capturing the fundamentally political nature of electoral systems, “Electoral systems are rarely designed, they are born kicking and screaming into the world out of a messy incremental compromise

between contending factions battling for survival determined by power politics.” (1995: 4)

b) A short history of electoral reform in Canada

Before beginning the case study, it is instructive to briefly discuss the history of the electoral reform movement in Canada. First, it should be noted that commentators who describe the single-member plurality (SMP) system, also known as first-past-the-post (FPTP), currently used in elections to Canada’s federal parliament and all its provincial legislatures as “an old and intrinsic component of the Canadian political system steeped in tradition and ultimately rooted in our constitutional inheritance from the United Kingdom” are, to say the least, distorting the historical evidence (Pilon 2007: 76). As Pilon notes, elections to the Westminster parliament only shifted decisively to SMP in 1885, nearly two decades after Confederation. Also, there were multi-member ridings sending MPs to the House of Commons until 1966 and the provincial legislatures of British Columbia and PEI had dual member ridings for decades, with the latter, as we will discuss, maintaining them into the 1990s (Pilon 2007: 76).

While the issue of electoral reform has become more prominent in the media in recent years, it is not the first time that changing the electoral system has been on the Canadian political agenda. As Pilon has written, “between 1874 and 1960, the question of voting system reform emerged repeatedly in Canada in all sorts of contexts, from all sorts of proponents and to serve all sorts of purposes” (2006: 136). Provincial electoral systems were reformed in four different provinces (Ontario, Manitoba, Alberta and BC) between 1885 and 1953 (Pilon 2007: 79-81, with list of provincial reforms on p. 81). Also, several Canadian

municipalities in Western Canada moved to adopt the single transferable vote (STV) electoral system between 1916 and the start of the Second World War (Pilon 2007: 80-1, see chart of municipal reforms on p. 81).

There were also unsuccessful efforts to reform the federal voting system during that period. The first discussion of the issue occurred in 1874 when a portion of the Liberal Party coalition sought to leave the party to form a more explicitly English nationalist party. However, when this group abandoned the idea of a new party, it quickly dropped the idea of proportional representation. Around the turn of the century, Quebec Conservatives would raise the issue of proportional voting as a reaction to their usual under-representation in that province (Pilon 2007: 79). Proposals for voting reform would continue to be debated on a semi-regular basis until shortly after World War II. Committees of the federal parliament would study the issue in the 1920s and 1930s and a 1923 vote on a recommendation that would have implemented proportional voting in some urban ridings would gain considerable support, even if it did not pass (Pilon 2007: 80). As Pilon writes, this is surprising considering that two parties elected to the 14th Parliament in 1921 promised to enact a system of PR (the Liberals and the Progressives). Again the failure to enact voting system reform can be explained by party interests, as by 1923 the Liberals' "sense of confidence about its political future" had improved, leading them to renege on their promise of PR (2007: 80).

While some analysts have described those reforms as the product of Western-based "populist political culture" (Howe, Johnston and Blais 2005: 7), Pilon argues that early voting system reform efforts were largely driven by political elites as an attempt to limit the electoral success of the labour-supported Cooperative Commonwealth Federation (CCF). As

a result, by the 1950s, when CCF electoral prospects had dimmed, so did elite interest in voting system reform (Pilon 2006: 155). This discussion of early electoral reform efforts in Canada illustrates how our electoral institutions have been shaped by politics rather than abstract values. As Pilon writes:

The origins and maintenance of Canada's plurality voting system ... has little to do with principle, values or the consent of the governed. Our institutions have taken, changed or maintained their shape according to the interests of political elites, initially in pre-democratic circumstances and later via political contestation and struggle ... our voting systems, both past and present, are fundamentally political results and remain in place for political - not principled - reasons (Pilon 2007: 82).

The second period of interest in electoral reform in Canada would begin in the late 1970s. Ironically, the issue came forward as a response to the separatist threat of the Parti Quebecois government, which was itself supportive of proportional representation (although a lack of caucus support meant that they would never fulfill that commitment). The 1979 Pepin-Robarts report on national unity called for changing the system used to elect members of the House of Commons to a mild form of PR. Meanwhile, in the House, NDP leader Ed Broadbent would bring forward the issue in the context of debates over redistricting, but ultimately no proposal gained traction (Pilon 86-7).

Electoral reform would come to greater prominence in the 1990s due to two different trends. First, the collapse of the party system in the 1993 federal election starkly illustrated the distortions of the SMP system. After that election, the Bloc Quebecois would form the Official Opposition with 54 seats and 13.5% of the vote. Despite getting over 700,000 more votes than the Bloc (18.7%), the Reform party would only win 52 seats (all but one west of Ontario). And most shockingly, the Progressive Conservative government would be reduced

to a mere two seats on 16.0% of the vote, even less than the New Democrats who would win nine seats despite getting less than 7% of the vote. Those results made clear the distorted results and regional balkanization that have characterized Canadian federal election results under SMP that were well known among political scientists since Alan Cairns' seminal article on the topic in the first volume of the *Canadian Journal of Political Science* (1968).

The last decade of the 20th century would also bring more examples of aberrant electoral results in the provinces. The 1996 BC election and the 1998 Quebec election were examples of "wrong winner" elections, where a party would win a majority government despite getting fewer votes than the main opposition party. This example of a second-place party forming a government would be repeated in the 1999 Saskatchewan election and the 2006 New Brunswick election. Also, the turn of the century would bring examples of elections where the SMP system would produce unbalanced legislatures with little opposition presence, such as the 2000 PEI election and the 2001 BC elections, which saw the opposition reduced to one and two seats respectively.

These electoral results were surely responsible for sparking elite and popular interest in voting system reform. However, the formation in 2001 of the first national lobby group supporting PR, Fair Vote Canada (FVC), is likely responsible for sustaining political interest in the issue. Founding executive director Larry Gordon, who continues in that job today, described his organization's founding as a product of electoral reformers in British Columbia and Ontario coming together to create a national organization with a strict focus on proportional representation. FVC, which describes itself as "a multi-partisan, citizen based campaign bringing together people from all parts of the country, all walks of life and all points on the political spectrum", would grow steadily during the first decade of the century,

eventually numbering about 2,000 members in all provinces (<http://fairvote.ca/en/FVC>). FVC would play a seminal role in promoting proportional representation among opinion leaders and undoubtedly deserves some credit for the emergence of the issue in recent years.

c) Methodological notes

Before continuing to discuss the electoral reform consultations in PEI, this is a good point to state my personal involvement with that processes. I have been a member of Fair Vote Canada since 2002 and was involved in the plebiscite campaign as the coordinator and primary spokesperson for the Yes on MMP Coalition, an ad-hoc group of individuals and organizations supporting the MMP proposal. In addition, I was employed with Fair Vote Ontario, the Ontario-centred campaign of Fair Vote Canada, and the Vote for MMP campaign from October 2006 until the October 10, 2007 referendum.

What does this involvement mean for this analysis? Certainly, it indicates that I was not a disinterested observer in this case study. Indeed, I was an important actor in the events, and public debate, that will be discussed. In many ways this is beneficial for this thesis. Because of my work, I had an insider's view of the campaign for electoral change under consideration. I possess a strong understanding of the strategies employed by the campaign and the dynamics of public opinion and debate on that issue. However, to ensure a broader perspective in my analysis, I have conducted on-the-record interviews with other important figures in the electoral reform process, which will be discussed in further detail in the next section.

Some readers might perceive my personal involvement in this campaign as hopelessly

biasing my analysis and ensuring that I cannot dispassionately analyse the events under consideration. However, I disagree with this contention. Certainly, it should be now clear that I support changing the way Canadians vote, specifically moving towards a more proportional electoral system. But this does not mean that my analysis of the events cannot be judged on its own merits. Reader can decide for themselves if I am giving an accurate description of the events being studied or if my conclusions can be supported. However, I believe that this type of participatory research is firmly with the spirit of democratic theory generally and deliberative democracy more specifically.

Before beginning the analysis of the reform process, it is instructive to briefly discuss the methodology used in this case study. As discussed above, the foundation of this research project is composed of my observations as a participant, working to build public support for electoral change, in the electoral reform process under consideration. To expand the perspectives included in the analysis, I have also conducted six interviews with important public figures involved in that process as well.

I interviewed six people who also played important roles in the electoral reform process on the Island, including the heads of both government commissions that studied the issue: **Norman Carruthers**, who first recommended MMP in 2003, and **Leonard Russell**, Chair of the Commission on PEI's Electoral Future. Two other important contributors to the Carruthers commission were also interviewed, **J'nan Brown**, who served as the Island New Democrats' representative on that body, and **Blair Weeks**, a provincial civil servant who was seconded to the Commission as Staff Researcher (and its only full-time employee). Former PEI cabinet minister **Mitch Murphy**, who served as provincial treasurer at the time of the plebiscite, was interviewed as a representative of the government that undertook the electoral

reform process. Finally, **Kirstin Lund**, the then-chair of the PEI Advisory Council on the Status of Women, a key supporter and activist for the the Yes campaign was interviewed. While the interviews were semi-structured, the interviewees were asked questions from an interview schedule (which is attached as an appendix) adapted from Ratner's 2008 work on communicative rationality and the BC Citizen's Assembly, which was based on interviews of BC Citizens' Assembly members (145-65).

But this study consists of more than interviews, it is also based on a rigorous critical analysis of the public discourse during the two electoral reform campaigns. In particular, the literature prepared by both proponents and opponents of MMP will be discussed. Also, the public education materials prepared for public consumption will be critiqued. Finally, the media coverage of the issue will be discussed. The public discourse will be compared with the academic literature on voting system reform. How well do the truth and value claims made by respective campaigns correspond with the evidence from political science? Did the media attempt to parse the accuracy of public statements during the campaign?

The subsequent sections will unfold primarily in a chronological narrative. They will tell the story of the respective electoral reform processes from my perspective as an activist, complimented by the comments of the aforementioned interviewees. In the process of recounting this narrative, I have attempted to highlight what are, in my view, the most important aspects of that process.

As Habermas has written, deliberative democracy does not merely require a free and unconstrained public sphere where all intervenors can validity claims. Deliberative democracy also implies a "normative requirement that *relevant* issues, *required* information and *appropriate* contributions be mobilized" (Habermas 2006: 418). Using the methodology

described above, and the critical standard laid out by Habermas, this thesis will discuss whether or not the electoral reform campaigns in PEI was a successful exercise in deliberative democracy.

d) A brief review of the academic literature on MMP

In the second part, we will discuss the referendum campaigns and evaluate them for their deliberativeness. But first we need to discuss the academic literature on MMP so we can compare its real-world functioning to the claims made by opponents and proponents during the electoral reform debates in PEI

The “mixed-member” in MMP refers to how it combines aspects of two different electoral formulas. Under MMP, as proposed in PEI, which is broadly similar to the electoral system used in New Zealand or Germany, legislators can be elected in two ways, either in single-member districts using the plurality or first-past-the-post (FPTP) system or through party lists. MMP is “proportional” because those seats “are distributed in a *corrective* way, so as to compensate weaker parties that did poorly in single-member seats and to produce a Parliament where each party gets its fair share of seats (Blais and Massicotte 65). As the Yes for MMP Coalition explained in a flyer distributed to all Island voters before the plebiscite, under MMP “get two ballots”, one where you “choose the best local candidate from any party” and a second where “voters choose which party they would like to see form government”. MMP preserves a local representative, but the second, “party” vote is, from the perspective of party strategists, is more important as it is the one used to establish proportionality. As the second ballot determines the allocation of legislative seats, so from

the voter's perspective, MMP functions much like list proportional representation (PR) systems, in that you should vote for the party you want to be represented by in the legislature. As a result, it is reasonable, as Lijphart does, to classify MMP with other proportional voting systems as promoting "consensus democracy".

In Patterns of Democracy, Lijphart classifies electoral systems into two broad families - majoritarian and consensus democracies. The former elect legislators using plurality systems like FPTP (Canada, the US and the UK) or majoritarian systems (as in France), while the latter use PR systems like MMP (Germany and New Zealand), list PR (Sweden and the Netherlands) or single transferable vote (Ireland). After performing extensive empirical tests, he concludes that those different electoral systems produce very different political cultures. Majoritarian countries tend to have an "exclusive, competitive and adversarial" politics, while consensus democracies are "characterized by inclusiveness, bargaining and compromise" (Lijphart 2).

Lijphart also considers the relationship between electoral systems and women's representation. In his sample of thirty-six democracies, he finds that the percentage of women in parliament is "strongly and significantly related to the degree of consensus democracy" as "women's parliamentary representation is 6.7 percentage points higher ... in consensus democracies than in majoritarian systems". In a paper examining the factors affecting the legislative representation of women, Rule concludes that type of electoral system is the "most significant predictor" of women's representation, with "the party list/proportional representation system provid[ing] the most political opportunity for women" (281). As district magnitude, or number of members elected per electoral district, was found to be a strong predictor of women's representation, it is hypothesized that proportional

systems promote female legislators as parties seek to field balanced candidate slates, while in single-member districts, the necessarily zero-sum game of party nomination contests militates against women's representation.

Finally, and obviously, PR systems like MMP are much better for the representation of smaller parties and, therefore, political and ideological diversity. However, it must be noted that PR systems do not allow for the representation of a great deal more political parties than plurality systems. As Lijphart shows, using the common measure of "effective parties" developed by Laakso and Taagepera (68), the number of parties in the most multi-partisan PR systems, Switzerland and Finland, have only about 2.5 times more effective parties (at 5.24 and 5.03 respectively) than the developed Anglosphere democracies that use FPTP, Canada (2.37), the United States (2.40) and the United Kingdom (2.11) (Lijphart 76-7). Considering that Lijphart also shows that "citizens in consensus democracies are significantly more satisfied with democratic performance in their countries than citizens of majoritarian democracies; the difference is nearly 17 percentage points" (286). Since citizens in PR countries are more satisfied with democracy, it would appear that PR does not mean that governments are forced to adopt "fringe" policies foisted upon them by smaller coalition partners.

#### e) Relevant aspects of Island political culture

Finally, before discussing the electoral reform process in that province, it is instructive to make some salient points about the political culture of PEI. First, it is important to note that PEI is both Canada's smallest and least populous province, with an area of less than

5,500 km<sup>2</sup> and fewer than 100,000 voters. Because of its relatively small size and population, political discourse on the Island has a certain intimacy that cannot be approximated in larger jurisdictions. By this, I mean that it was easier for Island residents, by virtue of living in Canada's most densely populated province, to engage in face-to-face discussion of the issue with their fellow citizens. Also, the Island's small size meant that public debate was unfolding in was occurring in a media landscape characterized by a small number of outlets. On PEI, there are only two daily newspapers, three weeklies (one *en français*), a handful of commercial radio stations and CBC radio and TV to cover local news.

Also, an important factor was that the plebiscite was a stand-alone electoral event, not linked with any other regularly scheduled election. This had affected the intensity of media coverage of the issue, as it was one of the most important political events in the province at the time (if not the most important, judging by the media coverage and the amount of space devoted to letters to the editor on the in the Island's print media).

Finally, PEI's political culture has been characterized as "traditionalist" (Adamson and Stewart) and "marked by the dominance of the Liberal and PC Parties" (Cousins 2004: 283). However, it has often been observed that Island political parties exhibit "little explicit ideology", which might explain why Island politics has often been likened to a "blood sport" (Milne 59-67). Finally, it is often observed that partisan orientation on PEI is more fixed than in other provinces, such that it has been seen as an ascribed characteristic at birth, like one's religion (MacDonald 21). While it has been argued that partisan attachments in the Maritimes might be weakening (Adamson and Stewart 309; 318), reflected in PEI by the fact that in "recent elections have seen wider haps between the popular vote of the two leading parties than was usually the case in the past" (Cousins 2004: 283), in my experience as a

member of a political family on PEI, partisan affiliation is often perceived as a “matter of heredity” (Adamson and Stewart 309). For example, because of my father’s history as a Liberal candidate and activist, I was publicly identified during the electoral reform campaign by the Island Liberal leader (and likely other observers) as a partisan Liberal, even though I have never been a member of that party, either on PEI or any other province. Even if partisan attachments in PEI are weakening as voters become younger, more urban and educated (Adamson and Stewart 318), it is evident that they are less fluid than in other provinces. Certainly, Island voters are much less likely to vote for third parties, as in every Island election in its history, the two largest parties combined have received over 90 per cent of the votes (the high total for third parties was during the 2000 election where the Island New Democrats earned just over 8 per cent of the vote).

f) The emergence of electoral reform on the Island’s political agenda

As noted briefly above, the electoral system of Canada’s smallest province has recently (1996) seen its electoral system change from a dual-member plurality system to the first-past-the-post or SMP system currently used for all provincial elections. This was in response to a court ruling that found the pronounced rural bias in the long standing 16 riding electoral map unconstitutional, under the democratic guarantees of Section 3 of the Canadian Charter of Rights and Freedoms.

Proportional representation (PR) as an electoral reform option for Prince Edward Island became more prominent after the results of the 2000 election. On April 17 of that year, Island voters would go to the polls and, in a legislature of 27, elect 26 members of the

governing PC Party on the strength of 58 per cent voter support. The opposition Liberals won only one seat despite getting over a third of the vote and only third party MLA in Island history, New Democrat Herb Dickieson, would be defeated despite his party getting over 8 per cent of the vote Islandwide, the highest ever for a third party. These results would spur discussion in the Island news media, in the legislature and in civil society organizations in the province about the adoption of a system of proportional representation.

Shortly after that election, a citizens' group, Every Vote Counts, was formed to advocate for electoral system change on PEI. According to former PC Cabinet Minister Mitch Murphy, "When [Every Vote Counts] brought it forward, the Premier in particular thought it had some merit and that Islanders should have the chance to express their opinion."

One of the seminal events that brought the issue to elite consciousness on PEI was the December 2000 publication by the University of Prince Edward Island's Institute of Island Studies of a "Electoral Reform on Prince Edward Island: A Discussion Paper" by Andrew Cousins (Lea 4). In that paper, Cousins presents a typology of electoral systems, discusses how a variety of them perform in specific national contexts before recommending MMP as an alternative because it "preserv[es] the single-member constituency system while injecting an element of proportionality" (sec. VI.I).

The attractiveness of electoral reform as a solution to the problem of ineffective oppositions, like the one elected in the 2000 election, was likely enhanced by the trend of similar results in the Island's recent electoral past. Under the old dual-member system, the 1989 and 1993 PEI elections saw the then-opposition PC party reduced to caucuses of two and one members respectively, while getting at least 35 per cent of the vote each election. Obviously, such a small parliamentary opposition poses problems for good government. In

addition, such lopsided results also pose questions about representation, when such an important proportion of the voting public is so clearly under-represented. As Harry Baglole, history professor and then-director of University of Prince Edward Island's Institute of Island Studies, wrote in the introduction Cousins' article:

There is good reason to believe that one-sided elections will continue to be the norm. This is largely due to the increasing influence of the media and political advertising, so that people tend to vote across the Island as one constituency. Another contributing factor is the decline in traditional party loyalties. With these considerations in mind, more and more Islanders, in Letters to the Editor of local newspapers and through other means, have begun to suggest the possibility of some rather fundamental changes to our electoral system. In particular, it has been proposed that the Island should give thought to adopting some form of Proportional Representation, a method of election that has become the norm in democratic societies in Europe, and most recently also in New Zealand and Scotland.

Cousins' strong case for PR concludes with a "suggest[ion] that Prince Edward Island would benefit from applying an element of proportional representation to its electoral system ... [which] would ensure that PEI's democracy is not weakened by the long-term absence of an effective opposition in the Legislature — a state of affairs that has become the rule, rather than the exception, since the late 1980s" (sec. I). He argues that changing voting patterns on PEI meant that voters appear less fixed in voting for their traditional parties. The difference between the popular vote of the two largest parties is now likely to be in the order of 10 to 20 percentage points, rather than the traditional 1 to 10 points. As Cousins writes, "this gap is large enough that, working with the peculiarities of the plurality system, it produces huge shifts in the numbers of seats parties hold in the Legislature — shifts that in no way reflect the actual change in the popular vote" (sec. V.I). He concludes that adopting a proportional voting system like MMP would "dampen the disproportional effects of small shifts in the

popular vote, while allowing PEI's political culture to respond to long-term changes in politics and society, such as the development of new political parties” and would have the additional benefit of the Island “set[ing] an example” in reforming a “seriously flawed” single-member plurality electoral system used throughout North America (sec. I).

The Island legislature would take action on the issue later in 2000 by instructing the special Legislative Committee to consider proportional representation when conducting a review of provincial electoral law. In April 2001, the Special Committee on Elections Act, chaired by government MLA Jim Bagnall, recommended “a review of the systems of proportional representation presently in existence in other jurisdictions [with] particular attention ... paid to jurisdictions of reasonably comparable geographic size and population to Prince Edward Island”.

Nearly a year later in April 2002, Elections PEI would present a 29-page report (including appendices) to the legislature. On the first page, the report notes “the immense amount of material written on the subject of proportional representation” (1) but proceeds to present it in problematic manner, making little reference to and showing little understanding of the academic literature on the subject. The report contains a rough typology of proportional electoral systems and presents three illustrative models of different MMP systems but does so in a way that would not be understandable to readers with little understanding of comparative politics. The report contains a statistical analysis of the world electoral systems, noting that 124 of the world’s countries use PR systems and “at least 120 different systems of PR” as well. It further notes that smaller jurisdictions are less likely to have PR voting systems, as only 23 of the 55 countries with less than 500,000 citizens use a form of PR. The report does not consider historical factors, such as the legacy of British

colonial institutions, with are likely to explain that correlation.

There are more important problems with the report Elections PEI presented to the legislature. The lack of historical perspective is evident when PEI's MLAs were, without citation or justification, told that electoral systems reflect strongly-held values, noting that "each country, before using a PR system, has adopted different aspects for their particular use". As we have discussed, electoral change is historically a product of elite consensus, not popular will or underlying value orientations. But even more problematic is Elections PEI's interpretation of New Zealand's experience with MMP in the section entitled "Advantages and Disadvantages of PR and FPTP", again offered with no citation:

Another fact that has upset many electors, especially in [the] 1993 New Zealand election, was the fact that for the first time in over 60 years a coalition government would govern the country. It slowly dawned on the elector that his or her sovereign right to elect the government was replace by negotiations between parties who would form a coalition government (10).

The report does note that PR systems are "highly touted" for increasing women's representation, but tempers that by noting that while Scandinavian countries have more female legislators "in some of the Mediterranean countries the opposite is the case" (9). It concludes by telling readers that "the list of advantages and disadvantages for either system ... could fill books and books with one system pitted against the other and this has and is the case" and "the information is so endless that it becomes quite overbearing". It notes that they are "are unable to make any specific recommendation for one system over another. We know very well how our present system has worked and is working in our Province" (10). Despite their frustration with quantity of information on electoral systems and their endorsement of the current system, noting earlier that PEI's voter turnout is "the envy of many jurisdictions",

the Elections PEI concluded by making only one recommendation, which would guide the rest of the electoral reform process in the province, “that any binding decision for one system over another system should be left to a provincial referendum, precede by an impartial campaign of public education about the issues involved in the choice” (14).

The Binns government would follow up on the report in the November 2002 throne speech with the following statement in the “Electoral Reform” section:

The most important and fundamental right of our democracy is the franchise. It is incumbent upon political leadership to ensure that way in which we elect our representatives continues to be relevant and effective. Therefore, [the] government will appoint an independent commission to consult on and consider Prince Edward Island’s electoral system and accompanying statute and regulations so that it continues to reflect what Islanders require of their legislature (3).

g) The Carruthers Commission recommends MMP

Former PEI Supreme Court Justice Norman Carruthers would be appointed by the government in January 2003 as a one-man commission to study the issue of electoral reform. Carruthers, who would present his final report in December of that year, brought an intellectual rigour, knowledge of the law and an desire to engage the public to the task. Upon the receipt of a three-pronged mandate on February 24 to review Island election law, consider the “impact which District boundary changes ... may have for rural communities” and “determine the relevance of an alternative electoral system, such as proportional representation, for Prince Edward Island”, the Commission placed advertisements in Island newspapers calling for submissions, of which it received thirty-six (2003a: 2, 104-5).

In April, the commission released a 15-page discussion paper to the public, which

presented a rough typology of electoral systems (much improved in comparison to the 2002 Elections PEI report) and an appendix of similar length that outlined four different models of mixed-member electoral systems. This paper was intended to spur discussion in advance of seven public meetings to be held in May and June in “an effort to engage the public in a discussion about the merits of the present electoral system and how it compares with the other major electoral systems in use around the world” (2003a: 3). The levels of public participation at those meetings were low, with only about 180 people attending the seven events and with almost half that number at the first meeting in Charlottetown, an level of attendance the Commission described as leaving “much to be desired”, despite having run advertisements promoting the public meetings (Carruthers 2003a: 7). But the Commission did hear from a relatively representative group of Islanders, including important civil society groups such as representatives from the women’s movement, labour organizations, the Francophone community, political parties and, of course, current and former Members of the Legislative Assembly (MLAs). Finally, it is interesting that Carruthers notes that the majority of attendees at those information/discussion sessions who responded to an exit survey indicated support for some form of PR (2003a: 8-9).

It should be noted that during Carruthers’ year of consultation and deliberation, there was another Island election, which returned another lopsided legislature. On September 29, the Binns government was re-elected with a slightly reduced majority of 23 members to 4 for the opposition Liberals, on a 54 to 43% edge in the popular vote. The push for electoral reform was certainly aided by another election producing a relatively small Opposition in the legislature.

Carruthers’ final report, submitted December 18, 2003, demonstrates significantly more

comprehension of the issues surrounding electoral system reform than the initial report on PR prepared by Elections PEI. It includes a detailed historical review of the evolution of the Island's electoral laws, which relies on Carruthers' legal background to present the legal principles that have driven electoral change in the province, and an instructive discussion of the Island jurisprudence on Charter democratic rights in a chapter entitled "Electoral Reform and the Charter". In its penultimate chapter, the report notes that "no single electoral system ... fits all jurisdictions" but that "one thing that did come across loud and clear at the public meetings was the request to keep District Member of The Legislative Assembly even though their number may be reduced", which would likely explain Carruthers' preference for a mixed-member system that preserves single-member electoral districts (2003a: 83). That chapter concludes with a well reasoned rebuttal to some of the objections made by the earlier Bagnall committee's report on PR, such as uncertainty about the "role of political party organizations in the creation of [party] lists" and whether "list members would be more accountable to the party than to the electorate" (2003a: 86-92).

The report concludes with a well-reasoned series of recommendations for a public consultation process and referendum on the issue of electoral reform. Carruthers specifically recommended a "Prince Edward Island version of British Columbia's Citizens Assembly be used in this province to formulate a question for a referendum in this province", culminating in referendum on a "clear and concise question" to "be held at a time other than during a provincial election". He specifically recommends a "Mixed Member Proportional System along the lines of the New Zealand model" (2003a: 103). As Carruthers explained when interviewed, MMP "seemed to be a fair method of electing MLAs and would give you a Legislative Assembly that would be more representative of the population and should

provide a better opposition”.

While Carruthers’ recommendation for a referendum on a New Zealand-style MMP electoral system would be realized, it is equally important to note that his recommendation for a PEI Citizens’ Assembly would not be fulfilled. Also, there would be considerable delay between when his report was submitted and when the government appointed the Commission on Prince Edward Island’s Electoral Future on February 17, 2005.

#### h) Excursus on the politics of PEI's electoral boundaries

At this point it is instructive to break from the narrative to discuss the politics of electoral boundaries on PEI in more detail, as it was clearly politically linked with the electoral reform consultation process. Until a court decision in 1993, rural voters on Prince Edward Island were severely over-represented in the Legislative Assembly. Before the redistribution that took effect before the 1996 election, the Island’s dual-member districts varied in population dramatically. This is due to the fact that the boundaries of electoral districts were essentially unchanged since they were first drawn in the late 19th Century (the only change was the addition of a second riding in Charlottetown for the 1966 election, bringing the legislature to 32 seats from 30). In practice, this meant that rural districts contained significantly fewer electors than those in urban areas. By 1991, when Charlottetown resident (and future PC cabinet minister) Donald MacKinnon challenged in court the existing electoral boundaries (Sections 147-151 of the Elections Act) of the then 16 dual-member ridings, the three most urban districts (Fifth and Sixth Queens, located in Charlottetown, and Fourth Prince, located in Summerside) all had over 9,500 voters, while

the nine smallest ridings, all rural, each had less than 4,000 electors (MacKinnon v. PEI par. 35). The bias towards rural representation was pronounced and apparent to any observer of Island politics.

In February 1993, the Trial Division of the Supreme Court of PEI, in the case of MacKinnon v. PEI, struck down the existing electoral boundaries and ruled that “in the Prince Edward Island context ... the goal of effective representation does not justify any appreciable lower voter populations in rural areas based on a perceived difficulty to represent rural ridings” (par. 97). PEI’s existing 16-riding, dual-member electoral system was ruled unconstitutional. In that case, Justice J. Armand DesRoches wrote that “there is no question in my mind it is preferable that electoral distribution should be carried out by a nonpartisan, independent boundaries commission”, yet added that “there is no constitutional guarantee for the process by which electoral boundaries are drawn [and that they] need not be drawn by fully independent commissions” (par. 118).

In September of that year, the Legislative Assembly struck an independent boundaries commission to draw a new electoral map for PEI in response to the court ruling. Their report was submitted to the legislature in March 1994 and recommended 30 single-member electoral districts. At that time, some intervenors recommended that PEI move to a proportional voting system, but that was rejected by the commission (Election Act and Electoral Boundaries Commission 19-20). However, the legislature would not accept the committee’s recommendations upon receipt of their report. After extensive debate in the legislature, a private member’s bill, which proposed a 27-seat legislature electing MLAs from single member districts, was finally passed in May of that year. The 1996 election, which saw the incumbent government replaced by the Pat Binns and the Progressive

Conservatives, would be fought under that electoral map; however it would still be challenged in court due to the large discrepancies that still existed between the population size in urban and rural seats, which ranged from almost 20 per cent below the average riding size in eastern PEI to 21 per cent over the average in a riding on the fringes of Summerside in East Prince (PEI Electoral Boundaries Commission 2004b: 6).

In 1995, shortly after the adoption of the new electoral map, it would be challenged in court by the municipal government of Charlottetown, the Island's capital and largest city. The city charged that the new map unconstitutionally underrepresented urban Islanders and that the process used to design the new map, a private member's bill, was unacceptable. Both the Trial Division of the PEI Supreme Court (in December 1996) and its Appeals Division (in April 1999) rejected those claims. In a 2-1 decision at the Appeals Division, Justice Carruthers, writing for the majority, rejected the arguments that the existing boundaries were unconstitutional, writing that "reasonable people applying the appropriate principles could indeed have established the electoral boundaries in this province as they now exist" (Charlottetown v. PEI 1999: par. 57) and deferred to the electoral map passed by the legislature in 1994. A leave to appeal to the Supreme Court of Canada was denied in December of that year, ensuring that the existing electoral boundaries would be used until the next boundary revision, now required by statute every after every third election.

The statutory requirement to revise the Island's electoral map began in January 2004 with the appointment of PEI Electoral Boundaries Commission, comprised of Chair Justice John A. McQuaid (of the PEI Supreme Court, Appeal Division) and Commissioners John Mitchell, Q.C. and Roberta Hubley. Before releasing an interim report in June 2004, that group held six public meetings (two which did not hear any presentations) across the

province and received presentations from nine individuals (PEI Electoral Boundaries Commission 2004b: Appendix B). During that period, they would also receive thirteen written presentations (PEI Electoral Boundaries Commission 2004b: Appendix C).

Before presenting the legislature with a final report on October 5, 2004, the McQuaid Commission would hold another round of public consultations. There would be more considerably more interest in their public consultations once intervenors had a interim map to criticize. The Commission held four public meetings, which saw 29 presentations, of which ten were from Liberal or PC district associations. The Island's political class' interest in the boundary revision was also reflected in the written submissions received between the McQuaid commission's interim and final reports. They would receive 37 written submissions, of which eight were from Liberal or PC district associations and two were from sitting MLAs (PEI Electoral Boundaries Commission 2004b: Appendix C).

Reading between the lines of the Commission's final report, it is clear that many intervenors from rural Prince Edward Island were arguing for the continued over-representation of rural Islanders. That report notes that in their second round of consultations, many presenters referred to the recent jurisprudence on PEI's electoral boundaries to support "the maint[enance] of the status quo or the creat[ion] of more electoral districts". The McQuaid Commission was "unable to agree that the courts have accepted that purpose of the variance of plus or minus 25% (in the PEI Election Act) is to allow for the over-representation of citizens who live outside the four large municipalities ... if this was the intent of the Legislature, if this is the purpose of the variance, and if this is the plain meaning of the section, it is unconstitutional" (2004b: 6). Consequently, the final electoral map proposed by the McQuaid Commission in October would have largely equalized the

populations between urban and rural districts. With the exception of the francophone majority district of Evangeline-Miscouche (which would be almost 19 per cent less than the average riding size), all the other districts would be no more than 10 per cent larger or smaller than the average riding size (PEI Electoral Boundaries Commission 2004b: 2-3). As the Commission argued, it is unlikely that that electoral status quo would be constitutional:

The initial variances in 1994 ranged from minus 19.92 per cent to plus 21.10 per cent. Now, only ten years later, variances range from minus 26.68 per cent to plus 37.47 per cent. It is unlikely that this rapid and continuing dilution of the right to vote of each individual citizen living in those electoral districts where the number of electors is the highest will be permitted to continue. Furthermore, any revision of the boundaries which would result in unacceptable deviations in another ten to fifteen years may also be found by the courts to violate s. 3 of the Charter (PEI Electoral Boundaries Commission 2004b: 6).

At this point, it is crucial to note that the PEI government did not respond to the McQuaid report during 2005, while the Commission on PEI's Electoral Future was assigned its task of drafting an MMP model for PEI. This is significant because the unresolved issue of urban and rural representation in the Island legislature was festering throughout that process. As such, it became much more likely that concerns about rural representation would become salient during the debates over proportional representation.

Finally, the political nature of the debates surrounding the Island's electoral boundaries would come into focus in 2006. Shortly after the defeat of the electoral reform plebiscite, on December 8, 2005, the Binns government, rather than accept the McQuaid Commission boundaries, proposed a six-member Special Committee on Prince Edward Island's Electoral Boundaries to review the recommended electoral map and consult with the public.

Ultimately, the Liberal opposition would refuse to participate in that Committee, criticising it, in the words of Liberal MLA Richard Brown, as a government attempt to “gerrymander their districts for their own political advantage” (Hansard 858). He further argued that electoral reform process was started as an attempt to delay the discussion of new electoral boundaries so as to prevent the next election from being held under a new electoral map (Hansard 860).

The Special Committee, now comprised solely of four government members and chaired by MLA Jim Bagnall, would report to the legislature on May 4, 2006, after receiving 38 public submissions. Again ignoring protests from opposition MLAs, the committee would recommend that Elections PEI be tasked with drawing another electoral map, with instructions to craft districts that allow for a variance of 15 per cent above or below the population of the average electoral district. As government backbench MLA Cletus Dunn said during debate on the committee report that day, “[the McQuaid Commission] tried to get everybody as close to zero [variance] as possible, most districts. We felt we should have had more flexibility in the districts by going to 15 per cent [variance from the average district size] rather than trying to get to zero” (Hansard 2421). From those comments, it should be clear that government MLAs rejected the McQuaid report’s contention that an electoral map that systematically over-represented rural voters would be unconstitutional.

However, the recommended map, prepared by Elections PEI (even though Chief Electoral Officer Lowell Croken called the request “very unusual”) and submitted to the Speaker of the Legislative Assembly on June 9, 2006 and released to the public on June 14 would be promptly criticised by many government members. During an unprecedented summer session of the PEI legislature, the Elections PEI map would be rejected by MLAs.

While beginning the debate on electoral boundaries on June 27, Premier Pat Binns made it clear that the government was concerned with preserving rural representation in the rural Eastern and Western parts of the Island, telling the legislature that “to me and members of my caucus, this fate - the fate of rural Prince Edward Island losing representation in this House - was unacceptable” (Hansard 3297). Binns would also argue that the under-representation of urban voters could be justified by the presence of municipal governments in urban areas, giving them “more than one influence on the democratic process at the provincial level” (Hansard 3298-9).

In response, the leader of the Opposition, Robert Ghiz, argued that the electoral boundary revision was primarily driven by political interest:

The level of political self interest displayed by this Premier and this Conservative Party during this endless process has been the truest indication of this government’s real pre-occupation, and that is themselves. Every other jurisdiction in Canada relies upon an independent commission to draw up its electoral boundaries on a regular basis and they do so for a good reason. As the Honourable Justice John McQuaid wrote in 2004: we believe it is essential for the integrity of the electoral process that commissions remain independent. As this commission is the first independent body to review the boundaries of the electoral districts in this province under the provisions of the Electoral Boundaries Act, it remains to be seen whether the Legislative Assembly will respect ... this hallmark of independence or choose to depart from the practice in other jurisdictions (Hansard 3299).

Ghiz would continue to criticise the government for styling itself as defenders of the rural interest through the debate on electoral boundaries while remaining silent on the reduction of government services in rural areas (Hansard 3300). To indicate their opposition to the consideration of electoral boundaries by the legislature, the Opposition would walk out of the chamber for the rest of the debate. In their absence, the government members would

finally adopt, on June 28, a third electoral map, proposed by Dunn, designed by former Chief Electoral Officer Merrill Wigginton and paid for by Dunn's electoral district association.

This excursus makes clear how politicized reform of the electoral system has been in recent Prince Edward Island history. This is important because the 2005 electoral reform campaign, which we will discuss in the subsequent section, must be seen in this highly political context. Because, as Thompson writes, legislatures normally have jurisdiction over electoral rules (and had complete sovereignty over them in Canada before the advent of the Charter), they face a fundamental conflict of interest when it comes to evaluating the electoral rules that have allowed them to take office:

The choice of electoral systems and their reform has most commonly been left to legislatures. This is historically understandable, but ethically odd. Like members of most institutions, legislators generally approve of the mechanisms by which they were selected. Electoral reform is less likely to receive consideration on its merits if those who are deciding whether to undertake it are the same as those whose electoral future it would determine. A prudent principle of constitutional design is that decision about rules that affect who is elected should not be controlled by individuals who have a preponderant interest against (or for) change in the membership of the institution in question (23-4).

The preference of elected politicians for the electoral status quo was confirmed empirically by a survey of legislative candidates from four countries conducted by Bowler, Donovan and Karp. Their research found that "once in power, politicians may develop a great deal of positive affect for current institutions and a resistance to change; regardless of whether or not their party is part of government or opposition." Their study concluded that "candidates who win, from government and opposition parties, appear more similar in their views about change than candidates who lose" as "winners become invested in, or at least

attached to, the rules that made them winners” (444).

i) The Commission on PEI's Electoral Future

As mentioned before the excursus, the Binns government did not take action on Carruthers' report until February 2005, when it appointed the eight-member Commission on Prince Edward Island's Electoral Future. The Commission chaired by Leonard Russell, “a retired teacher and former Superintendent of School Unit 2 ... an active community volunteer [with] a strong background in public education” (“Appointments announced to the Commission on Prince Edward Island’s Electoral Future”), who was appointed by the legislature’s Standing Committee on Legislative Management. Another four members were appointed by the same committee, one for each of the Island’s four federal electoral districts, in response to a public call for participation in the electoral process. The remaining three members were named by each of the three political parties “registered with Election PEI for the 2003 General Election” (Commission on PEI’s Electoral Future 2005g: 4). According to the December 14, 2004 motion that established the Commission, they were to “develop and conduct a public education program”, “develop a clear and concise plebiscite question” and recommend the date for a plebiscite (Commission on PEI’s Electoral Future 2005g: 4).

The Russell Commission’s final report provides a detailed report of the activities they undertook to fulfill their mandate. Until their final report would be submitted on October 28, the Commission would hold 24 meetings to plan their work. Their first public event would be on May 27th, when they would hold a press conference to release an MMP proposal to be considered as an alternative to first past the post. This event was followed, on June 15, by a

public panel discussion featuring Justice Carruthers and off-Island experts, which was attended by about 100 Islanders (Commission on PEI's Electoral Future 2005g: 5-7).

The MMP model released by the Commission on May 27 proposed keeping the legislature at its current size of 27 members. The number of local districts would be reduced to 17, four from three of the Island's federal ridings and five from the Egmont federal riding, recognizing the distinct Francophone community of interest in that riding. Of course, this would leave ten members to be elected from closed party lists. The proposed MMP system would have two ballots, one for a local candidate and a second for a political party (and their candidate list). The Commission made the point of making several suggestions regarding list candidates, notably that candidates be permitted "dual candidacy" (offering their name as both a district and a list candidate), that party lists "reflect the population of the province", "that the nomination process to determine the party list be open to all party members" and "determined at a convention open to all party members". The threshold for granting list seats was set at 5 per cent of the popular vote on the party ballot, while the Commission recommended that the threshold for adopting their recommendation be a simple majority of 50% + 1 of votes cast. Finally, the Commission recommended that, if adopted, MMP should be "monitored and/or evaluated as experience using the system is gained", perhaps at the same times as the electoral boundaries review occurring every three electoral cycles (Commission on PEI's Electoral Future 2005f).

Over the summer months, the Russell commission hired a local communications firm to develop a communications strategy and materials to fulfill the educational components of their mandate (Commission on PEI's Electoral Future 2005g: 7). In addition, they would launch a website ([www.electoralfuture.pe.ca](http://www.electoralfuture.pe.ca), now located at

<http://www.electionspei.ca/electoralfuture/>) where citizens could learn about their work and submit comments. This would serve as one of the main communications channels used by the Commission. At this point, it was decided that the Commission would hold a series of public meetings in the Fall to engage Islanders in their work, inform them about their proposed MMP system and allow for feedback on that model before their final recommendation. According to Russell, “we wanted to ensure there were a sufficient number of public meetings held across the province so that no one could argue that they weren't able to get to a meeting.” To that end, one meeting was scheduled “at each senior high school in the province to ensure that all Islanders would have an opportunity to attend a meeting at a site central to their place of residence and in a location with which they were familiar”.

Over the summer, the Commission also prepared a series of brochures for the purposes of public education. Their main piece, entitled “Answers about our Electoral Future in Prince Edward Island”, was mailed to all Island households in early September. The pamphlet (also made available in French), in question and answer format, explained why Commission was formed and listed its members. It also briefly explained their proposed MMP system and gave a balanced description of the pros and cons of MMP and first-past-the post. Finally, the brochure addressed head-on two specific issues related to the MMP - the representation of women and the list candidates. For the latter, in response to the question, “Wouldn't the list 'candidate' approach give political parties more power?”, the brochure stated that it would be in parties' self-interest to “ensure that their candidate lists reflect the make-up of the population of the province” and that “by influencing results for district candidates and also for party representation through the popular vote, electors will have more control, not less”. It concluded with a list of the the times, dates and locations of the Commission's public

meetings (Commission on PEI's Electoral Future 2005a).

The Commission prepared five additional pamphlets that addressed specific aspects of their proposal, which were made available through their website, at public meetings, Access PEI sites (the provincial government's regional service centers) and upon request from their office. The first pamphlet, entitled "Proposed Mixed Member Proportional Model for Prince Edward Island", described in detail their recommendation, including the technical details of the model, the plebiscite question and threshold (which as we shall see would be changed) and their recommendation for continued evaluation of MMP, if adopted. The second brochure, "How are the List Candidates elected in a MMP system?", addressed in more detail that issue, which would become contentious during the campaign. The brochure told voters that list members would have the same voting rights as other MLAs and that "literature on MMP systems suggests that list candidates will have a broader perspective and might campaign on province-wide issues". It also explained the d'Hondt method for allocating the list seats and directed readers to their Commission's website, where they created a "d'Hondt calculator" application, which allowed voters "to see how various combinations of district and list seat election results would result in the assignment of seats". The next brochure, called "Characteristics of FPTP and MMP", consisted of a brief description of the two electoral systems and an accurate and balanced list of characteristics of the two systems. The fourth brochure, "Women in Politics", discussed the history of women's participation in the Island's legislature. It noted that Island women have been historically underrepresented in the halls of power, explaining that only (at that time) only 18 Island women (who together won 43 elections) have served as MLAs and that the proportion of female MLAs has never been more than 25 per cent (as it was in the 1993

election). The final brochure, “Electoral Reform in Prince Edward Island”, told the history of electoral reform in the province through a chronological timeline of the changes made to the province’s electoral laws. These five brochures were bilingual, English on one side and French on the reverse.

While the brochures prepared by the Russell Commission synthesized a considerable amount of information in a balanced manner, their materials were criticized for presenting the material in a manner that would not be accessible to many Island voters. In a letter to the *Journal-Pioneer*, Ray Doiron and Catherine O’Bryan of the PEI Literacy Alliance faulted the Commission for distributing a brochure (“Answers about our Electoral Future in Prince Edward Island”) that “as many as 42 per cent of Islanders are not able to understand” due to complex terminology and poor layout and graphic design. They write that the “25 per cent of Islanders [with] very low or no reading ability” require information “in plain language and a format that more people can read”, otherwise “many thousands of Islanders will be disenfranchised simply because they have not understood the information they need to make an informed decision”.

The twelve public meetings organized by the Commission occurred between September 12 and October 18. Of those meetings, two were held in French (at the Island’s two French-language high schools). Audio recordings were made of the meetings and placed on the Commission’s website. Generally, the meetings consisted of a presentation by Russell, which described the proposed MMP system in detail and contrasted it with the existing first-past-the-post system. After the presentation, the floor was opened to questions and debate from the public. According to the Commission’s final report, those meetings were attended by 763 members of the public (25). In addition, they spoke at another seven meetings

organized by private individuals or groups (Commission on PEI's Electoral Future 2005g: 10). Russell was generally pleased with the level of public participation and believes that those who attended the public meetings left with a understanding of the differences between the two electoral systems, stating in an interview that "I think the people who came to the meetings came home with a pretty good understanding of the differences, although that didn't mean that they were all resting easy with their understanding."

Before their final meeting in Charlottetown, the Commission met to consider the input received at the public meetings and made one small change to their proposal. In response to public comments, the Commission "was persuaded that **dual candidacy** should not remain as an option in the proposed Mixed Member Proportional model" (Commission on PEI's Electoral Future 2005g: 10). This change in the proposal was made public in an October 14 press release and subsequently publicized in newspaper advertisements (Commission on PEI's Electoral Future 2005g: 11). It should be noted that the Yes on MMP Coalition, in Mark Greenan's name had made a submission to the Commission recommending that dual candidacy be preserved in their model, noting that "no jurisdiction currently using MMP bans dual candidacy and that to do so would likely make it very difficult for smaller parties to field quality district candidates, as it is unlikely they would win district seats but are quite likely able to elect list candidates". In addition, the coalition expressed concern that "if the model were to be changed, the valuable work your group has done in educating Islanders on the particularities of the model would have to be repeated, we believe to the detriment on public education and debate on electoral reform". Finally, some intervenors at the Commission's public consultations, including those who would later organize against the MMP proposal, recommended that the Commission change its proposed model to a semi-

proportional mixed-member electoral system; however, as Russell noted when interviewed, “the commission never had the luxury of looking at other electoral methods”, as their mandate clearly called on them to recommend a mixed member *proportional* system for PEI.

As discussed, the date (October 14) when the Russell Commission finalized their proposed MMP system should be seen as the end of the decision-making phase of the PEI electoral reform process. After a short discussion of the academic literature on MMP, we will then discuss the campaign phase of the plebiscite.

#### j) The plebiscite campaign

Now we will discuss the dynamics of the plebiscite campaign in Prince Edward Island. As we saw, the Commission on PEI’s Electoral Future did not finalize its proposed MMP system until mid-October 2005. However, the campaign to support its recommendation had already been organized for over a month. In early September of that year, a variety of Island groups and individuals would be brought together by the PEI Division of the Canadian Union of Public Employees (CUPE). At that first meeting, the group would adopt the “Yes on MMP Coalition” name and select Mark Greenan to serve as coordinator for the group. The organization was comprised of leaders from the Island New Democrats and the newly-formed Green Party of Prince Edward Island, members of the Island labour movement, feminist groups and other interested individuals. Later in the campaign, francophone groups, including the Société Saint-Thomas-d’Aquin, the most important francophone organization on the Island, and the Association des femmes acadiennes et francophones de l’Île-du-Prince-Édouard, would support the MMP proposal. While they would not formally launch

their campaign until late October, coalition members started fundraising and organizing around the Russell Commission's public meetings in September.

The PEI Advisory Council on the Status of Women would be the first Island civil society organization to publicly endorse the proposed MMP system in late September. Advisory Council chair Kirstin Lund encouraged Island women to vote Yes, calling MMP “part of bringing political power within the reach of more women” and a “means to make diversity and equity part of the [political] process” (Ryder 2005d). The Council also prepared two informative and well-researched documents - a one-pager and a more detailed 8-page primer on MMP - to highlight how MMP could improve Island political life for women. In the longer piece, the Council argues that the first-past-the-post system promotes “pothole politics” to the detriment of issue that matter to female voters, asking rhetorically if “our electoral system contribute[s] to making it difficult to get affordable childcare”. Recognizing that the current system allows MLAs to claim a “personal” mandate from the community, they argue that this local means that “the current electoral system is good for addressing local, critical issues”. On the Island, this means that the status quo “is good for getting potholes filled - particularly if the party your district elects is in government!” as politicians have “lots of incentive to fix local problems”, like the quality of roads in their district. However, the Council argues that “issues of concern to women are spread across the Island”, like the maternity benefits, family law legal aid and early childhood education. Noting that family violence affects more than one thousand Island women, they argue that because “those affected are spread out over 27 electoral districts ... it's hard for politicians to see those women as crucial to their re-election campaigns” (PEI Advisory Council on the Status of Women 3).

The aforementioned Yes of MMP Coalition officially launched its campaign on October 25 with a press conference in Charlottetown. Described in the media as comprised of “labour, feminist and activist groups”, the Coalition was represented at the launch by Greenan, Lund and Carl Pursey, president of the PEI Federation of Labour. At that event, Lund stressed the benefits for female voters discussed in the previous paragraph, while Pursey highlighted that the grassroots of the Island labour movement has been pushing for proportional representation for years. Indeed, the Carruthers Commission’s final report noted that both the Federation of Labour and CUPE had presented briefs supporting proportional representation (2003a: 99). Greenan stressed that most new democracies choose some form of proportional representation and argued that MMP would promote a more consensual governing style stating that “under [MMP] you’re probably going to see people recognize that their [political] opponents have more in common than they would admit under the current system” (Ryder 2005a).

On the same day, following a Cabinet meeting, Premier Pat Binns, as reported by *the Guardian*’s Wayne Thibodeau, “raised the bar of support needed” to enact MMP (2005a: 1). Rejecting the recommendation of the Russell commission for a simple majority threshold, Binns said that his government would only adopt MMP should it receive 60 per cent support provincewide and a simple majority in at least 60 per cent of electoral districts (at least 16 of 27 districts). He cited the motion that created the Russell Commission which asked them to “ensure that definition of a ‘majority’ response to a plebiscite fully reflects the diversity of Prince Edward Island, with consideration given to the approach taken in British Columbia” (Commission on PEI’s Electoral Future 2005d: 4). The decision was immediately criticized by Russell who expressed disappointment and noted that there is no precedent in Island

history for such a threshold, calling it “arbitrarily high” (*Journal Pioneer* Oct. 26: 3). In a later interview, Russell would say that “the fact that the same government that asked us to do the job, then put that threshold in at the last minute, leads me believe that was done to achieve an end and my guess is that the end was achieved.” In a relevant aside, this author responded to a telephone poll earlier that month which included question about the plebiscites. Judging by the number of questions in the survey, it is likely that it was commissioned by the government or the PC party. Commission members Russell and Brown had both heard rumours of such a poll, although we can only speculate on how that might have affected the threshold decision.

Predictably, the Yes on MMP Coalition was also critical of the threshold. Greenan called it “undemocratic” and noted that the last plebiscite on PEI, on building a fixed link to the mainland, was passed with less than 60 per cent support (Thibodeau 2005a). Ironically, the government of PEI was prepared to build a multi-billion dollar piece of infrastructure (the Confederation Bridge to New Brunswick) with a lower level of support in a plebiscite than it would take to change the voting system, which of course can be changed at any time by a simple majority vote of the legislature. The threshold decision would also be criticised by the two registered parties not represented in the Island legislature, the Green Party of PEI and the Island New Democrats.

The previous week, the provincial government made another announcement related to the plebiscite that would prove controversial. Citing budgetary restrictions (the Island government was in deficit at that point), the government decided to dramatically reduce the number of polling stations in each district. As reported by the *Journal-Pioneer*, rather than the normal average of twelve polling stations per district, it would be reduced to two or three,

which would save the government \$280,000 (Brown 2005a). This would draw criticism from supporters of proportional representation. President of CUPE PEI, Donalda MacDonald suggested that the government's actions indicates "very clearly that they want to defeat the proposed changes" and that the reduction of polling stations would make it harder for voters to exercise their franchise, particularly "seniors, young voters and low-income families, all of whom are among those who have the most to gain under the new system" (*Guardian* Oct. 21: A4). Opposition leader Ghiz would also criticise the decision, stating that if saving money was the goal the plebiscite could have been held in conjunction with another election, whether municipal, for school boards or the next provincial election (*Guardian* Oct. 21: A4).

There was to be another departure from normal electoral practice that would prove to affect the results of the plebiscite. It was decided that the plebiscite would not use the existing voters' list, which meant that prospective voters would have to answer a series of questions, essentially affirming that they were eligible to vote in the district in question and had not already voted (McKenna 60). In practice, this would slow down voting as poll workers had to get every voter to confirm, with their signature, their eligibility before casting their vote.

At the end of October, the campaign opposing the MMP proposal, using the name "No to the MMP Proposal Coalition", was launched. That group, comprised entirely of known supporters of the Liberal and PC parties, noted that it was, in the words of spokesman Ivan MacArthur, "not necessarily defenders of the status quo ... but [of] the basic view that this proposal is perhaps not an appropriate fit for the Island". In the press release announcing the group's formation they outlined several criticisms of the MMP proposal, notably "a shift from a majority government culture to a minority government culture" and the reduction of

“the representation of Island communities through electoral districts”. Finally, the group criticised the electoral reform process saying that it “does not appear to have been a grassroots effort to capture and reflect the concerns and hopes of Islanders”. They suggested that “following a ‘No’ vote, the dialogue among Islanders with respect to future electoral reform should continue ... [with] and inclusive process to determine next steps towards electoral reform” (*Guardian* Oct. 31: A3).

The final event in the campaign that is worthy of discussion occurred at a November 8 breakfast meeting hosted by the Charlottetown Chamber of Commerce. The event organizers invited a four-person panel to discuss the MMP proposal and representatives of the Island’s four registered political parties to discuss how they would address the issue of selecting their list candidates, which had been a contentious issue, drawing much ink the letters page of local newspapers since the Russell Commission’s recommendation was made public. At that event, Carruthers, who was one of the invited panelists, harshly criticised Premier Binns for his recent decision to increase the threshold from a simple majority. As reported in the *Guardian*, Carruthers explained that “there is no precedent in this province that I am aware of that calls for such a high percentage” and asked if the government was “scared that the people may want some change?” (Thibodeau 2005e). Regrettably, Carruthers’ criticisms became the story the Island media from that event and, as a result, readers of the Island’s most popular newspaper did not learn until a November 26 opinion column that, at that meeting “all parties indicated they would have an open, transparent, provincewide nominating convention where all the party members will vote for the names that go their list” - as recommended by the Russell Commission (Holman). In addition, the parties expressed openness to establishing selection rules to allow for regional and gender balance in their

candidate lists, subject to approval from their membership. As Russell Commission staffer Blair Weeks noted, it was disappointing that information was not communicated to voters, particularly considering that the issue of list candidate selection, as we will see, had become such a point of contention during the campaign.

k) The Yes on MMP Coalition message and tactics

This section will discuss, in more detail, the strategies and messaging of the Yes on MMP Coalition in the PEI electoral reform plebiscite. As mentioned above, the groups that came together to support the Russell Commission's recommendation could be fairly termed as a coalition of "labour, feminist and activist groups" (Ryder 2005a). From the start, there was little support for the MMP recommendation from supporters of the Island's two dominant political parties. Not surprisingly, the campaign received strong support from members of the Island New Democrats and the nascent Green Party of Prince Edward Island. This would prove problematic as opponents of MMP, including former MLAs "who should know better" according to Carruthers, would be quick to argue that electoral reform would be primarily be to benefit those parties. This sentiment was echoed by Murphy, who said that "[some] people like to attach themselves to a cause which they might genuinely feel is just, but the fact that they've attached themselves to a cause and because of their previous associations with different things that have gone on in the province, it actually ends up hurting."

During the two-and-a-half months leading up to the plebiscite, the Yes Coalition would be able to raise and spend just under \$40,000, largely from labour organizations and electoral

reform supporters, both on- and off-Island. This would allow them to have enough resources to send place bright yellow “Vote Yes on Nov. 28” signs across the province, pin buttons on the lapels of supporters, mail a flyer to every Island household and, thanks to a late influx of donations, run some radio ads promoting a Yes vote. In addition, the group would organize a series of media events highlighting various aspects of MMP and the range of supporters of MMP, such as women’s groups, labour organizations and youth.

The Yes campaign would also organize visits from electoral reform supporters from the rest of the country and all sides of the political spectrum, like Troy Lanigan, national communications director for the Canadian Taxpayers’ Federation, and Senator Hugh Segal on the right, Green Party of British Columbia leader Adriane Carr in the centre and Council of Canadians founder Maude Barlow on the left, to illustrate the broad based support for electoral change. Finally, the MMP campaign would solicit letters of support from prominent electoral reform supporters to place in the Island newspapers, such as former NDP leader Ed Broadbent, feminist icon and former UPEI chancellor Doris Anderson and Krist Novoselic, the bass player for 90s rock superstars Nirvana (which, with the exception of a piece by Globe columnist John Ibbitson, would be the only time the PEI electoral reform campaign would merit a mention in a national newspaper). Predictably, the opponents of MMP criticised the “come-from-aways” for inserting themselves into the debate. Former provincial treasurer Pat Mella, spokeswoman for the No campaign, told that *National Post* that “ it’s a little condescending to have this group bringing in these so-called experts to tell us poor unknowing Islanders how we should decide things” (Mandel).

The Yes Coalition campaign strategy centered on earned media. Due a paucity of volunteer labour, reform proponents were unable to undertake most of the aspects of a

traditional political campaign, such as door-to-door or phone canvassing. While it did some of the former in the Island's two largest cities, Charlottetown and Summerside, pro-MMP campaigners only reached a small fraction of Island voters that way. In particular, the campaign was very weak on the outside of urban areas, which as we will see, was reflected in the plebiscite results.

The campaign's essential message is captured in the aforementioned flyer, a single 8.5 x 11" sheet of glossy yellow paper, that was sent to every Island home. Folded in half, the front of the piece consisted of the campaign's slogan "Islanders deserve better", a graphic of a ballot box with "Nov. 28 - Vote Yes" on it and the subheading "Make elections make sense!". Prepared with the input of the coalition members and Larry Gordon, executive director of Fair Vote Canada, the inside of the brochure answered three questions: "What's wrong with our voting system?", "Why should Islanders say 'yes' to a new voting system?" and "What are the benefits of the MMP system?"

In response to the first question, the Coalition told voters that "a good voting system ensures every voter is equal, every vote counts, and that majority wins the right to form government" and that the existing system fails in that regard by "distort[ing]" election results, "creat[ing] false majority governments", underrepresenting voters supporting opposition parties and producing a "legislature that does not reflect the diversity of the Island population". This was accompanied by a table showing the results of the last four PEI provincial elections.

The coalition called on Island voters to say 'yes' to MMP because it is "more effective, more representative, and more democratic" by ensuring "the proportion of seats held by a party would closely match the proportion of voters who support it". The brochure listed four

benefits of the MMP system. First, it argued that MMP would give voters “more choice” by allowing them to “choose the best local candidate” and “choose which party they would like to see form government”. Second, it asserted that “election results would be fair rather than distorted” as parties would “neither more nor less [seats] than the voters wanted them to receive”. Third, it addressed the issue that put proportional representation on the Island political agenda, stating MMP would ensure that “the government would always face a real opposition”. Finally, the brochure argued that MMP would ensure a legislature that “better reflect[s] the Island population”, as “parties will learn that candidate lists with good balance of candidates - in terms of gender, ethnicity and rural/urban candidates - attract more votes”.

The final panel of the brochure reproduced a table created by the Law Commission of Canada for their “Voting Counts” report, which recommended MMP for Canadian federal elections, which compared MMP and FPTP on ten different criteria. It concluded with another message used by the Yes Coalition that Island voters could “lead the way” by becoming the first province in Canada to move to proportional representation (at least for the last-half century). It tied that fact to the Island’s role as the “Cradle of Confederation”, telling voters that “the birthplace of Confederation can become the birthplace of Canada’s new 21st-Century democracy.”

#### 1) The No to the MMP Proposal Coalition

As discussed above, the No to the MMP proposal Coalition was formed by a number of activists from the Liberal and PC parties in late October. It was largely directed by Ivan MacArthur and Gordon Cobb, longtime activists in the Liberal Party who “had

unsuccessfully tried to influence [the Russell Commission] to modify their [MMP} model” (Lea 5). Former PC Party Leader and provincial treasurer Pat Mella (who, ironically, was the sole opposition MLA following the 1993 election) served as the primary spokesperson for the group. While this group was less proactive in organizing media events than the Yes Coalition, it still produced a number of letters to the editor and provided comment for media stories on the plebiscite.

Most of the No campaign was under the public radar, what Murphy would call “coffee shop talk” or “what’s known on PEI as a whisper campaign”. However, the campaign would be able to muster enough resources to produce a four-page insert in the Island’s two daily newspapers. The brochure outlined the group’s reasons for opposing the Russell Commission’s recommendation. It told Islanders that the group’s “biggest concern [was] the reduced value placed on the citizen’s right to vote directly for the candidate of their choice”. They argued that list MLAs “chosen by political parties” would “severely weaken the citizen’s right to direct election”. They stressed their “recogni[tion of] the need for electoral reform to reflect a better-balanced Legislative Assembly” but argued that “the present proposal presents more problems than it solves”.

In an column published in the Guardian the Saturday before the plebiscite, former Liberal Party advisor Alan C. Holman, identified the hypocrisy of many of the MMP opponents, writing that “in the ongoing debate on electoral change, it has been somewhat surprising to hear disparaging remarks about the influence of political parties from people opposing the recommended changes, especially when some of the strongest remarks against the parties are being voiced by former politicians and party workers”. He added that the political elite of the province was generally opposed to reform and was fomenting confusion

over the lists to prevent change, explaining that “neither the Liberals nor the Conservatives want the new system and have added to the confusion by not clearly indicating how they will select the names for their lists”.

The No Coalition’s flyer outlined the most important problems it perceived with the MMP proposal on the final page of the flyer, under the heading “Top Ten Reasons to Vote No to MMP Proposal”. Their criticisms are cited here verbatim:

1. Every vote counts for less because the party with the highest district seat count and highest popular vote count is unlikely to be rewarded with seats from the “list”.
2. Political parties are given much more power - while voters lose the power to choose.
3. 37% of MLAs would be appointed to Legislature without direct vote of people.
4. 17 larger districts will result in loss of “community interest” and “geographical representation”.
5. MMP does not guarantee women will be elected to the legislature.
6. It would restrict political freedom since independents cannot run for list seats.
7. MMP creates two classes of MLAs - 10 appointed and accountable to political parties and 17 elected and accountable to voters.
8. MMP would result in minority government on an ongoing basis through the d’Hondt method.
9. It would encourage proliferation of small special interest parties since only ten (same as list) candidates are required to achieve party status.
10. The best candidates will not be attracted to the “list” as they are likely to win only if their party loses at the district level.

The veracity of those claims will be discussed later, but it must be said that, with the exception of the tenth reason (which only became an issue after the Russell Commission removed dual candidacy from their proposal, ironically at the request of multiple members of the No Campaign!), all of those claims are dubious at best. For that reason, the Yes Coalition

was strongly critical of the No campaign for misrepresenting MMP and as Lea noted “even ... Russell stated the same thing” at a televised debate sponsored by CBC PEI (7).

In interviews after the campaign, most of the observers contacted for this analysis were critical of the No campaign. Carruthers stated that “the biggest problem of all was the distortions some people, I think deliberately, tried to put out there to keep the people as confused as possible, and I think it was disgraceful.” Later, in response to a question about the role of Yes and No campaigns in promoting public knowledge about MMP, he said that “if you took the histrionics out of the No side, there wasn’t much left”.

Russell, while shying away from criticizing their motives, expressed similar concerns about the No campaign discourse:

There are a number of occasions where I think an effort was made to really distort. I think that probably the objective would be seen by those individuals as honourable, because they felt so strongly about what they were trying to do or the party they have been affiliated with felt strongly about it and this was one way to ensure that the public really understood really considered the shortcomings in what was proposed to them.

Murphy also felt that some of the arguments about MMP could be seen as distorting its potential effect on Island political life, but stated that “in that sense it wasn’t different than some election campaigns, where people want to put their spin on things to lead people to see their point of view”. He specifically mentioned the debate over the role of list MLAs and how opponents of MMP used that to depress support for reform:

For example, this whole idea of the list, [that] they wouldn’t be accountable to anybody and they wouldn’t work on your behalf ... there was a lot of fear mongering, I don’t think that’s too strong of the word ... by the opponents. Because the relationship between MLA and constituent is so close on PEI, so unique in the country, especially in the rural parts of the province where the MLA is perceived to play such a traditional

role, and let's be frank, whether that getting is somebody employment or whatever. The opponents were going around saying "Well, they're not going to be able to help you out anymore, not going to be able to get Johnny a job at the park or they're not going to be to get your truck on the road any more because this person is going to be appointed and they're going to be accountable to nobody".

Lund commented that the No campaigners "were very strategic about the messages they were sending and certainly deliberately ... tried to breed confusion." She added that "opponents were doing what they needed to do to get it to fail." She believed that opponents "really tried to muddle things" with the public pronouncements on the issue, stating that "there was a lot of stuff put out there to build on the confusion that was already there" and "using the already existing confusion to create more confusion". Brown shared her criticism calling the No campaign "prevaricators and obfuscators". In particular, she was critical of the No campaign message that their campaign supported reform, but just not the particular proposal from the Russell Commission, which was specifically mandated by the legislature to propose a MMP system as an alternative to the status quo.

Weeks echoed Brown's criticism stating that opponents were "attempting education through obfuscation" and that "particularly at the start, were communicating some inaccuracies". On the other hand, he "found that the Yes side were factually correct most of the time" and were "very helpful" in supporting the Commission's job of informing the public about their proposal. He also noted that the opponents framed MMP as an "attack on rural PEI" despite the fact that the ratio of urban to rural districts would remain the same under the reform proposal.

Finally, we cannot discuss the opposition to MMP on PEI without noting the massive opposition to electoral change among the Island's MLAs. As Every Vote Counts founding

member and former Liberal MLA Jeannie Lea noted in a Canadian Parliamentary Review article, “the politicians with the exception of one Cabinet Minister (Murphy) and the MLA from the francophone area (Wilfrid Arsenault, a government backbench MLA for Evangeline-Miscouche) of our province did not support change” (7). However, even the supportive MLAs did not campaign for the Yes Coalition. According to Murphy, MLAs could not wrap their heads around the concept of list MLAs:

People who were opposed to [MMP], including the vast majority of the members of the government, didn't support [MMP]. I didn't really understand the logic involved. I think that they understood MMP, but what they couldn't get over [was] that some members of the legislature would campaign as normal in an election, knock on doors, get voted in by the people and be responsible for the constituency. They couldn't get over the fact that some people would get put in the legislature based on a proportion of the vote, that may come from a list, even if that list were public knowledge. That's what elected members who were opponents found a tough pill to swallow. Whether that was a legitimate reason, in their mind they couldn't understand that.

Murphy also expressed regret that his colleagues did not engaged the debate with open minds, stating that “my big disappointment in all this, I genuinely feel that a lot of people in the legislature, on both sides, did not invest the time and effort that was required to truly understand how [MMP] would work and to think the big picture thoughts.” His concerns were shared by Carruthers, who called the government caucus “ill-informed” about MMP and criticised the lack of engagement in the public debate from MLAs. Brown cited the lack of support from political elites in the two largest parties as a major factor influencing the results, arguing that “Islanders with any affiliation with political parties looked to party leaders and MLAs for cues on whether to support MMP”.

m) The plebiscite results

On plebiscite day, it would be clear that the arguments put forward by opponents of MMP were more successful with Island voters. In response to the question “Should Prince Edward Island change to the Mixed Member Proportional System as presented by the Commission of PEI's Electoral Future?”, over 63 per cent of voters who went to the polls rejected the MMP proposal. Of the 32,265 voters who went to the polls, only 11,750 would support MMP (36.42%), while 20,515 would reject electoral reform. The Yes side would only garner a majority of votes in two electoral districts (District 12 - Charlottetown-Kings Square and District 13 - Charlottetown-Rochford Square, which are centred on downtown Charlottetown and the most urban of the Island's constituencies) and only get at least half the votes in six of the ninety polling stations. In particular, there was great disparity between the results in the Island's urban constituencies and those in rural areas. Generally, the further a voter was from either Charlottetown or Summerside, the more likely they were to be opposed to MMP.

The dynamics of the urban-rural disparities in support for MMP was perfectly captured by Lea when she wrote:

How effective were the No side in spreading distrust and even fear about the model? I would say very effective in the smaller rural areas. I also think that the political parties themselves worked hard in those areas to get people out to vote No. I think the urban areas are not as influenced by these party tactics and are more open to reforming our system. After the last major change [in the electoral system], when the number and size of the ridings had been adjusted ending with fewer seats in some of the rural areas, the rural voters felt that they had lost some of their influence. I really believe that many saw this as an extension of that process (8).

One aspect of the results that surprised many observers was the remarkably low voter turnout for the plebiscite. In a province where voter turnout for general elections generally tops 80 per cent, turnout was much lower for the plebiscite, which I will discuss later in the evaluation of the campaign. As Elections PEI noted, “because no enumeration of electors was conducted, and no Official List of Electors prepared, no official count of electors is available for the plebiscite”; however “an approximate idea of voter turnout can be calculated using the 2003 Provincial General Election figure of 97,180 eligible electors”. Based on this estimate of the size of the Island electorate, only 33.2 per cent of voters cast ballots. This is nearly half the turnout in the last Island plebiscite, on the fixed link to the mainland, where 65 per cent of eligible voters cast a ballot (Lea 8).

Turnout was significantly lower than the turnout anticipated by the Russell Commission based on pre-plebiscite polling. It did two waves of 400-person polls, one during the week of September 5 and another the week of Oct. 24, which would provide a margin of error of plus or minus 4.86 per cent, 19 times out of 20. In the October sample, 89.1 percent reported knowledge of the plebiscite and 90.8 of respondents said they were very or somewhat likely to vote (70.3 per cent very likely and 20.5 per cent somewhat likely) in the plebiscite (*Guardian* 4 Nov. 2005). Clearly, something happened during the last month of the campaign to significantly discourage voter participation in the plebiscite.

## 4. Conclusion

### a) Evaluating the decision-making phase

As discussed earlier, we can evaluate the “deliberativeness” of the decision-making phase of public consultation processes according to two criteria. First, a deliberative public consultation must be open, public and transparent and second, the consultation process must allow for meaningful public input from interested citizens. According to this framework, the decision-making aspect of the PEI electoral reform process must be characterised as a qualified success.

It becomes clear upon review of the variety of reports prepared during the electoral reform process on PEI that the quality of analysis of the issue improved dramatically from the first reports prepared by the Bagnall committee and Elections PEI to the Carruthers and Russell commissions. In particular, the Carruthers report is an excellent document which accurately presents the issues surrounding electoral system reform and ends with a well-reasoned argument for MMP as the most suitable reform option for PEI.

Did the Carruthers and Russell commissions meet the standard of being open, public and transparent? Certainly, they can be characterized as less deliberative in comparison with the Citizens’ Assembly process used to design an electoral reform alternative in British Columbia and Ontario, but this does not mean that they should not be seen as successful exercises in public consultation. Clearly, as a one-man Commission, Carruthers could not perform his deliberations in public, nonetheless he prepared an interim report for the purposes of discussion and then held open, public meetings and allowed for written

comments. While he characterized participation as “very low”, the allowance for public submissions remains fully consonant with the principles of deliberative democracy. His final report recognizes the submissions made to him, both supporting and opposing the existing electoral system, before making a well-reasoned case for giving Island voters a chance to consider MMP as an alternative.

As noted, the Russell Commission was given a specific mandate to propose an MMP electoral model for PEI and, as a result, could not respond substantively to submissions that encouraged them to consider proposing alternative electoral systems. As Brown noted when interviewed, those intervenors should have been lobbying MLAs before they gave the Commission the explicit mandate to propose MMP. One problematic issue with the Russell Commission was that their deliberations were held in private, compared to the almost entirely public deliberations of the Ontario Citizens’ Assembly. However, they did take written submissions and held a more extensive series of public meetings than Carruthers, which gave Islanders in all regions of the province an opportunity to hear the reasons why they proposed the specific MMP model and offer comments on it. Considering that they made a revision to their proposal, eliminating the possibility of dual candidacy, in response to public criticism that candidates who lost in local seats (thereby “rejected” by voters) could still get in the “back door” by being elected as list MLAs, it is clear that the opportunity for public comment on their model was meaningful.

Finally, Lund mentioned one relevant concern of the decision-making phase when interviewed. She noted the underrepresentation of women in the decision-making phase of the electoral reform process. Of course, the Carruthers Commission was comprised of a man (and his only staff member was also a male), but the eight member Russell Commission only

had two female members (one of whom Brown was appointed by the Island New Democrats, meaning that only one of the five members appointed by the legislative committee responsible were women). This lack of female participation in the selection and design of MMP was criticised by the Advisory Council. In addition, she said that Island voters did not “understand who [the Commission] were and why were they putting out this concept” arguing that because electoral reform “is an issue of social justice and fairness” that the legislature could have legitimately moved to proportional representation by simply adopting legislation, without holding a vote on electoral change, as they for other electoral reforms like extending the franchise to women or Aboriginals.

#### b) Evaluating the campaign phase

This section will evaluate the campaign phase of the PEI electoral reform plebiscite in light of the theory of deliberative democracy. As argued above, a successful exercise in deliberative democracy must have adequate resources and opportunities for public education on the topic under consideration. Citizens must be also have access to the relevant knowledge required to make a decision. These criteria are necessary to ensure an informed and reasoned decision, which is the ideal for theorists of deliberative democracy like Habermas. As Habermas recently wrote on the topic of public deliberation in contemporary society, “the power structure of the public sphere may well distort the dynamics of mass communications and interfere with the normative requirement that *relevant issues, required* information and *appropriate* contributions be mobilized.” (2006: 418). This section will analyze the PEI electoral reform campaign to determine if it unfolded in a way that allowed

for relevant issues, required information and appropriate contributions to be brought to the attention of engaged citizens.

First, we will consider the public education process undertaken by the Russell Commission. To what extent did their work support reasoned public deliberation? As discussed, the Commission prepared a series of brochures explaining their recommendation and comparing and contrasting the MMP proposal with the current electoral system. In addition, they also had a website where interested citizens could download those materials, audio recordings of their public meetings and access the “d’Hondt calculator” which allowed voters to see how hypothetical election results would translate into legislative representation. In addition to the website and brochures, the Commission also prepared a series of radio and television advertisements that promoted the plebiscite for airing on Island media. However, Russell, Brown and Weeks all expressed disappointment that CBC head office in Toronto felt that their advertisements were “political” and “partisan in nature”, according to Russell, and therefore could not be aired during hockey games and the highly watched local supper-hour TV news.

Despite this broad range of public education materials and advertisements, opinions were mixed among principals in the process about the effectiveness of the education campaign. Russell himself was “personally pleased” with their work in informing voters stating that “the people who came to the meetings came home with a pretty good understanding of the differences” between their proposal and the status quo. However, he did recognize that it was unrealistic to expect that all voters could be reached with an objective assessment of the issue, stating that “at the end of the process, it was clear that there were forces behind the scenes that were encouraging people not to support change, in any event,

when you get that kind of force that's now vying for the interest of the folks to whom we wanted to address ourselves ... then there's a pretty good chance they have a one-sided view of the issue. There were some shortcomings in that sense but I don't know what we could have done to counteract that.” His assessment was shared by Murphy, who was complimentary toward the Russell Commission’s work in educating voters.

The rest of the actors interviewed were more sanguine about the process of public education. Weeks said that “what we did we did well, but I’m not sure it was enough”, adding that it was difficult to get voters engaged, as unlike the last plebiscite on the fixed link between the Island and New Brunswick, most voters did not feel a personal stake in the issue of electoral reform. Brown described the Commission’s brochures as “a disaster” because they were “too dense” for a general audience and “did not clearly express the essential aspect of MMP, that it would give every vote value”. She felt that despite their attempt to contextualize the history of democratic reform on PEI “people didn’t see the evolution of the voting system ... towards fairness and inclusion”.

Carruthers shared some of Brown’s criticisms, stating that the Russell Commission “produced good stuff, but some of it had too much information on it and I don’t think enough people read through it and tried to understand it”. However, he added that they “did their best considering time constraints and the resources they had at their disposal”. Finally, Lund was most critical of the education process arguing that “I don’t think the Commission contributed to public understanding. I’m not even sure they wanted to. I got the sense they hog-tied themselves with their desire to be neutral”. In her view, there was a “lack of focus on the messages that need to be sent. They focused on being all transparent and saying how things would be calculated when that was not something people needed to know. They should have

been focusing on the values that a new system would meet.” She believed they presented voters with too much unnecessary information, which allowed opponents of reform to use that information to confuse the issue in the public imagination:

I think the Commission in their attempt to be neutral, complicated things because they went on about the d’Hondt formula. They were trying to be very open and transparent but I think they were far too transparent. People just didn’t get that and they don’t need to get that. That’s just not important information. The No side really jumped on that as a way to confuse things more by questioning the whole d’Hondt thing. That was just an unnecessary piece of information that was out in the public.

Having considered criticisms of the Russell commission’s success in educating voters about their recommendation, it is important to consider if they had adequate resources to perform that task. The total cost of the Commission’s work was \$262,895. Of that amount, the majority (\$153,075) was spent on the production and purchase of promotional materials, including radio and television ads and the brochure sent to all Island households. Another \$10,425 was spent on the five brochures that dealt with specific issues relation to their recommendation, while the remainder was spent on administration, salaries and travel. Considering the confusion that seemed prevalent among the majority of Island voters, it could easily be said that they were under-resourced; however, it should be noted that the Commission had a budget of nearly \$3 per elector, a considerable sum.

In evaluating the PEI plebiscite campaign it is also crucial to consider the reasons for the uncharacteristically low voter turnout. As noted above, Weeks, who professed “disappointment” at the low turnout, attributed it to a lack of an immediate emotional connection to the issue on the part of the average voter. Lund cited the lack of public understanding as a contributory factor, stating that “there were still so many questions left in

so many people's minds and I think that's a big part of the reason we had such a low turnout ... people didn't really understand what they were voting for and they weren't sufficiently engaged".

Lund, along with Brown and Russell also cited the reduction in polling stations as a factor depressing turnout. When asked about the discrepancy between the Commission's polling numbers regarding voting intentions and turnout on plebiscite day, Russell said "my guess is that the number of people who turned out to vote was very much a product of [the relative lack of] activity at the constituency level and also the reduction in the number of polling stations". He expressed disappointment with the decision to reduce polling locations stating that "it just flew in the face of everything that has ever been done in this province in terms of trying to encourage people to turn out. If you want people to do something, then you kick the hurdles out of the way. When it comes to politics, if you reduce the ease with which someone can go and cast a vote on something, that actually increases the hurdle. So, personal opinion, that played a significant role" in reducing turnout.

Lea's article aptly describes the confusing many prospective voters faced, writing that "the fact that people were ... voting at different places than they normally would, many had no idea where to go to vote". This led to a situation where "the chief electoral officer had over 700 calls from people looking for help on plebiscite day" and an atmosphere at the polls characterised by "confusion and long line-ups" at the polls, which was likened by some as similar to "a third world country" (Lea 6). Both Lund and Russell reported anecdotal evidence of voters opting not to cast a ballot rather than waiting in the two-hour long lines that greeted voters at the urban polling stations at the normal closing time of 7:00 p.m. Similar stories were also common from the members of the Yes Coalition who were

scrutineering at urban polls. As Lea wrote, the reduction in polling stations “most certainly” affected voter participation, but “in the absence of any post plebiscite polling” it is impossible to estimate to what extent or whether the low turnout benefitted one side of the debate (8).

Murphy disagreed with the link between the reduction in voting locations and the low turnout, calling it a “red herring” and a “non-issue”. However, he agreed that the relatively low turnout can be attributed to a lower level of engagement from the Island’s largest political parties, noting that “neither of the older parties on PEI put their election organization machines to work for the plebiscite.” He added that “the fact that both mainstream parties took kind of a bit of a laissez faire attitude towards this that was also reflected in the general populace who said ‘well no one’s calling me to go to these meetings, no one’s calling me to tell go vote for this one way or the other, the government and the legislature in general is kind of disengaged from this’, so I think that had an influence [on turnout]”. He also discussed what he called “the myth of PEI”, the idea that high voter turnout in Island elections reflects a greater engagement in public affairs than in other Canadian provinces. He argued that even if some Islanders pat themselves on the back because of relatively high voter participation “citizen engagement is waning, big time”. He asserts that high turnout is instead a function of the small electoral districts, where MLAs can personally know almost every single one of their constituents, for Murphy “turnout is outcome of our size, it’s not an outcome that says people are more engaged here. That’s a myth of PEI that people are more engaged in the political life of the province than they are necessarily elsewhere.”

Finally, all those interviewed were asked “overall, was the public sufficiently

knowledgeable to make an informed judgment on the MMP proposal?” as the last question before the conclusion of their interview. It is notable that all those surveyed, except for Russell, responded No, with little hesitation. Even Russell, who believed that voters who attended of the public information meetings put on by the Commission “understood the substance of change”. He felt that the “problem came with others trying to convince the public that this was a very difficult thing to understand. And for those who didn't come out to the meetings, I suspect there was a problem.”

Overall, the electoral reform campaign on PEI illustrates general problems with referenda. In a paper on the 2007 Ontario electoral reform referendum, LeDuc, Bastedo and Baquero argue that campaign “illustrates how difficult it is to secure passage of almost any type of reform proposal in a referendum” (44), a point that applies equally to the Island electoral reform plebiscite. Experience from other jurisdictions indicates that “the political advantage in referendum campaigns, particularly those dealing with unfamiliar issues, often seems to rest with the No side. Those opposed to reform do not necessarily have to make a coherent case against it. Often, it is enough merely to raise doubts about it in the minds of voters, question the motives of its advocates or play upon a natural fear of the unknown” (LeDuc et al. 45). As we have seen, the case against MMP that made by its opponents in the PEI electoral reform debate had problems with its factual accuracy and coherence, but it should not be a matter of dispute that those seeking to protect the status quo were happy to play on Island voters' fear of the unknown.

### c) Evaluating the deliberativeness of the PEI electoral reform process

Next, we must consider the role the Island media played in promoting reasoned public deliberation on the issue on electoral reform. As Habermas recently wrote, “mediated public communication in the public sphere can facilitate deliberative legitimation processed in complex societies only if a self-regulating media system gains independence from its social environments, and if anonymous audiences grant feedback between an informed elite discourse and a responsive civil society” (2006: 411-2); however, he notes that “the political public sphere is at the same time dominated communication that lacks the defining features of deliberation” (2006: 414). Considering Habermas’ assertion that “the *dynamics* of mass communication are driven by the power of the media to select, and shape the presentation of, messages and by the strategic use of political and social power to influence the agendas as well as the triggering and framing of public issues”, it is apparent that the media plays a crucial role in enabling deliberative democracy (2006: 415). But to what extent did this occur in the PEI electoral reform plebiscite?

The key figures in the Island electoral reform process interviewed for this thesis all had criticisms of the media coverage of the plebiscite. When asked if the media contributed positively to public understanding of MMP, Carruthers responded “I don’t know if the media really understand what it was about.” He added that “they attempted to give some coverage, but I think it could have been a lot better”. In particular, he felt that there “should have been more discussion and debate on radio and television”.

Murphy echoed those concerns, saying that “they did some stories but they never really I think were engaged at the level they needed to be engaged at, to talk about the big picture

stuff. I think they had a hard time grasping it and getting their heads around it and as a result there wasn't the media profile on it that there could have been." He added that while "they tried to be fair to both sides in what they were saying verbally, but their non-verbal communication was very biased in favor of the opponents" by giving voters the sense that MMP was difficult to understand. He singled out *the Guardian* in particular for criticism for a lack of "in-depth coverage" and a discussion of "the success stories" of countries with proportional representation, like the Scandinavian countries. He concluded by stating that "I feel that because it was a new concept [the media] had an obligation to provide more information on behalf of the proponents than they had to provide the argument on behalf of the opponents to be truly balanced". Weeks also commented that "a little bit more investigative journalism" and "comparative stories" could have been done by the Island's largest paper, although he did add that, with the exception of the previously mentioned Chamber of Commerce-hosted event where they did not report on the political parties' commitments regarding list selection, "they did a great job".

Lund had similar criticisms of the media coverage stating "I don't think the media got very engaged. I don't think the media was confident ... to really ask the questions we might have been asking as the Yes committee" and added that they "weren't doing any investigation or questioning ... [so] they left the agenda up to the Yes and No sides". However, she linked the deficiencies in the media coverage of the issue with the general lack of understanding of the issue, calling the media "victims of the lack of communication and information about what this was about". This meant that they didn't have "the information they needed to understand what the proposal was about" or "to ask the right questions and poke holes in people's arguments". Brown has similar criticisms, calling out the media for

merely “reporting on the issue, rather than informing voters”. She also had an interesting criticism of media reaction to the proposal, stating that she got the impression that the “media seemed to want to preserve the adversarial aspect of the current system because they felt that politics under MMP wouldn’t be as fun to cover”.

Russell was the least critical of the media’s role in fostering public understanding, but he still had criticism for the way they covered the issue, stating that:

In the beginning, there was the sense that the media wasn't even seeing it as being a weighty a topic as we felt that it was. And then when the media started to respond there seemed to be the sense that it was finding fault with mixed member proportional for reasons maybe that were more associated with ‘it would cause us to change’ than because there were problems with the model itself. As it went on the media engaged more with it, I’m thinking of the printed media, and we saw editorials and that kind of thing where a more balanced treatment was being given to what we were all about. On the television side of things, of course, we ran into a problem with [due to] the strike at the CBC ... it’s too bad we didn’t have CBC operate as a vibrant entity at that time.

The CBC lockout, which eliminated that important source of local news on PEI for nearly two months between August 15 and October 11, was cited by many observers of the plebiscite as a contributing factor in the lack of public engagement in the issue. All those interviewed for this project cited it as hampering public understanding of MMP. As Lea explained, this meant that the only local TV station could only cover the Russell Commission’s final public meeting, although they did host “a very successful debate” the week before the plebiscite (5).

The deficiencies in the media coverage of MMP can be best illustrated by considering the role the media played in educating voters about the potential role of list candidates and

MLAs under the proposed system. As mentioned while discussing the No campaign, opponents of MMP repeatedly, and falsely, asserted that list MLAs would be “appointed” to the legislature. As Holman noted days before the plebiscite, “It is wrong to state, as the No forces do in their flyer, that ‘37 per cent of MLAs would be appointed.’” Indeed, under MMP, it is citizens’ votes on the second ballot, combined with the results of the single member electoral districts, that determines which parties and candidates. Holman describes the truth well when he writes, “no one’s bottom will touch a seat in the legislature without first being nominated and without getting votes from the electorate. There will be no appointments. Yes, voting for the people on the list is done differently than the voting for the district representative. Though it’s different, it isn’t undemocratic.”

It was refreshing to see a prominent Island political columnist set the record straight, but it raises the question of why the editors of the Island’s newspapers allowed opponents of MMP to repeatedly make those baseless claims in news stories and allowed dozens of letters making those assertions to be printed. Would they print such demonstrably false claims about individuals or corporations, either in news coverage or on the opinion pages? This example, along with the burying of the Island political parties’ commitments to open, transparent and democratic list selection process, illustrates the severe problems with the manner the Island media reported on the plebiscite.

Earlier, the academic evidence on the performance of proportional voting systems, like MMP, was discussed briefly. Having discussed in more detail the campaign messages of the proponents and opponents of MMP in the PEI electoral reform campaign, it should be apparent that one side of the debate more faithfully represented the empirical evidence on the links between electoral rules and political outcomes. Looking at the flyer prepared by the

Vote for MMP campaign and the claims made in the media and public debates, the factual claims they put forward were well-supported by academic evidence. For example, proportional representation does promote the representation of women, it would allow voters more choice and would promote a more consensual style of government.

On the other hand, the claims made by the No to the MMP Proposal Coalition have little connection with the facts about MMP and proportional representation systems. It would encourage neither unrepresentative governments nor small, fringe parties. In addition, it would not strengthen political parties, as the selection of list candidates would remain in the hands of party members, as promised by *all* the Island parties. Also, if MMP *were* to strengthen political parties (which is not indicated by the experience of PR countries, which are no less executive and party-centric than jurisdictions that use majoritarian voting systems), then why were most MLAs and senior members of Island political parties so strongly opposed to electoral change?

As the proportion of urban and rural districts would remain the same, there is no reason why it would ensure less rural (or conversely, urban) representation. Finally, as much as defenders of the status quo said otherwise, under MMP, *no* MLAs would be *appointed* to the legislature. While unquestionably some members of the legislature would be elected by a different mechanism under MMP, the party list, but it cannot be logically argued that they are appointed, as it would be Islanders' votes that determine which candidates take seats in the Legislative Assembly from the party list. But why did the Island news media not point out these important differences in the discourses advanced by the opposing campaigns?

Despite the aforementioned criticisms of the Island media's coverage of the electoral reform process, the media context for the electoral reform in PEI would be much more

conducive to balanced discussion than it would be in the later Ontario referendum on a similar MMP system in October 2007. As LeDuc et al. wrote, “the mainstream print media were uniformly opposed to both the Assembly process and the MMP proposal” (31) with “many of the regular political columnists oppos[ing] the proposed reform at an early stage” (32). Their content analysis of the media coverage in Ontario’s three largest newspapers (*the Globe and Mail, Toronto Star and National Post*) demonstrates that media coverage of the referendum was overwhelmingly negative towards MMP (LeDuc et al. 35). While the Island media could have conducted more in depth coverage of the issue, it was balanced and in-depth compared to the shallow treatment the (much better resourced) Ontario media gave MMP.

#### d) The challenges in realizing deliberative democracy

This discussion of the decision-making phase of PEI electoral reform consultations is instructive. It shows that while there was some interest in the issue from important sectors of civil society (Carruthers 2003a: 99), interest in the issue remained low, as indicated by low levels of public participation in the reform process. This does not mean that the Carruthers and Russell commissions were failures as exercises in public deliberation. Indeed, despite the lack of broad public participation, both groups did offer ample opportunity for public input on the issue. Equally importantly, their reports accurately reflected expert academic knowledge on proportional representation systems.

This thesis has attempted to illustrate how the campaign phase of the electoral reform process on PEI was an utter failure in promoting a reasoned deliberation of the issue of

voting system reform. I believe this is for three main reasons. Before they are discussed, recall the three functions that Habermas sees as being fulfilled by public deliberation. For Habermas, deliberation is expected “to mobilize and pool relevant issues and required information, and to specify interpretations; to process such contributions discursively by means of proper arguments for and against; and to generate rationally motivated *yes* and *no* attitudes that are expected to determine the outcome of procedurally correct decisions” (2006: 416). The experience of electoral reform in Prince Edward Island illustrates the difficulties in realizing the first two conditions, which thereby make it all but impossible for the average voter to come to a rational yes or no decision.

The first problem is the lack of political knowledge possessed by the average voter. As discussed, the average voter has very little knowledge of electoral systems (Pilon 2007: 2). Their lack of interest in the issue was also made apparent by the remarkably low turnout, in comparison to normal provincial elections. In PEI, this problem of lack of political knowledge was compounded by the relatively low levels of literacy and the absence of the only local television station for part of the Fall. While the CBC did undertake some of the best coverage of the issue after their return from the lockout, it clearly was not enough.

Second, the media coverage of the issue must be seen as a contributing factor to the lack of public understanding of the issue. As the discussion of the public discourse of the Yes and No sides of the debate shows, the interpretation of what electoral change would mean for the Island’s political life was contested. Even though one side’s arguments were much more grounded in reality, it is clear that the media as either unable or unwilling (and probably a little bit of both) to deconstruct their respective discourses. It is unreasonable to expect beat reporters to become experts on comparative politics, but as the interviewees commented,

they seemed to have little desire to present Island voters with a comparative perspective on the issue of proportional representation. In addition, media conceptions of objectivity generally meant that for every message or argument for reform the Yes side put out, the No side was given equal opportunity to respond, even if their assertions had little to no basis in fact, such as the red herring about “appointed” MLAs.

As Habermas explains, the media “cannot but exert power, because they select and process politically relevant content and thus intervene in both the formation of public opinions and the distributions of influential interests. The use of media power manifests itself in the choice of information and format, in the shape and style of programs, and in the effects of its diffusion - in agenda setting, or the priming and framing of issues” (2006: 419). The PEI electoral reform campaign shows how contemporary media society is not a fertile ground for reasoned deliberation, at least on the issue of electoral reform. This tendency was even more pronounced in the discussions on electoral reform in Ontario.

During the campaign, I felt that the debate on MMP was analogous to debates on climate change. A recent analysis of publications sceptical about environmental problems shows that over 90 per cent of those publications were released by conservative think-tanks (Jacques et al. 364). The authors define “environmental scepticism ... by its denial of the seriousness of environmental problems and dismissal of scientific evidence documenting these problems” (354) and argue that it is a movement driven by conservative elites that has successfully weakened American commitment to environmental protection (349).

Just as the consensus among climate scientists is that carbon dioxide is causing climate change, there is consensus among comparativists in the field of electoral studies that the claims being made by the Vote for MMP Coalition are correct. But just as many media

outlets allow climate change skeptics or deniers the opportunity to give their views as equals in a great deal of coverage of the climate change issue, the No to the MMP Proposal Coalition was allowed to spread misinformation and confusion about MMP, all for the sake of “objective” journalism.

Finally, the third reason why the PEI electoral reform process failed as an exercise in deliberative democracy was due to an underlying cynicism about political institutions. As the Carruthers and Russell commission were seen by many Islanders, and certainly were portrayed by the No side, as “elite-led”, they were subject to what Warren and Pearse call “a legitimacy regress”, which means that “the proposals for institutional reform that would, presumably, narrow democratic deficits lack legitimacy owing to their origins, namely, the very elites whose legitimacy is weak” (6). As a result, the electoral reform boat crashes on the rocky shoals of cynicism fostered by existing political elites (no doubt to most of their delight).

Even if deliberative democracy may not possess an epistemic quality at the macro-social level, that the deliberative model can be used to illustrate how deliberation is hindered. As he writes, “the suggested empirical use of the deliberative model has a critical thrust: it enables us to read the contradicting data as indicators of *contingent* constraints that deserve serious inquiry” (2006: 420). The electoral reform process in Prince Edward Island provides little support for the realization of deliberative democracy in contemporary media society, but it does show us some of the constraints - low levels of political knowledge and understanding, a media that cannot support reasoned public deliberation and a corrosive cynicism about politics - that impede it from becoming reality.

So to conclude, let us discuss how the electoral reform process in Prince Edward Island

could have been made more consonant with deliberative democratic theory.

e) Improving the deliberativeness of the electoral reform process

First, the decision-making phase of the process could have been organized based on the Citizens' Assembly model used to consider the issue of electoral reform in British Columbia and Ontario. Undoubtedly, the Assembly model, which sees randomly selected citizen volunteers undertake a deliberative process in a specially constituted "mini-public", better reflects the theory of deliberative democracy than the more-elite led process on Prince Edward Island. While the Carruthers and Russell Commissions were open to public input and relatively transparent to the public, the learning, consultation and deliberation processes of the two Citizens' Assemblies were almost completely open and transparent to the public and the media and used information technology effectively to allow any interested observers to follow their work.

A PEI Citizens' Assembly on Electoral Reform, based on the existing Canadian precedents, might have better promoted public deliberation for several reasons. First, a Citizens' Assembly would have brought significantly more people in the electoral reform discussion. Whether a hypothetical Assembly would have one member (as in Ontario) or two members (as in BC) for each provincial electoral district, it would have involved at least three times as many people in the actual decision-making as the Carruthers and Russell Commissions. Bringing more Islanders into the discussion might have been effective at decreasing cynicism about the reform process by ensuring it was perceived by the public to be a bottom-up process rather than an elite-driven one. Finally, just by bringing more people,

each with their own unique social networks, into a “mini-public” on the issue of electoral reform, a Citizens’ Assembly might have ensured more support for the reform process and an evidence-based and rational debate on the issue.

An Assembly process might also have further supported public deliberation by increasing the media coverage and, as a result, public understanding of electoral reform. The open and public learning, consultation and deliberation processes central to Citizens’ Assemblies all represent ideal opportunities for the media to cover the issue and further their own understanding on the topic. However, the evidence to support this contention from BC and Ontario is mixed. In BC, the media paid more attention to the Assembly, news stories were more positive and media outlets were more likely to support its recommendation editorially (LeDuc et al. 36). This would likely have contributed to the positive correlation between knowledge about the Citizens’ Assembly and their specific recommendation and support for change in the May 2005 referendum (Cutler et al. 186). However, despite a more favourable media environment, Assembly members in BC remained critical of the media coverage of the issue (Ratner). In Ontario, media outlets generally expressed indifference to the Assembly’s work and hostility towards their recommendation (LeDuc et al. 35-7). One can only speculate if the Island media would have treated the issue differently had the electoral reform recommendation come from a Citizens’ Assembly; however, it is reasonable to assume that the more open and public process would have led to more media coverage leading up to the plebiscite and a deeper understanding of the eventual proposal from the fourth estate.

Second, increased public funding and resources for education and debate on the issue would have likely impacted the quality of public deliberation on electoral reform in PEI.

Both before and during the campaign period, the Yes Coalition requested a grant from the provincial government, but were rejected. Considering that the government reduced the budget to administer the plebiscite itself, this was not a surprise. But from the perspective of ensuring public deliberation on the topic, increased resources for either proponents or opponents of the proposal or for balanced educational material on the MMP proposal would have been positive. Bearing in mind the criticisms of the PEI Literacy Alliance, allocating further resources to create educational materials that are easily understood by citizens with low levels of literacy would have been a particularly effective investment for promoting public understanding of the issue.

From my perspective as a leader in the campaign for reform, it would have been ideal to see government resources be used to partner with community groups, such as educational institutions, service clubs and professional associations, to provide public fora to debate the issue. The Russell Commission did work with some civil society organizations, but, particularly with additional resources allocated specifically for that purpose, they could have done much more. One of the best campaign events from the perspective MMP proponents was a public forum hosted by the CBC, held before a capacity crowd of hundreds in a Charlottetown high school cafeteria. After the event, I spoke with dozens of people who felt the moderated debate format really helped to improve their comprehension of the issue. Ideally, the government would have worked with the media and community groups to ensure that debates on the issue were held all across the Island, so that all interested citizens could engage in face-to-face discussion of the reform proposal in their local communities. As Habermas has noted, face-to-face interaction is ideal for deliberation (2006: 414).

Third, the public debate on electoral reform in PEI would have been more deliberative

had the existing political leadership placed a priority on promoting public debate and understanding. As noted before, the Island political class was almost uniformly opposed to MMP. This was reflected in the notable lack of support for the proposed reform among members of the PEI Legislative Assembly - only two (of 27) would publicly state that they were voting Yes in the plebiscite. My personal impression, shared by other members of the Yes Coalition and observers of the reform debate, is that most of those MLAs did not consider the debate dispassionately, separate from their personal, private interests as elected officials. It bears noting that, if MMP were to pass and be implemented for the next election, the reform would have necessarily trimmed the large government caucus by at least five or six members (unless they could have garnered an unprecedented 80% of the vote). In this respect, the self-interest of legislators appears to be linked with support for electoral status quo, as theorized by Benoit and Boix and confirmed by the empirical research from Bowler et al. cited earlier.

Observers of the reform debate hypothesized that the majority of MLAs likely did not read the Carruthers report and, from their actions during that period, it was apparent that most had no desire to engage constructively with the Russell Commission. We saw that Carruthers criticised government MLAs as “ill-informed” on the issue. Even Provincial Treasurer Murphy, who sat in caucus with 21 MLAs opposing change, said that he “didn’t really understand the logic” behind his colleagues’ opposition to MMP, adding that he was personally disappointed that “a lot of people in the legislature, on both sides, did not invest the time and effort that was required to truly understand how [MMP] would work”. It is impossible to confirm this, but those who campaigned for reform remain convinced that MLAs and their partisan supporters encouraged and supported what Murphy called the

“whisper campaign” that raged against MMP in Island coffee shops.

The critical standard expressed by theories of deliberative democracy would not necessarily compel legislators to support electoral change; however, it does require them to state the reasons for their opposition by way of reasons that can be defended with reference to the broader public interest. With the exception of the retired politicians and assorted backroom fixers that comprised the campaign against MMP, most of the Island’s political elite and MLAs generally stayed out of the public debate. Perhaps due to a rumoured poll that showed relatively strong support for MMP, MLAs feared expressing their views and being on the wrong side of their constituents. Whatever their reasons, the vast majority of Island legislators appeared to want to see the issue of electoral system reform go quietly into the night. Their lack of support for education on the issue and low levels of public engagement in the debate served Island democracy poorly.

Finally, I would like to comment on the chronology of the reform process and how it impacted public deliberation on the issue. From that perspective, it was positive that the reform process occurred over a long period of time. It was almost three years between when Carruthers started studying the issue in early 2003 and the November 28, 2005 plebiscite. Many of my colleagues in the electoral reform movement in Ontario criticized the Citizens’ Assembly process for its truncated timetable of just over a year between when the Assembly was formed and their recommendation went before voters. The lack of time for deliberation, both within the mini-public of the Assembly and in the general public, was cited by Ontario Minister for Democratic Reform Marie Bountrogianni in an interview as her “biggest regret” about the process she shepherded through cabinet. In retrospect, the longer timetable on PEI was positive for public understanding as it allowed more time for the issue to enter the public

consciousness; however, this does not mean that the time could not have been better spent.

What was problematic about the timetable set out by government for the electoral reform debate on PEI? The most glaring mistake was that for more than a year, essentially all of 2004, was wasted between Carruthers' final report in late 2003 and when the Russell Commission was formed in early 2005. If I had been directing the process with the goal of maximizing public debate and understanding of the issues surrounding electoral reform (and could not strike a Citizens' Assembly as discussed above), I would have begun the work of the Russell Commission in early 2004 and given them the resources and mandate to consult with and educate the public, with the goal of drafting a specific recommendation by early 2005. Subsequently, the entire calendar year of 2005 could have been spent educating the public on the particular points of their model and working with community groups and leaders to broaden public understanding.

To conclude, what does the case of electoral reform on PEI tell us about the possibilities for realizing reasoned public deliberation in contemporary society? This thesis has argued that the public debate on the issue can hardly be characterized as guided by what Habermas calls communicative reason. Rather than being shaped by rational deliberation about the facts, and oriented to the public good, public understanding of electoral change on PEI was distorted by the particular interests of political elites and a lack of public knowledge on the issue. In the absence of survey data on the subject, we can only speculate about the nature of public opinion and knowledge about MMP among Islanders, but most of the main actors in the reform process seem to agree that most voters did not feel adequately knowledgeable about the proposal, which could explain the uncharacteristically low voter turnout.

The findings of this case study confirm Habermas' premonition that "the kind of political communication we know from our so-called media society goes against the grain of the normative requirements of deliberative politics" (2006: 420). However, the consideration of real-world examples of public debate can be used to highlight how existing power relations distort reasoned deliberation. Of course, politicians and the media are much more likely to have the power and influence to shape the public debate than members of civil society, like the Yes on MMP Coalition in this case. The Island's political elites - almost entirely opposed to reform - influenced their social networks by distorting the evidence on how electoral system change might affect average voters. Meanwhile, the Island media, who did devote a reasonable amount of coverage to the issue, were unable or unwilling to parse the respective truth claims of proponents and opponents of reform. It should be noted that while the smaller media landscape and size of the Island might be more amenable to deliberative politics (and in my opinion, *was more deliberative* compared to the Ontario electoral reform process), local media outlets' pretenses of objectivity ensured that the truth claims made by reform advocates, which were supported the best available empirical evidence, were presented to Islanders as equivalent to the dubious statements that opponents of MMP made central to their campaign. In this respect, parallels can be legitimately made between the systemic distortion of the climate change debate and electoral reform debates. Considering the case of electoral debate in Prince Edward Island, we can see the challenges that stand in the way of realizing the promise of deliberative democracy.

## Appendix - Interview schedule

1. How did you become involved in the electoral reform process?
2. Do you think Island voters had difficulty understanding the plebiscite question and/or the MMP proposal? Why?
3. Did either proponents or opponents of the MMP proposal make statements that you knew to be factually incorrect?
4. Did either proponents or opponents of the MMP proposal express views or opinions about issues relating to MMP that struck you as unfair, morally wrong or illegitimate in some way? If yes, do you feel those statements were challenged by the media or other interested citizens? To what effect?
5. Did either proponents or opponents of the MMP proposal express views or opinions about issues relating to the MMP proposal that you thought were insincere in some way (ie. deliberate distortions designed to sway others to their point of view)? What about average voters? Were these insincere statements challenged by the media?
6. Would it be accurate to say that there were no restrictions or limitations of any kind placed on communication and debate during the plebiscite period? Or were there constraints that might have affected the outcome?
7. Citizens' groups argued for and against the MMP proposal. In your estimation, did they contribute positively to public understanding of the proposal? Do you feel either side did a better job of informing the public?
8. How do you feel the media did in presenting arguments for and against the proposal? Did they contribute positively to public understanding? What might they have done differently to improve public knowledge?
9. The Russell Commission was responsible for public education during the referendum campaign. How would you say they performed in this regard?
10. Overall, do you think the public was sufficiently knowledgeable to make an informed judgment on the MMP proposal?

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