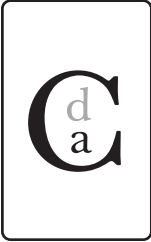


AUDITING CANADIAN DEMOCRACY



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AUDITING CANADIAN DEMOCRACY

Edited by William Cross



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This volume is dedicated to Vera, and to the children and grandchildren of all the “auditors,” in hopes that the Canada they inherit will be a prosperous and vigorously democratic one.

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Ten years ago, a group of political scientists gathered at Mount Allison University in Sackville, New Brunswick, to begin work on an audit of Canadian democracy. Those brave academics who accepted the call to take part in the first comprehensive assessment of Canadian democracy probably didn't realize they were embarking on an enterprise that would last a decade. Nonetheless, I think I speak for all of them in saying this has been a special project offering great rewards, both professionally and personally. Through the course of spending many hours together, we have learned a great deal from one another, and strong bonds of friendship have been formed. We have been helped along the way by scores of colleagues from across the country and internationally, who have offered encouragement and advice. Through this project, I have experienced the generosity and talents of so many members of the Canadian political science community and am grateful to them all.

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My biggest debt is to my partner, Emma. Since our days together in graduate school, she has been a constant source of support and encouragement. I can't imagine life without her.

William Cross

AUDITING CANADIAN DEMOCRACY

CONSTRUCTING THE CANADIAN DEMOCRATIC AUDIT

William Cross

Several years ago, a team of political scientists agreed to participate in a democratic audit of Canada. Over the course of the intervening years, the Audit project has resulted in the publication of nine monographs, all investigating the state of individual public institutions and discrete areas of democratic life. This collection brings together the findings of these assessments and in doing so provides a single, more comprehensive, view of the status of Canada's democratic practice in the first decade of the twenty-first century.

Each of the essays in this book uses the Audit benchmarks of participation, inclusiveness, and responsiveness to evaluate a particular aspect of Canadian democracy. In doing so, each chapter both synthesizes and updates the findings of the monographs in the Audit series. Collectively, the chapters provide both a critique of current democratic practices and a potential road map for future democratic reforms.

The Democratic Audit project was principally inspired by several factors, including the apparent popular discontent with the state of Canada's democratic institutions and practices, the generation of democratic assessments in other Western states, a desire to produce a framework to facilitate a cohesive and comprehensive assessment of Canadian democracy, and an opportunity to identify and explore

potential democratic reforms. The discussion that follows outlines the motivation for the project and the considerations involved in constructing a democratic audit.

At the beginning of the twenty-first century, many indicators suggested that Canadians were uneasy with their set of democratic arrangements. Recent years had seen the publication of reports from two wide-ranging investigations of democratic practice, both of which found evidence of a serious malaise. The Citizens' Forum on Canada's Future (commonly known as the Spicer Commission) conducted scores of public meetings and other types of consultations, in which Canadians were invited to comment on the state of public decision making in their country. As expressed in the following passage from its final report, the Spicer Commission found considerable dissatisfaction with the state of our democracy:

One of the strongest messages the forum received from participants was that they have lost their faith in both the political process and their political leaders. They do not feel that their governments, especially at the federal level, reflect the will of the people, and they do not feel that citizens have the means at the moment to correct this. (Citizens' Forum 1991, 135)

Similar findings were reported by the Royal Commission on Electoral Reform and Party Financing. This commission found evidence that "many Canadians are critical of their existing political institutions. Many are concerned that these institutions are not sufficiently responsive to their views and interests" (Royal Commission 1991, 229).

These findings were supported by public opinion data showing that large numbers of Canadians were dissatisfied with their democratic institutional arrangements, believing, for example, that elected officials are unrepresentative and often out of touch, and that regular Canadians "do not have any say over what government does" (Howe and Northrup 2000, 8-9).

At the same time, voter turnout in elections was steadily declining. From consistent levels in the 75 percent range, participation rates in

the last three elections of the twentieth century dropped dramatically, falling to near 60 percent in 2000 (Courtney 2004, 40). This development was particularly worrisome as it was concentrated among younger voters who appeared to be rejecting traditional forms of democratic participation (Pammett and LeDuc 2003). And those who were voting were turning away from patterns of electoral competition that had defined federal politics in an almost uninterrupted way since Confederation. The two-party domination of the Progressive Conservatives and Liberals was under attack as new entrants were achieving remarkable success, and a marked regionalization of party competition appeared to be taking hold. Observers of electoral politics such as Alan Cairns (1994), Leslie Seidle (1994), and R. Kenneth Carty, William Cross, and Lisa Young (2000) suggested that this was something more than a simple shift in partisan attachments and that it represented a more fundamental dissatisfaction with the state of contemporary democratic practice. Seidle wrote of an “angry citizenry” discontented with long-standing norms of democratic representation and weak institutional responsiveness, whereas Cairns (1994, 229) pointed to the demise of the Charlottetown and Meech Lake constitutional accords as evidence of “changed relations between citizens and governing elites,” and as “an attack on brokerage politics, especially of the kind that take place behind closed doors.”

This voter displeasure was an impetus for the Audit project, and much of it is still evident today. Voter participation in elections continues to decline, falling below six in ten for the first time ever in 2008. And especially troubling is the finding that young Canadians continue to vote less than any other age cohort and at lower levels than did young voters in earlier generations (Gidengil et al. 2004, 109-10; Gidengil et al., Chapter 5 this volume). Similarly, public confidence in democratic institutions remains low: Canadians are about evenly split between those who are satisfied with their democracy and those who are not, and the majority have less trust in the federal government today than they did a decade ago (EKOS 2005; Angus Reid 2007).

When we began our project, we were aware that similar democratic assessments were being undertaken in other Western democracies such as Sweden, Denmark, Australia, and the United Kingdom. The best

known of these are the Democratic Audit of the UK and the work in democratic assessment inspired by it and carried out under the auspices of the International Institute for Democracy and Electoral Assistance (IDEA) (see Beetham 1999). The IDEA and UK projects have sought to create a “universal framework to assess the condition of democracy in any country” (UK Democratic Audit 2009), and indeed under this framework, assessment projects using similar measurement instruments have been carried out “from London to Ulaanbaatar” (Landman 2006).

The Canadian Democratic Audit team decided at the outset that, though we would be mindful of the work ongoing in other Western states, and to some extent we were inspired by it, we would create a methodology allowing us to comment specifically and meaningfully on the state of Canadian democratic life in the first decade of the twenty-first century. Our intent was not to measure the quality of Canadian democratic practice with an instrument constructed for use in countries as diverse as the United Kingdom and Mongolia: rather, we desired to create a framework uniquely relevant to the democratic aspirations and challenges of twenty-first-century Canada. Thus, we decided not to follow the IDEA approach or any other template devised elsewhere as we did not believe that an initial audit of Canadian democracy, which would delve deeply into the workings of our democratic practice, was best conducted via a framework generated for universal use. Of course, this resulted in some loss in the comparative utility of our project; nonetheless, we believe that, for a first audit, it is essential that the measurements used speak directly to the Canadian case.

Indeed, there are already many international league tables of democratic practice - such as the World Audit (www.worldaudit.org). Like others of its type, this project rates Canada relatively highly in comparison with other nations (it tied for seventh place with Norway, just ahead of Australia and Germany, and below New Zealand and the Netherlands). Nonetheless, it tells us relatively little about how our democratic institutions and practices are measuring up to the expectations of Canadians and whether they are evolving sufficiently to meet the changing needs of a dynamic Canadian society (for more on these international comparisons, see Chapter 10 in this volume).

We decided to start from first principles in constructing our project and to make all the important decisions ourselves. These included defining the scope of the Audit, identifying appropriate benchmarks for assessment of contemporary Canadian democracy, and agreeing upon the best measurements of these benchmarks. In addressing these issues, we believe we constructed a methodology that allowed us to comment on the state of democracy today in a way that is uniquely relevant to the democratic challenges that emerge from modern Canada.

An audit conducted elsewhere or at a different time might, and probably should, use different benchmarks and measurements. This reflects our view that democracy is not a static concept. Rather, as an “essentially contested concept,” it takes on different meanings depending on time and place. The measures and benchmarks employed in an assessment of democratic life in Canada during the 1920s would differ from ours - and appropriately so - as should those used in a current assessment conducted in a different society. Democratic practices and institutions cannot be one-size-fits-all.

Thus, we faced two key questions: what areas of democratic activity to consider and how to assess them. Although all spheres of life, from quality of education to political economy to public administration to the quality of elections, impact upon the strength of our democracy, examining all of these in a single audit would make the project unwieldy. Given the attitudes of Canadians toward their public decision-making processes, as evident in public opinion studies, as well as the changing nature of democratic values and the changes to civil society discussed below, a first audit focusing on opportunities for participation in public decision making and the relationship between key democratic institutions and civil society seemed appropriate. Thus, we decided to take a largely institutional approach. This is not to suggest that other areas affecting the nature of democratic life are less relevant. Rather, our intent to drill down and conduct detailed examinations of the chosen aspects of democratic experience (in the monograph-length individual studies) dictated that the scope of the investigation could not be exhaustive.

We are cognizant in our work that this is an audit of existing Canadian democratic practice, not an agenda for an idealized version of

democracy. Contemporary Canadian democracy is not a blank canvas but rather comes with a largely accepted set of institutional arrangements, many of which are deeply entrenched and not easily changed. Our assessments are based in this reality, and thus we largely restrict our analyses and reform discussions to fit within the contours of responsible Westminster-style parliamentary government, which has defined Canada since Confederation. This does not mean that fundamental reforms (such as electoral system change) are not countenanced but rather that alternative forms of governance such as direct democracy and republican congressional systems are not pursued at length. Instead, we assess Canadian democracy as it is practised today and consider reform proposals that, mostly, are already in play and that fit within the overarching constructs of our governing arrangements.

Setting the benchmarks for evaluation of these practices and institutions necessarily entails substantial consideration of the meaning of democracy. Definitions of democracy are inherently normative, and we are not attempting to agree upon a single one that is applicable to all places at all times. Rather, we are interested in capturing and assessing those principles that allow us to consider how well our democratic institutions are serving contemporary society and that assist in identifying potential reforms that will enable them to do so more fully and effectively.

Our desire to ensure that our assessment is relevant to twenty-first-century Canada means that we are highly cognizant that a significant challenge facing our democratic institutions and practices is that they fully reflect the changing composition of Canadian society, both in terms of who we are and the democratic values we hold. Canadian civil society changed significantly toward the end of the twentieth century, and it is not at all clear how well our existing institutions are able to cope with these dramatic developments and the various democratic aspirations and challenges associated with them.

Canada is one of the world's largest takers of new immigrants. These new Canadians come from differing backgrounds, and their experiences differ from those they join in their new homeland. The 2006 census reported more than 200 different ethnic origins, with 34 of them

claimed by more than 100,000 Canadians. The census found that 16 percent of respondents were visible minorities, a growth of 20 percent in just five years, and estimated that this will increase by another 25 percent in the coming decade (Statistics Canada 2008). In 2007, Canada admitted a quarter of a million immigrants, largely from non-European countries (Citizenship and Immigration Canada 2008).

The degree of change from earlier patterns is evident in the list of the most common countries of origin for recent immigrants: China, India, Philippines, Pakistan, United States, United Kingdom, Iran, South Korea, Colombia, and Sri Lanka. The result is a Canada made up of ethnic communities that differ from those of even one generation ago and in which the number of visible minorities is ever-increasing. This change is also evident in terms of mother tongue. Today, there are nearly as many Canadians who claim neither French nor English as their mother tongue as there are native French speakers.

It is also the case that women and visible minorities continue to be under-represented in many of our democratic institutions (see Chapters 3, 4, 7 this volume; Docherty 2005; White 2005; Cross 2004) and that public opinion suggests that many Canadians view this as an important component of a democratic deficit (Howe and Northrup 2000). Given the changing nature of Canadian society and the desire for inclusive representation among Canadians, we conclude that any meaningful assessment of Canadian democracy must consider how well our public decision-making processes and institutions include the many communities comprising the Canadian mosaic. Thus, we identify inclusiveness as one of our central benchmarks. Although many of the assessments focus on inclusion in terms of representing this diversity, issues of political economy and consideration of whether all Canadians have the necessary resources for full democratic participation are also included (see Barney 2005, Chapter 9 this volume; Gidengil et al. 2004; Gidengil et al. Chapter 5 this volume; Greene 2006; Young and Everitt 2004, Chapter 8 this volume).

The democratic values of Canadians are also in transition. Although this is a large and wide-sweeping issue, we identify three general areas in which Canadian values have undoubtedly shifted in recent years: the

first is what Neil Nevitte (1996) has called a “decline in deference.” Canadians are more willing to challenge authority, have less confidence in public officials, and are less deferential toward public decision making by elite-dominated institutions. The second is the rise of an individual rights-based culture. In a philosophy symbolized by the Charter of Rights and Freedoms, Canadians are encouraged to see themselves as individuals, not solely as members of constituent groups - and if identity is group based, it is no longer limited to the traditional political communities largely formed on region, language, and religion. And third, closely related to the first two, is a desire for more direct participation in public decision making and a rejection of perceived elite-dominated institutions. The results of these are many but are easily observed in increased cynicism regarding elite-driven political compromises, declining rates of participation in traditional political activity such as political parties and voting, and an increase, particularly among young Canadians, in involvement in more direct - unmediated - political activity such as protests and the like. (For more on this, see O’Neill 2007; Chapters 5, 6, 7, 8 this volume.) These findings led us to identify the democratic values of participation and responsiveness as central benchmarks of our investigations.

The challenges presented to Canadian democracy by these changes in demography and values are captured in these three benchmarks: participation, inclusiveness, and responsiveness. A review of public opinion data and of the literature critical of Canadian democratic practice supports a conclusion that Canadians want public institutions and decision-making processes that offer them meaningful ways of participating in their democratic life, that they want this involvement to include all the communities that comprise contemporary Canada, and that they expect democratic outcomes to be responsive to this inclusive participation. Outcomes that do not at least reflect a consideration of the views of participants will not satisfy demands for responsiveness in public decision making.

The challenge is reconciling these evolving democratic norms with traditions of parliamentary democracy, both inherited from the United Kingdom and crafted to serve an earlier, less complex, Canadian society

with less demanding democratic aspirations. Canada's traditions of brokerage politics have long been centred on the practices of compromise and accommodation. Elites, committed first and foremost to the maintenance of the federation, have engaged in the brokerage form of national policy making. Whether in the federal cabinet or through the practice of executive federalism, the primary interests to be reconciled were region and language, and participants were often invited to the decision-making table solely as representatives of one dimension of these divides (see Chapters 2, 3 this volume; Smith 2004; White 2005).

These processes, not to be short sold, helped develop and manage a country whose centrifugal forces are often so strong that the unity achieved was nothing short of a monumental accomplishment. Indeed, grand compromises on the most difficult of national questions were often arrived at by our federal ministers and later our provincial first ministers. Whether relating to divisive issues such as conscription or constitutional reform, elite-driven compromises were found possible. Thus, though each of the auditors concentrates on the aforementioned benchmarks, they do so in a nuanced way that acknowledges that more of these may not always be ideal and may come at the cost of other democratic values such as accommodation. Together with a focus on institutions and their interactions with citizens, these benchmarks provide a coherent framework for an initial assessment of Canadian democracy. It is not all-encompassing, and future work on other democratic practices and values, such as equality, efficiency, and accountability, would add to this discussion.

While settling on these guiding principles, we did not impose a strict set of democratic criteria on the evaluations that together constitute the Audit. Rather, our approach allows each author wide latitude in his or her evaluation. Unlike other democratic assessment projects, ours does not use a checklist approach in which a laundry list of democratic attributes is identified and looked for in each institution and practice. We rejected this approach primarily because construction of such a list must reflect the normative perspectives of those who produce it and because its content may have a significant impact on the resulting findings. Instead, our approach reflects an attempt to have a cohesive

project centred on broadly accepted benchmarks while allowing sufficient scope for the authors to shape the assessment in ways they think best illuminate the democratic strengths and weaknesses of the area they are considering.

As is consistent with this approach, different investigators discuss the various aspects of democratic life. Instead of using a small group to assess all areas, we assembled a rather large team of subject specialists who probe the areas in which they are expert. The result is a richness in the understanding of the institutions and practices, a diversity of perspectives relating to the nature of democratic life, and a cohesiveness achieved through a privileged place given to the three benchmarks.

This approach means that the Audit's perspectives and measurements are not absolutely uniform throughout, something we believe adds to the value of the project. Democracy is an inherently normative concept, and imposing a single limited set of criteria and having a small group make the assessments would not capture the depth and breadth of the debates surrounding democratic practices; nor would it capture the robustness made possible by engaging a rather large group of diverse political scientists.

In terms of measuring how democratic performance is consistent with the benchmarks, the Audit is guided by three general standards: how well the institution or practice meets the democratic needs of contemporary Canada, whether positive change has occurred over time, and where applicable, how Canadian practice compares to that in other Western democracies. Each auditor determines the weight given to each measure on the basis of what is most appropriate to the institution or practice under review. In some instances, reliable cross-national and over-time data are available; for others, such as emerging communication technologies, the exercise is necessarily more speculative.

Whereas each of the individual monographs in the Audit series tackles all of these questions, it is not possible to do so in one capstone volume. For this book, each author considers the greatest strengths and weaknesses of the area under discussion in terms of the benchmarks. Each then situates this in a broader context by examining the overall contribution of the institution or practice to Canadian democratic life

more generally. It is here that other democratic values and imperatives may come into play. Finally, the authors suggest reforms that might improve the contribution of their institution or practice to our democracy.

We do not prioritize these reform proposals; nor do we attempt to reconcile their divergent perspectives on issues such as the advisability of electoral system reform. To a certain extent, these are normative judgments based on how one prioritizes competing, valid democratic concerns. Our objective, as a project, is for individual authors to state their case, outlining their views and the rationale supporting them. The readers' task is to decide for themselves whether such reforms are consistent with their informed view of Canadian democracy.

The Book

The chapters that follow focus on the principal institutions of democratic decision making, the key vehicles for public participation, the capacity of Canadians for democratic citizenship, and the role of emerging technologies in democratic life.

The first three chapters examine institutions that define public decision making: federalism, cabinets and first ministers, and legislatures. These institutions organize the governing structures within which public policy outcomes are determined. Together, they shape the framework within which citizens find opportunity for participation in public decision making, and they significantly influence the degree of responsiveness to citizen interests. These chapters underline the tensions between traditions of elite-dominated decision making, aimed at regional and linguistic accommodation, and demands for increased opportunities for public participation that are inclusive of new and emerging political identities not restricted to old paradigms.

In Chapter 2, Jennifer Smith identifies the complex relationship between democracy and federalism, and the tensions that can arise between the two. She argues that the practice of federalism presents both challenges and opportunities for the enhancement of citizen participation and influence presented by the multiplicity of access

points and the overlapping of jurisdictional responsibilities among various levels of government. She highlights both the area of Senate reform as having the potential to significantly change citizens' relationships with their central government and the challenge of adequately representing those elements not formally included in federal structures - such as cities, gender, and ethnicity.

Focusing his attention on cabinets and first ministers, institutions that are increasingly seen to dominate government decision making, Graham White picks up on this theme in Chapter 3, noting Canadian politicians' "hypersensitivity to regional concerns." Although he acknowledges the traditional under-representation of groups such as women, Aboriginals, and visible minorities in cabinets, his focus on the potential role of backbench members in cabinet deliberations and the diversity of information sources available to the executive broadens this discussion beyond mere counting. His analysis also includes a critical examination of the widely held belief that decision making is becoming increasingly concentrated with the first minister, a phenomenon with important implications for the ability of diverse citizen groups to influence policy outcomes.

White notes that, in terms of diversity, the formal composition of cabinets is significantly limited by the government's parliamentary caucus, which, as David Docherty illustrates in Chapter 4 on legislatures, has traditionally been under-representative of groups such as women and visible minorities. In the absence of direct democracy, Canadians look to the elected members of their assemblies, both to represent their interests and to legislate on their behalf. Docherty highlights the centrality of these bodies to both our governing practice and citizens' evaluations of their democracy generally. He also underscores the challenges brought about by the recurrence of minority parliaments and examines the question of coalition arrangements that captured public attention in December 2008.

Chapters 5, 6, 7, and 8 all consider citizen involvement in public decision making, with a focus on the ability of citizens to organize and participate directly in democratic politics. Among other things, they explore the relatively low levels of involvement in voting and political

parties. They also suggest a democratic divide, with significantly lower levels of participation and knowledge found among certain cohorts of Canadians. Together, they suggest that, though the formal rules of elections have become significantly more inclusive and liberal, other institutional arrangements favour the participation of particular groups of Canadians.

In Chapter 5, Elisabeth Gidengil and her colleagues assess how well Canadians fulfill their responsibilities of democratic citizenship. Focusing on political interest, knowledge, and activity, they find significant variation among different sets of citizens. They argue that these discrepancies result from a number of factors including both our institutional arrangements and the relative resources, such as levels of education, available to various groups. In considering reforms that might lead to greater levels of political activity and interest, they discuss the importance of engaging young Canadians, of civics education, and of generally improving civic literacy. They also emphasize the importance of integrating new Canadians into the country's democratic culture and ensuring there are access points for them to learn about the political system and participate in it.

Chapters 6, 7, and 8 then examine the key venues for citizen participation: elections, political parties, and advocacy groups. In Chapter 6, John Courtney examines what he calls the "pillars" of Canada's electoral system. These include the franchise, voter registration, electoral districting, election management, and the plurality voting system. Stressing the importance of open, freely competitive, and recurrent elections, Courtney presents a largely favourable evaluation of what he finds to be "a solidly democratic framework" and an ever-expanding franchise that now encompasses almost all adult citizens. His analysis includes a balanced consideration of the single-member plurality voting system and sounds a note of caution for those with unrealistic expectations of what reform in this area might accomplish.

In Chapter 7, William Cross argues that democratically organized political parties are central to a participatory, inclusive, and responsive politics. Accenting the role played by parties in areas such as policy determination and candidate and leadership selection, along with

their privileged place in our electoral and legislative institutions, he asserts that parties are essentially the public utilities of our democracy. Nonetheless, he finds relatively low levels of public involvement in parties and uncovers cohort differences similar to those found by Gidengil et al. in Chapter 5, insofar as youth, women, and new Canadians are under-represented within the parties. In considering reform proposals, Cross suggests that parties dedicate more resources for policy study and development among their grassroots activists and open up the candidate and leadership selection processes to make them more accessible and transparent in order to encourage higher rates of involvement.

Although participation levels in parties and elections may be relatively low, advocacy groups are increasingly becoming a vehicle of choice for Canadians who wish to interact with governments and to influence public policy - particularly for those in the younger age cohorts. In Chapter 8, Lisa Young and Joanna Everitt examine the kinds of groups that exist, their relative influence in the public sphere, and the internal democratic dynamics of group organization. This allows them to consider whether groups help to remedy some of the representational deficits found elsewhere. Their conclusions are rather mixed. Although they find that group activity does provide a meaningful method of citizen engagement in public life, they also discover both a disparity in the amount of resources available to different types of groups and that many of the socio-economic representational shortfalls found in organizations such as parties persist in advocacy groups.

In Chapter 9, Darin Barney's consideration of new communication technologies both assesses the policy making involved in establishing a new regulatory framework and considers the possibilities for these new technologies to facilitate greater democratic participation. As he suggests, these are difficult tasks, because the ground is constantly shifting in terms of the relationship between these technologies and our political institutions, and because they are deployed in a wide variety of sites beyond the formal political arena that have potential influence on accessibility and participation in democratic life. His conclusions caution that these technologies do not ensure the democratic panacea

often suggested, as he finds little evidence that groups such as governments and political parties consistently use them to expand participatory opportunities for a broader range of Canadians. Barney also points to challenges of political economy that must be addressed in considering the democratizing capacities of these new technologies and decisions relating to their use.

The book concludes with Chapter 10, by R. Kenneth Carty. Carty begins by questioning whether a democratic audit was necessary, considering the relatively healthy state of Canadian society. Though acknowledging that our democratic arrangements have served us well, he points to the ever-changing nature of the Canadian population in arguing that audit-like exercises are important in ensuring that our public and governmental institutions meet the evolving democratic needs and expectations of contemporary Canada. Carty then presents a unified consideration of twenty-one reform proposals found throughout the Audit studies. He categorizes these as ranging from societal changes to major institutional/constitutional reforms to issues of public policy and institutional practice.

Although the Canadian Democratic Audit is an ambitious undertaking, we hope it is but an opening salvo in encouraging others to examine the democratic capacities of various aspects of our public life or perhaps to use other benchmarks and measurements in furthering the assessments that comprise this Audit. Evaluating the state of our democratic practice and considering how it may be improved is not a discrete project but rather is an ongoing obligation of a democratic citizenry. Our hope is that, through this Audit, we have contributed to this task by providing readers with information and analyses that assist them in evaluating their democracy and in considering ways to improve it.

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