Representation and Policy Formation in Federal Systems

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Edited by
David M. Olson &
C.E.S. Franks

This series on Canadian-American federalism is dedicated to Ronald Watts and Daniel Elazar.

PREFACE

This book owes its inspiration to Victor Jones, Professor Emeritus at the University of California, Berkeley. Victor's enthusiasm and organizing energy caused the project to be and encouraged its production and completion. All contributors owe Victor a great debt of gratitude.

David Elkins, Roger Gibbins, and Jean-Pierre Gaboury commented on all the chapters in this volume, and the authors and editors are grateful for their help. Deil Wright did the same, and his comments were so helpful, so interesting, that he deserves special mention. As has been said before, on all great subjects much more remains to be said. This is true of federalism, and the editors find themselves, at this late stage, with the project having raised more questions than we have answers. We hope it will stimulate further research.

FOREWORD

An old saying among political scientists is that foreigners are more likely than natives to understand a country's political culture. They may even give respectability to or be the originator of facile, untested legends. But the principal contribution of an outsider is to raise questions, often embedded in sweeping assertions, that move insiders to confirm, modify, or refute the visitor's findings and conclusions.

We do not aspire to the role of Toqueville, Lord Bryce, or Lord Durham. We hope, however, that our collaborative examination of three specific aspects of Canadian and American federalism at work will bring to each participant, as well as to our readers, a clearer appreciation of Canadian and American government and politics. The give and take of our collaboration over the past five years has given us a clearer picture and a sharper background for observing the formation of new, and the total or partial dissolution of old, federal bonds all over the world.

The generic problem is the structuring and restructuring of conflict and controversy so that center, region, and locality participate effectively (not necessarily efficiently) and with at least a modicum of satisfaction to parochial and superparochial interests. In this sense, unitary governments are faced with similar conflicting interests without the formal admission of territorial constraints in their resolution. We are still faced with Harold Laski's question: what difference does federalism in any of its organizational manifestations make? We need more penetrating and detailed comparisons of interest articulation, policymaking, and policy implementation along a continuum from totalitarian central management to anarchy.

I hope that our transnational collaboration extending from the selection of topics and participants through collegial discussion and criticism of individual papers and their editing into a book (a process not at all unusual in academia), which we have enjoyed in the Canadian-American Federalism Project, can be continued. There are dozens of topics that need to be explored arising from Canada's ongoing search for an acceptable constitutional order. Likewise, in the supposedly stable American federal system, we are faced with the systemic strains and opportunities of our unstable intergovernmental relations (national, state, and local) as we move cyclically from the more passive (at least

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Note: Each author spells and measures in accord with his or her respective national custom, e.g., labour/labor, kilometres/miles, Canadian dollars/U.S. dollars.

ideologically) Reagan-Bush role of government to the promise of a more active role under Clinton and undoubtedly back again, but never to the *status quo ante.* All of this is occurring in both countries in the context of a globalization we cannot yet fully comprehend.

For the past five years, 18 Canadians and 21 Americans from 14 American and 11 Canadian universities have been exploring the differences and similarities in intergovernmental relations under the two neighboring federal systems. In fact, even more scholars have been involved since the workshops for the federalism project have been held back-to-back with the annual University of California seminars on federalism under the leadership of Professor Harry N. Scheiber.[1] Three independent critics have also been present at each workshop. We are grateful to the following for intellectual and social stimulation and for specific criticism of the papers: Jean-Pierre Gaboury (University of Ottawa), Thomas Anton (Brown), Ronald Watts (Queen's), Bruce Cain (Berkeley), Deil Wright (North Carolina), L. J. Sharpe (Nuffield College, Oxford), John Kincaid (U.S. Advisory Commission on Intergovernmental Relations), Peter Leslie (Queen's), and Henry Keith (U.S.-Canada Business Institute, San Francisco State University).

This series consists of three volumes. The first volume, *Metropolitan Governance: American/Canadian Intergovernmental Perspectives*, edited by Andrew Sancton (Western Ontario) and Donald N. Rothblatt (San Jose State University), examines the governance of metropolitan regions under the Canadian and American federal systems. Volume two, *States and Provinces in the International Economy*, is edited by Douglas M. Brown (Queen's) and Earl H. Fry (Brigham Young). Volume three, *Representation and Policy Formation in Federal Systems: Canada and the United States*, edited by C. E. S. Franks (Queen's) and David Olson (University of North Carolina at Greensboro), studies representation of regional and other interests in the two federal systems.

The Canadian-American Federalism Project was initiated and conducted by the Canadian Studies Program of the University of California, Berkeley. The cochairmen of the Canadian Studies Program,

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[1] The proceedings of these seminars on federalism have been published by IGS Press as *Perspectives on Federalism* (1987); *Federalism: Studies in History, Law, and Policy* (1988); *Power Divided: Essays on the Theory and Practice of Federalism* (1989); *Federalism and the Judicial Mind: Essays on American Constitutional Law and Politics* (1992); and *North American & Comparative Federalism: Essays for the 1990s* (1992).

Professor Thomas G. Barnes (History and Law), and Professor Nelson Graburn (Anthropology), have been supportive, encouraging, and demanding. We needed all three elements of oversight and are thankful to Professors Barnes and Graburn for their kindness and persistence.

The Canadian Studies Program for most of its life was part of the Institute of International Studies. It was a pleasure to work with its director, Professor Carl Rosberg, its assistant director, Harry Kreisler, and its managing officer, Karen Beros. The Canadian Studies Program continues under the university's International and Area Studies, headed by Dean Albert Fishlow. Literally, the project would not have survived without the 24-hour assistance and guidance of Peggy Nelson. Rita Ross, administrative assistant for the Canadian Studies Program, has been a capable and friendly successor.

The Canadian Studies Program has profited from the participation of scholars from other colleges and universities in the Bay Area. We are grateful to Ted Thomas (Professor of Sociology and Provost of Mills College), Donald Rothblatt (chairman, School of Urban and Regional Planning, San Jose State University), and Calvin Massey (Professor of Law at Hastings College of Law), for participation in the federalism project.

The Institute of Governmental Studies (IGS), both under its former director Eugene C. Lee and its current director Nelson W. Polsby, has served *de facto* as a second home for the federalism project and in fact for the entire Canadian Studies Program. Without its in-kind support (paper clips, office space, xerox, telephones, library, etc.) I should not have been able to formulate and manage the Canadian-American Federalism Project.

I have lived in the IGS Library off and on since 1938. I thank past and present librarians for their tolerance, help, and friendship. Our federalism project is indebted to Jack Leister, former head librarian, Terry Dean, current head librarian, Kathleen Burgess, Ron Heckart, Marc Levin, Diana Neves, and Susi Schneider. Since I have never been allowed to browse in the stacks, I salute the many pages who over the years have retrieved books for me.

Equally important has been IGS' support of the annual seminars on federalism under Harry N. Scheiber of the Boalt Hall School of Law. IGS Associate Director Bruce Cain and Assistant Director Adrienne Jamieson continue to be delightful and supportive colleagues.

The three project reports are being published by IGS Press and marketed in Canada by the Institute of Intergovernmental Relations of

Queen's University (Ronald Watts, Director) and in the United States and elsewhere by IGS. We are deeply indebted to the IGS Director of Publications, Jerry Lubenow, and his associates, Maria Wolf (Publications Editor), Pat Ramirez (Publications Coordinator), and Catherine West (Publications Marketing Coordinator). I personally accept responsibility for all my procrastination, which makes Maria Wolf's continued good nature both extraordinary and appreciated.

The IGS Press has also assumed from the University of California Press the publication of the Franklin K. Lane series of books on major metropolitan regions. Three of the nine published volumes are on Canadian metropolitan regions: Albert Rose (University of Toronto) on Toronto, Andrew Sancton (Western Ontario) on Montreal, and Meyer Brownstone (University of Toronto) and T. J. Plunkett (Queen's) on Winnipeg. IGS Press will also publish this year a volume on the extended Toronto region by Frances Frisken (York University)—the author of an essay in volume one of this series.

We are especially indebted to several people at Queen's University: Ronald Watts, Douglas Brown, Richard Simeon (now at the University of Toronto), Peter Leslie, C. E. S. (Ned) Franks, and T. J. Plunkett. Similar assistance, encouragement and criticism has come from Peter Oberlander and Alan Cairns at the University of British Columbia and from Patrick Smith of Simon Fraser University.

The Canadian government has also been closely involved in developing the idea of a joint venture and in furnishing financial assistance to support the research of several participants. The encouragement and assistance of the following are especially appreciated: Alan Unger, Public Affairs Officer, Consul Stuart Hughes, and Andrew Thompson, Academic Affairs Officer, at the Canadian Consulate-General in San Francisco. From the beginning of our efforts to go forward with Canadian-American collaboration Norman London, Academic Relations officer at the Canadian Embassy in Washington, D.C., has constantly shown the deepest interest in our work. We are grateful to him and to the Canadian government for a close professional friendship.

The Honorable James D. Horsman, Deputy Premier of Alberta and Minister of Federalism and Intergovernmental Affairs has taken time frequently to visit with the Canadian Studies Program and to discuss events leading to and following from Meech Lake and the national and Quebec referenda of 1992.

We would also like to acknowledge the advice, stimulation, and criticism at various times and in various ways from Stanley Scott

(Berkeley); Martin Landau (Berkeley); Randy Hamilton (Berkeley and Golden Gate University); Don Chisholm (UCLA); James Desveaux (Texas A&M); Evert Lindquist (Toronto); Peter Lydon (visiting scholar at IGS); John Sproul, Roger Thompson and David McLean of the Advisory Group to our Canadian Studies Program; Malcolm Taylor (York); David Elton (University of Letheridge and Canada West Foundation); Alan Artibise and David Elkins (University of British Columbia); Lloyd Brown-John (University of Windsor); Charles Doran (Johns Hopkins-SAIS); Daniel Elazar (Bar Ilan University and Temple University); Stephen Schecter (Russell Sage College); David Walker (University of Connecticut); Lyle C. Fitch (Institute of Public Administration); Carl Stenberg (University of Virginia); Bruce McDowall (U.S. Advisory Commission on Intergovernmental Relations); and Kent Mathewson, a leader in the reconstruction of intergovernmental relations in metropolitan regions.

This magnificent experience for all participants and the publication of some of our findings and conclusions have been possible only because the William H. Donner Foundation decided to fund our efforts. We salute William T. Alpert for his trust backed by the generosity of the foundation. Other people and institutions have contributed equally generously with grants to match the foundation's support. Robert H. Gayner, executive director of the Business Fund for Canadian Studies in the U.S., made it possible to complete the project. The Pacific Gas Transmission Company, The McLean Group of Vancouver, the Canadian Embassy, the Province of Alberta, and Marathon U.S. Realtors, Inc. were equally generous throughout the life of the project.

Victor Jones
Canadian-American Federalism Project
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Representation and the Policy Process in Federal Systems:
Introduction

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The United States and Canada share not only the North American Continent, but also a wide range of political values such as democratic, representative government, reliance on a market economy, and a system of human rights and freedoms expressed in a constitution and protected by independent courts. But there are also profound differences in policies and the role of governments. In Canada the government is more prominent and takes a more active role in health, welfare, and social areas. Canadian crime rates and rates of imprisonment are only a small proportion—one half to one third—those of the United States. Some observers (Lipset 1990) attribute these differences to differences in political values, stemming from the era of the American Revolution. The United States then chose a path that emphasizes individualism, while Canada, founded by United Empire Loyalists who rejected the revolution, and by French Canadians who were separated from France in the time of the *ancien régime*, before the French Revolution, chose a more conservative, communitaria, approach. Others (Franks 1987) have argued that the differences between the British parliamentary-cabinet system adopted in Canada and the American presidential-congressional system account for many of the perceived differences.

In fact, both values and representative institutions interact to create policies, and policies incorporate both underlying values and the kinds of values that one particular system of representation emphasizes. Policies also address the peculiar problems that a country has faced and faces, and Canadian politics can no more be understood without an appreciation of the French fact in Canada, the particular place of Quebec, and the

obstacles of geography, than the politics of the United States can be understood without an appreciation of north-south differences and the legacy of racial conflict. The essays in this book examine the institutions of representative government and the policy processes at both the national and the state-provincial level in the two countries. This examination highlights both the similarities and differences.

Perhaps the most important difference is that the system of representation, and the constitution itself, are major political issues in Canada, whereas they are not in the United States. In 1981-82, after decades of discussion in Canada, the British Parliament passed an act that broke the last constitutional ties between Britain and Canada by establishing an amending formula for the Canadian constitution that involved only the Canadian Parliament and provincial legislatures. The nine English-speaking provinces agreed to these changes while the predominantly French-speaking province of Quebec did not. A few years later, the Mulroney Progressive Conservative Government attempted to get Quebec's assent to the constitution through the ill-fated Meech Lake Accord. Two provinces failed to agree to this accord, which then lapsed. Canada was then plunged into a constitutional morass that the Charlottetown Agreement of August 1992 was an attempt to solve. This agreement was, however, rejected by six out of 10 provinces in a referendum in October 1992. For a while, at least, this will mean the end of further attempts to reform the Canadian constitution.

The major issue in these wrangles is the role of the French language, and Quebec in particular, within the Canadian confederation. A substantial portion of the population of Quebec would like the province to become an independent state, or a separate state associated with the rest of Canada. Efforts to accommodate Quebec over the years have been a major force in decentralizing power from the federal government to the provinces. Quebec demands have been, as they are now, a major factor in creating the recurring constitutional crises that threaten the existence of the country. Efforts to appease other provinces have included proposals for drastic changes to the Canadian Senate, so that it would move towards an elected, equal (or at least equitable), and effective body—the "Triple E Senate." During the summer of 1992, constitutional negotiations over the Senate spilled over into proposals to change representation in the House of Commons, adding another element of uncertainty. Thus the distribution of powers, an important part of the system of representation, and even the continued existence of the country are subjects of dispute and negotiation. These factors are an underlying

substratum and give an element of contingency and impermanence to discussions of representation in Canada.

In comparison, the American system of representation, however complex and obscure it may appear, especially to outsiders, is a well-established system that has endured without serious threats for over 100 years and appears likely to continue to endure far into the future. The American Civil War was fought and decided long ago, and, regardless of the great stresses and strains of American politics, there is at present no serious threat of territorial or other separation. The system is permanent and stable.

The studies in this volume were originally written in 1988, when the political system in Canada appeared stable and Quebec nationalism and independence politics were at a low ebb. It is now being published in 1993, when these separatist sentiments are as intense and pervasive as they ever have been. As a result, the editors and authors of this volume cannot be certain whether what they have written about Canada will be, by the time it is published and read, a description of a system that is breaking down or whether it will describe a system that has, as in the past, accommodated stresses of the period and will continue to exist in much its present form.

Proposed changes to the Canadian Senate (as of August 1992) have been noted in this introduction. Otherwise, the chapters stand as they were written, as a description of representation in the Canadian federal system as it has evolved from 1867 to the present.

Canada and the United States are federal systems, with written constitutions, a bicameral national legislature, and constitutional protections for subnational governments. Both have relatively pluralist societies. Both countries use a plurality single-member election system,[1] which has the effect of increasing the size of legislative majorities. Both have few political parties, and both have relatively few bases of issue conflict in national elections. Further, subnational governments spend about similar proportions of all governmental revenues. In all of these respects, the two North American democracies are similar to one another

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[1]In Canada, in 1992, the Charlottetown Agreement proposed changing the Senate to an elected chamber, with its members selected by proportional representation, or appointed by provincial legislatures (in Quebec). In Ontario, half the senators were to be women. Each province was to have six members.

and stand in marked contrast with most of the other democracies of the world (Lijphart 1984).

Differences in their specific practices are more apparent. The parliamentary system of Canadian national government, found also in the provinces, contrasts with the separation of powers structure in American national and state government. The provinces are more important in raising and resolving major questions of national policy in Canada than the American states. Furthermore, there is an important difference in their social pluralism in that their minority populations are distributed within each country very differently. That is, the French language population is concentrated in one province, while the black population is now distributed throughout all regions of the United States (Lijphart 1984, 181).

In world perspective, Canada and the United States are among the few stable democracies. Among democracies, they share outstanding traits with only a handful of other countries. In two major if summary characteristics—the degree of power concentration within national government and the degree of power sharing between national and subnational units—Canada and the United States are similar to West Germany, Austria, and Australia. All five countries emphasize, as do Britain and New Zealand for example, the majoritarian principle within national government by a small number of parties and by single-party executives. But like Switzerland, all five are also federations illustrating the consensual principle, in which subnational governments have a constitutionally protected status (Lijphart 1984, 214-19).

That five countries group together in a "majoritarian-federal" category out of a total of 21 stable democracies indicates that a concentration of power in one dimension need not be associated with power concentration in the other. Yet there is a continuing potential for conflict within each of these five countries between the consensual principle of a strong bicameral legislature in the federal dimension and the majoritarian principle of either a dominant popular chamber and/or a single-party executive in the national dimension.

The United States and Canada illustrate very different approaches to this potential conflict between majoritarian and consensual principles; how their different solutions work in practice is the topic of this book. Canada resolves this dilemma by reducing the consensual element of its national institution through a weakened bicameralism, while the United States moderates the majoritarian character of its national executive through a dual executive-legislative structure (Lijphart 1984, 219-20).

Canada has very rigid and powerful party cohesion in its legislature, with an adversarial relationship between government and opposition. In contrast, party lines are muted in the American Congress, with party affiliation only a poor guide to how a senator or congressman votes. Also, a president is often of a different party from the majority in Congress, while in Canada the prime minister *must* be supported by a majority in the House of Commons. While both the American and Canadian legislatures operate on a majoritarian decision rule, the majorities are composed differently: of a shifting coalition of interests in the United States; and of monolithic party in Canada. Canada, also, often has situations of minority parliament, where the governing party must enter into an informal coalition with a third (or even fourth or fifth) party to retain its majority. Thus, both systems have consensual as well as majoritarian/adversarial components. We will explore in succeeding chapters how both the national and subnational governments in these two countries have interacted to develop very different systems of politics and policy resolution as federal democracies. They each have internalized—but differently—the broader cross-national comparative elements of majoritarian and consensual politics typical of federal democracies.

ISSUES IN REPRESENTATION

Representation is one of those topics that appears simple at first but becomes more complex on closer examination until it is almost paralyzingly difficult to disentangle, analyze, and come to terms with. Hence, of course, the reason for this series of studies of various aspects of the representation in federal systems and its relationship to the policy processes. A system of representation demands at least two parties: the representative and the represented. Political representation in most countries, and certainly in the two countries under study here, Canada and the United States, is based upon territory. That is, the representatives are selected from a given territory to serve in an assembly of representatives or other political position. There are other systems of representation that may be loosely classified as "functional" rather than "territorial." Although in the past some representative assemblies have been selected at least in part on a functional basis, such as the British upper chamber including lords spiritual and temporal, law lords, and some other officers of state, function is not now normally a basis for political representation. There have been efforts to make function a basis—such as L. S. Amery's proposals for reforming Parliament—but they have not been adopted.

Functional representation nowadays occurs through interest groups, or participation in political parties.

Three types of relationship between representative and represented can be distinguished:

1. "a" represents, in the sense of being typical of, an example of, standing for, group "A." For example, "Henry James represents all that is best in nineteenth century east coast American prose" or, "women are underrepresented in Congress." This, in Stewart's and other essays that follow, is called "passive" representation.

2. "a" represents, in the sense of being empowered to act on behalf of, is a trustee for, group "A." For example, "Premier Don Getty represents the government of Alberta in the talks on constitutional reform." This is one form of "active" representation.

3. "a" acts on the instructions of, is a delegate from, group "A." For example, "Those selected for the Electoral College in the United States must vote there as instructed." This is another form of "active" representation.

A fourth type of representation is symbolic, in the sense that: "Christ on the Cross represents the essence of Christianity." While this type is of importance in politics, as, for example, is shown by the prominence of national athletes in international sports competition as representatives of nations, it is of less interest in the more mundane aspects of political representation and will not be considered in detail here, although some aspects of "passive" representation are very important at the symbolic level.

Arguments and discussions about representation in political systems usually have embedded and entwined in them components of all three, or even four, types of representation. For example, some modern literature that analyzes representation, particularly from a left-wing perspective, makes much of the social and economic status of representatives, showing that they generally come from a higher status group than the average of those they represent. This is perceived as a failure in representation. Here, active and passive representation are closely linked. A very important issue can be the extent to which a representative must act as his or her constituents would like, whether this liking is expressed through public opinion polls, through the urgings of pressure groups, or through plebiscites and instruments such as recall. Members of Parliament in Canada have voted against the restoration of capital punishment, though a majority of Canadians would like to see it back. A majority of American congressmen vote against gun control, though a majority of

Americans would like to see tighter controls. In the former instance the Canadian MPs vote with their conscience against public opinion; in the latter a majority of American congressmen vote against public opinion in response to powerful interest groups. The tension between the trustee and delegate roles can be very strong indeed. An important point to be highlighted in all this variety is that there is only a loose fit between representative and represented. Each elected representative represents only some aspects and portion of his or her constituents. This problem is particularly highlighted in a federal system where there are, at a minimum, two overlapping and often competing systems of representation for the same territory: the federal, and the state or provincial. It is further highlighted in the United States by the existence of three separate but overlapping bases for elected representatives at each level: the president, with a national constituency; the Senate, with a statewide constituency; and the congressmen from local constituencies. Each has the state counterpart. The parliamentary system conflates the constituency basis of the individual MP and the national basis of the party leaders, which causes a great deal of confusion in trying to sort out what happens both in elections and in politics.

The two fundamental systems of elected political leadership are the elected assembly and the head of government. With only a loose fit between electors and representatives, and with very different constituencies, it is not to be expected that the representative processes would throw up elected politicians from the two systems with identical views on what policies there should be; indeed it is more reasonable to assume that there would be wide disagreements. In the United States one of the important ways in which these divergences manifest themselves is in tensions between Congress and the president. In Canada their main manifestation is in confrontation between government and opposition within the elected House of Commons.

This complexity is aggravated in federal systems by the different territorial bases of the two levels of government. There is, thus, a strong further possibility that within a federal system not only will there be a competition for power and legitimacy within each level, but also between levels. And there are, often, no overarching constitutional or other grounds for deciding which level of duly elected government is the more appropriate reflection of what is in the interests of, or wanted by, the electorate.

Federal systems often also have further complications in special provision for the representation of regions and lower-level units at the

national level. The lower chamber of the national assembly in both Canada and the United States is based on representation through universal adult suffrage in roughly equal single-member constituencies across each nation. The upper chamber is biased towards regions: in the United States through the election of two senators per state, regardless of size of state; in Canada through appointment of senators from regions and provinces.[2] In the United States both the House and the powerful Senate substitute for state governments as regional spokesmen at the national level. Federal-provincial conferences and first ministers meetings in Canada are a more powerful forum than the Senate for the articulation of regional interests.

Modern democracies also contain other, functional, systems of representation. These are very well established. They overlap with, complement, and at times compete with, the system of political representation through territory. Perhaps the most important of these is representation through interest groups. Pluralist politics is the competition of these groups in the political market place. Some win, some lose. Sometimes groups gang together, sometimes they fight. A high proportion of citizens, one way or the other, are represented through many groups that claim to speak on their behalf. Sometimes groups representing the same persons will be on opposite sides of an issue. Each interest group, as the term itself implies, represents only some of the interests or concerns of citizens. Interest groups are a form of partial representation, whereas representatives elected from territorial bases are supposed to have the general welfare of constituents and constituency in mind.

The processes of political representation are dominated by another curious form of hybrid beast, the political party. Political parties are both public and private. They partake of some of the characteristics of functional representation of interest groups and some of the characteristics of territorial representation of elected assemblies. They dominate many aspects of representative politics, including much of the elected processes, but also, to varying degrees, the behaviour of the elected representatives. The activities of the Canadian House of Commons are only intelligible through an appreciation of the overwhelming domination by political parties of the behavior of MPs. In the United States the power of parties in Congress is much weaker.

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[2]The recent proposals include a plan to have a Senate with an equal number—six-elected from each province.

The largest part of modern government, whether in terms of numbers of people, discretionary power, control of financial and other resources, autonomy, or capacity for action, is the bureaucracy. There is a substantial literature on the question of representation in the public service. This centres around two issues. The less important for the policy processes is passive representation, the opportunity of persons from disadvantaged groups to participate equally in public service employment. The more important is active representation, the question of how the public service determines and colors policy choices, and how stronger representation by minority groups might change these choices.

A further form of representation that is important in modern democracies is opinion polling. Some analysts have gone so far as to argue that opinion polling gives an accurate analysis of the attitudes of the electorate that can be used to counter-balance undue pressures from interest groups. Others see polling as a somewhat sinister means of manipulating a passive populace.

The media are another important part of the representative process. Though the extent to which they intentionally serve a representative function is questionable, they are certainly a key part of the processes of communication that enable representation to work.

The policy processes are the ways that the wants of and conflicts between various interests and various representatives are resolved in coming to political decisions. For the vast bulk of citizens policymaking is not a participatory process. It is carried on by representatives thrown up by the various territorial, functional, and other systems of representation.

A further reason for the loose fit between representatives and represented can be found elsewhere than in the mechanics of representation. It lies in the reality that there is a huge gap between the wants, aspirations, and demands of the electorate on the one side and what is possible for government to do on the other. Some wants are inevitably going to be denied and some demands met at the expense of others. Further, it would be dangerous to make the assumption that the electorate is either (a) consistent, in the sense of having the same wants from person to person, or in one person over time, (b) rational, in the sense of having logically ordered and compatible wants, or (c) knows what it wants at all.

Politics is not just a responsive process. It is also a creative process of formulation and persuasion to a set of wants and a means of achieving them. In other words, it is in part a means of coming to terms with the realities of inconsistency, irrationality, and confusion in the electorate.

Here, elected leaders often if not always must act as trustees rather than delegates. Mobilization of consent for these outcomes, which satisfy no one entirely, and in which some citizens lose while others gain, is an important function of representation and the policy processes.

Representation is not a direct relationship between representative and represented, except perhaps at election time. Rather, there is a series of intervening agencies that claim to speak for, and act on behalf of, the electorate. An important factor that affects the relationship for politicians is the size of the constituency. At the beginning of the nineteenth century the number of electors per MP in Britain was for the most part in the hundreds. This permitted a direct, personal relationship between elector and elected. Nowadays there are mass electorates: for the president of the United States over 200 million; over 2 million per senator; about 500,000 per congressman. In Canada it is something under 100,000 per MP. These differences are close to an order of magnitude and must have an enormous impact on what pressures a representative responds to and how he or she acts.

Mass electorates create mass politics. The mass itself only rarely instructs the leaders. Much of the influence on leaders is exercised through political elites, and the composition and influence of these elites is an important focus for study. For Canada, in particular, the argument is often made that provincial governments respond to different elites than the national government, which creates some of the tensions in federal-provincial relations. To what extent does this hold true for other federal states? Is it a logical product of the division of powers?

Obviously, the political system must, in some manner, simplify and refine issues to the point that the electorate can make a choice of representative, and the representatives can make choices on policies. Two different and competing models present themselves here: the consensual and the adversarial (or "majoritarian" in Lijphart's terminology). Canada's parliamentary processes are adversarial in the sense that two disciplined parties, Her Majesty's Government and Her Majesty's Loyal Opposition, face each other across the floor of the House of Commons and debate, disagree on, and contest legislation proposed by, and administrative activities of, the government. In the consensual approach representatives try to achieve a compromise solution that generates support through agreement; in the adversarial model two or more different parties compete and one wins, the others lose. Governments for obvious reasons tend to support the consensual approach and disparage the adversarial. The Canadian parliamentary system differs from

the American in institutionalizing the adversarial approach as the fundamental characteristic of the structure of Parliament. There Her Majesty's Government faces the great parliamentary oxymoron, Her Majesty's Loyal Opposition. A very important issue in representative government is which approach best enables issues and opinions to be heard and to influence decisions. The danger in consensus is that it is a consensus of the already powerful. Its virtue is that it attempts to create general agreement. The danger in adversarial combat is that there can be chronic losers. Its virtue is that it allows clear choices to be debated in the House and in elections.

Underlying discussion of the processes of representation is the assumption that the representative, whether trustee or delegate, can be sanctioned by the electorate. This sanctioning is essential to the processes of accountability and holding responsible. Sanctioning in modern governance is almost never through recall, or votes of censure or impeachment within the legislature. Rather it comes at election time, when the electorate has the opportunity of expressing displeasure by rejecting representatives. This, in itself, raises a multitude of problems. One is that of safe seats, or constituencies in which a sitting member, or the candidate for one party, is assured of winning. Estimates of the proportion of safe seats run up to over 80 percent in Britain and the United States, but to no more than 20 percent in Canada. The opportunity for sanction by denial of office does not exist for safe seats. In Canada a very high proportion, over 20 percent, of sitting members choose not to run again. The sanction of electoral rejection also does not exist for their constituencies. In Canada, all factors combined create a turnover of 40 to 60 percent of MPs at elections. This is so great as to put in question the effectiveness of elections as means of accountability for individual MPs. Rather, the accountability appears to be of the party to the electorate and of the MP to the party. The political careers of representatives in all countries need examination to determine what the real and effective methods of accountability are.

There have been a great many studies in the past two decades of representative behavior. The implicit assumption in most of them appears to be that the independent variable is constituency opinion, and the dependent variable is the behavior of the elected representatives. Much of the discussion centres around the ample proof that this is a loose relationship, the problems this looseness generates, and possible ways of resolving these problems. Comparatively little attention has been paid to the opposite relationship, of representative as independent variable, and

constituency opinion as dependent. This is what Bagehot termed the "education" function of a legislature. To the extent that the argument put forward above is correct, and public opinion is only a poor guide to what government can and ought to do, then the political processes should continuously educate the populace on the limits of the possible, the implications of options, and the reasons for and consequences of, decisions made. This aspect of politics is an essential part of the processes of representation.

Particularly in federal states, where there is a built-in competition between a national and a regional focus, these educational and informing processes must have a profound impact on expectations, outcomes, and on the mobilization of consent. They must also have a profound impact on that other fundamental issue in representation, of the balance in the responsiveness of government to powerful groups versus responsiveness to broad public interest.

The United States and Canada have important differences in how these sorts of issues can be explored. In the United States floor votes in Congress give good guidance as to how representatives act. In Canada the political parties so dominate voting in Parliament that there is no comparable measure, and the studies that have been done rely on impressionistic interpretations of the verbal responses of MPs to questionnaires.

The problems of representation and the policy processes, it can be seen, affect most aspects of politics and the political system. The problems are severe in a unitary state, and are compounded in a federal state. To sort them out is a formidable challenge, to which this book is addressed.

THE POLICY PROCESS

Process and Policy

The policy of a government on any given topic is a combination of statements and actions. Policy is something less grand and sweeping than statements of objectives and ultimate values, but it is also something broader than discrete daily actions. Policy is middle range in scope and in level of abstraction (Ripley and Franklin 1991).

The interplay of policy as statement and action is greatly complicated in federal systems because the number of participants is increased by the number of states or provinces. Each subnational level is capable of

generating its own statements and applications of public policy through its own structure of legislature, executive, and administration. The several states or provinces may be in either agreement or conflict on any given policy topic. Either outcome is more likely the result of happenstance than of deliberate planning or intention.

States and provinces are often specifically incorporated into the implementation of national policy. Both the U.S. and Canada either require their respective states and provinces to undertake certain actions, or offer inducements—usually financial—to encourage them to take certain actions. The importance of the Länder in Germany is reflected in their representation as governments in the upper chamber of the German Parliament.

While "policy" can be defined in the abstract by itself, in the real world of government and politics its definition is inseparable from the persons and organizations that bring the abstract idea to life. Policy and process are components of a larger ongoing system of thought and action.

Systems of Representation and Action

What the various instrumentalities of government are able to do in the policy process, and which goals they pursue, are functions, at least in part, of who and what they represent and how they are organized. There are in these respects major differences between Canadian and American national governments, which lead to differences in how they function within a federal system. The greatest differences are found in the contrast between the Canadian prime minister and cabinet on one hand and the U.S. president and cabinet on the other. The smallest differences probably are found within the administrative agencies—ministries in Canada and departments in the United States. On this scale of institutional differences, Parliament and Congress are intermediate. Though there are major differences—party discipline and the Senate—the contrasts in the political and executive leadership of the two national governments is even greater.

The prime minister and cabinet constitute a more centralized and unified executive leadership group than do the president and his executive appointees. Secrecy is a much stronger norm in Canada at this level than in the U.S. The prime minister appoints and removes members of the cabinet and subcabinet free from formal restraint, while presidential appointees often require Senate confirmation. The prime minister can presumably speak both to Parliament and to the provinces on behalf of

a united government, and individual ministers are not free to speak unless they have the same authority and clearance. The president, by contrast, speaks to Congress and the states for himself, and individual presidential appointees speak for themselves (Bryce 1891, 87; Franks 1987, 21-26).

One clear example of this contrast in executive unity and centralization is the status of "government" bills in Canada and its absence in the U.S. A government bill in Canada is first cleared through an elaborate procedure below and within cabinet, and then is formally submitted to Parliament. While the government may withdraw and change its own bills, on average 80 percent are passed and survive as statements of government policy.

In the U.S., there is no formally designated status of bills as "presidential" or "administration." While some bills are clearly in that category, most bills originating in the executive branch are more ambiguous in status. Furthermore, various members of the administration may express different views on the bill, and there is often an elaborate guessing game in Congress and the media about what the presidential position will be on a finally enacted bill.

Within the national legislatures, the biggest contrast is that the prime minister and the cabinet are themselves members of the Canadian Parliament, and as leaders of the government party are also leaders of the whole Parliament, while the American president and cabinet members are prohibited from congressional membership. The congressional parties select their own leadership who may or may not, even if of the president's party, be willing to support him on any given legislative question (Franks 1987; Olson 1980).

The Canadian government occupies office so long as it effectively controls a majority of the votes of the House of Commons. Should it lose a vote of confidence it must either resign or request that the governor-general dissolve Parliament and call an election. This can be a thorny issue in Canada. But it is not an issue at all in the U.S. system, where the two branches of national policymaking are separate in both membership and conditions of tenure, thus freeing the members of Congress to vote on the basis of other criteria.

Though both countries have Senates, the two bodies are very dissimilar. In practice, the Canadian Senate, although its powers over legislation are theoretically great, normally does very little[3] while the

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[3]Substantially changed, and in practice possibly more limited, powers were proposed for the Canadian Senate in the reforms of 1992.

American Senate shares and exercises equal legislative power with the House and in addition has special jurisdiction over presidential appointments and treaties.

The greatest Senate contrast, however, is that the Canadian Senate is at present appointed by the prime minister, while the American Senate is directly elected. Both are structured to represent the states and provinces. The appointees of the Canadian Senate, however, do little to advance the policy preferences of their provinces, for they too are bound by the strictures of party discipline. U.S. senators, by contrast, are directly elected from statewide electorates, are not bound by party discipline, and fully exercise their concurrent jurisdiction with the House of Representatives. But given the absence of party discipline in the American lower House and given its ability to vote independently of the president, perhaps the very country that has the most active Senate is the country that needs it the least.

Nevertheless, a bicameral legislature is one of the essential components of a national governmental structure in the world's federal systems. There is, however, a conflict between bicameralism and a parliamentary system of cabinet government. If federalism argues for a powerful chamber to represent states in addition to a popularly elected chamber, the principle of parliamentary government argues that the government of the day be selected by and answerable to one chamber or the other, but not to both. If the two chambers exercise equal power, but if they are differently constituted, the government cabinet could be faced with two houses with two different and hostile majorities (Wheare 1963, 104-05).

Canada was the first country with a parliamentary form of national government to become also a federation. Other British Commonwealth countries, e.g., Australia, have since followed. There is no easy solution to the conundrum. The Canadian solution has so far been to reduce power in the upper chamber and to deprive it of the democratic legitimacy of election. Australia, by contrast, has an elected powerful second chamber, and governmental deadlock has resulted at least once. The German solution of the Bundesrat confines that state-government chamber to legislation affecting the states, while only the lower and popularly elected body creates and disposes of the cabinet (Burkett 1985). If the purpose of the U.S. Senate has been to represent states, its task has been greatly facilitated by the dual structure of executive separation from the legislature, for the Senate and the lower House have not had to contest with each other over the issue of which of them would become the confidence chamber (Wheare 1963, 89-90; Bryce 1891, 184).

Accordingly, a major question for us to explore in this book is how policy preferences from localities and regions are expressed and resolved with the very different structures of national level government in Canada and the United States. There is also a closely related question of how the states and provinces are differently structured within the two federal nations.

The Policy Cycle

The governmental policy process tends to occur in a consistent pattern of steps. Stated generally, the recurring stages of the policy cycle are issue recognition, solution identification, formal proposal formulation, issue deliberation and choice, and implementation. There are numerous labels and numbers of stages in different formulations, with one study identifying some 14 discrete steps in the policy development and adjustment process extending over decades (Rose 1976). Furthermore, there is no implication that each step takes about the same length of time, and at least some of the stages can occur simultaneously.

Analysts claim that there appear to be more differences between Canada and the United States in the involvement of the national Parliament in all stages of the policy cycle. In the first place, it is argued, a wider range of issues comes to congressional than parliamentary attention, not only in committees but also on the floor. In the second place, congressmen initiate a considerable range of policy proposals, especially through the committee system. Third, Congress more systematically reviews policy implementation by administrative agencies than does Parliament.

These statements of greater congressional than parliamentary involvement in all stages of the policy cycle are generally asserted as differences between the American Congress and most legislatures within a parliamentary system of government (Bogdanor 1985a, 5). The extent to which these general statements are accurate for Canada and the United States are among the topics to be explored in this book.

One major question for us to examine is how regional and local policy goals are expressed at each stage of the policy cycle. If American policy can be initiated through both Congress and administrative agencies, we would expect that local and regional actors would attempt to be in contact with both sets of national level policy actors. If Canadian policy initiation, however, is more centered within the ministries, we would

expect that local and regional actors would be in contact with the ministries.

Federalism, however, creates at least the possibility of greatly extending and complicating the stages of the policy cycle. It does so by making the subnational governments at least potential participants in the formulation of national policy. If their participation becomes regularized, the time and effort required to persuade their decisions could develop into separate stages of a state-national policy cycle. To the extent that they become involved in the implementation stage of national policy, their potential increases for participation in the formulation of that policy in the first place. Certainly their opportunities to participate in subsequent runs of the policy cycle increase.

The prominence of the First Ministers' Conferences in Canada is a dramatic and visible proof of the emergence of subnational governments in the national policy process. That forum both has created new steps in the Canadian policy process and formalized a new arena for national decision making.

These statements about the policy cycle apply mainly to domestic policy issues. The typical cycle for foreign policy questions would be, in many countries, somewhat different. Nevertheless, as economies become interdependent globally, and as military and foreign aid expenditures become sizeable, the domestic economic impacts increase. The motives thereby also increase for regional and local goals to be expressed on these policy issues as well. Foreign trade in general and the bilateral Canadian-U.S. trade relationship both provide current examples of the expression of divergent regional and industrial views on national policymaking.

Federal systems create more opportunities for the consideration of constitutional issues—a distinctive type of issue—than is customarily encountered in unitary systems. All democracies face questions of the organization of the national assembly, of the relationship of the executive to that assembly, and of issues of representation and suffrage. The very presence and activity of the subnational units of government are constant additional issues in federal systems.

Lord Bryce observed that such issues had largely been settled in the American federal union (1891, 303-06). His observation, expressed almost a hundred years ago, has since been contradicted by the heated disputes over regulation of interstate commerce in the early 20th century and over civil rights in the mid 20th century. The question of the place and activity of subnational units of government is perhaps never settled.

Constitutional issues typically go through a very different cycle than do other types of policies. Even in unitary countries, constitutional changes require extra steps and time to ensure that there is general agreement to the proposal. In federal systems, the extra steps typically require active consent by some sizeable proportion of the subnational units of government (Sundquist 1986). The American constitutional amendment procedure requiring ratification by state legislatures is an example.

Constitutional issues are, as we have noted, much more active currently in Canada than in the United States. Furthermore, one of the major constitutional questions concerns powers and representation of the provinces in national policymaking. This major Canadian issue pervades all of the other constitutional issues and many of the substantive ones as well. Thus this book will examine how the provinces are currently actively involved in decisions about how they should be incorporated into the structure and processes of national policymaking in the future. How states participate in American national policymaking and how both Americans and Canadians evaluate that experience is itself an ingredient in the current Canadian debates over the future of their federal system.

CANADA AND THE U.S.: CONTRASTING MODELS

Canada and the United States illustrate two different models of governance and representation in federal democracies. They may be placed differently on two dimensions of analysis: degree of policy activity by the national legislature and policy jurisdiction of the states and provinces (Fig 1.1). More broadly, each dimension measures concentration of power and authority; one at the national level and the other between national and subnational levels (Lijphart 1984).

On the first dimension, the U.S. Congress would probably rank as the single most active legislature among the world's democracies, whereas the Canadian Parliament, in keeping with the Westminster tradition, is less active on policy issues. On the second dimension, of state and provincial scope of activity, the Canadian provinces have more authority than do the American states. Indeed, the Canadian provinces appear to be more autonomous than are the subnational units of most other federal democracies of the world, with the possible exception of the Swiss Cantons.

If the U.S. Congress is the world's most active and autonomous legislative body on public policy, and the Canadian provinces the most

Figure 1.1.   *Models of Policy Resolution in Federal Democracies*

Concentration of Power in Federal Government

	Dispersed (Legislature)	Concentrated (Executive)
Concentration of Power within Federal System		
Dispersed (provincial authority high)		Canada "executive federalism"
Concentrated (national level high)	U.S. "segmented federalism"	

autonomous, perhaps the two countries constitute polar opposites of the range of variations to be found in the world's federal democracies.

In the Canadian model of "executive federalism," the Canadian prime minister negotiates with the 10 provincial premiers. The first of two preconditions of this form of executive-centered negotiation is highly centralized government at both levels. The prime minister and the provincial premiers are expected by each other to obtain the formal acceptance of their bargain by their respective legislatures if such approval is legally needed. So long as each chief executive is sustained by a working and disciplined party majority, that acceptance is assured. But, as the Meech Lake episode has shown, formal approval is not easy to obtain when elections intervene. The other precondition is that the provinces have either the constitutional or political power to withhold or grant consent from the policies preferred by the national government. The stresses caused in Canada by the failure of constitutional reforms in the Meech Lake Accord created tremendous problems in executive federalism because of Quebec's refusal to participate. It is possible that

the current stresses and efforts to change the Canadian constitution will substantially alter previous practices of executive federalism.

The American practice does not so much portray the rhetorical opposite of legislative federalism, as it does a model of "segmented federalism." Multiple actors at each level form partial bargains with each other. Those bargains both occur within existing policies and help shape subsequent new policy. The main actors on any given topic may be administrative agency heads responsible for that topic, who then will either support or oppose relevant proposed national legislation before Congress. The proposed national legislation may have the approval and even active support of the president, but depending upon wider political circumstances, his attitude and actions may be marginal to the final congressional decision. Likewise, governors may be in agreement or not, but their views too are not decisive in Congress but are only one of many ingredients. Furthermore, it is by no means assured that a governor would obtain consent from other elements of his own state government on any given question. This open-ended and free flowing net of negotiations has led to many different phases in the evolution of the practice of American federalism and to a vocabulary that attempts to characterize through metaphors, such as "picket fence" federalism.

PLAN OF BOOK

The succeeding chapters in this book each examine a portion of our two federal systems. As a pair of chapters on federal level government, Ian Stewart writes of Canada, while David M. Olson and Ronald E. Weber review American national government. They are followed by a pair of chapters on subfederal government: David Smith writes of the Canadian provinces, and Keith E. Hamm and Norman R. Luttbeg of the American states. Each chapter considers the constitutional basis, the representative bodies, and the executives of each governmental level. Each inquires how the formal structure functions in practice. These chapters were written separately for each country because the systems are so different, and because there is little binational comparative research on their topics. We hope to stimulate, even provoke, such genuinely comparative research. Reflecting a large body of research, though not explicitly comparative, Harold D. Clarke and Marianne C. Stewart write a single chapter comparing public opinion and the party system in both countries. Ronald L. Watts' concluding chapter takes a longer and more

analytic view, considering how the whole system of federalism and representation function in our two North American countries.

To prepare these chapters has been an adventure for each author in trying to think and write about those matters that each knows well, in a way that is meaningful to readers in the other country. Our federations are different from one another. One indicator of these differences is that each author has had to write consciously for readers in the other country. The "natural" vocabulary for one is not necessarily understood in the other. Now we shall both summarize and speculate beyond the findings of our chapters.

REPRESENTATION: OPEN AND BLOCKED

Considering all of our chapters together, the most general statement we can make about our two federal systems is that the system of regional and local representation is blocked in Canada but open in the United States. In Watts' words, "congressionalism" and "interpenetration" in the American system, have prevented the "confrontation" found in Canada between federal and provincial levels of government. These formulations are consistent with our earlier expectation that Canada and the United States would portray the opposite extremes of federal-majoritarian democracies.

At both Canadian provincial and federal levels, power in government is concentrated in the leadership of the majority party (or coalition), which becomes the executive. In American government, power is usually dispersed at both levels. The American chief executives have to contend with either opposite party control in the legislatures, or with an undisciplined party. In addition, Hamm and Luttbeg note there are many independent offices at the state level with their own notions of how to conduct their specific duties, whether or not they share a common party label. The concentration of power and authority in Canada in the executives is best symbolized in the 1970s and beyond by the First Ministers' Conferences. Power and authority in the United States are dispersed between governmental levels and are fragmented at any one level, best symbolized not by the occasional presidential speech to governors, but by the active presence of state governments and associations of state level officers as organized lobbyists in Washington. They direct their attention both to Congress and the many specific functional administrative offices within the executive branch.

The U.S.-Canadian difference is sometimes expressed as "executive" federalism in Canada and "congressional" federalism in America. In Canada, federal-provincial relations are typically neither expressed nor resolved through Parliament but are negotiated through the chief executives of the federal and provincial governments. In the United States, the federal-state relationship is fragmented and dispersed through numerous administrative agencies and independent officers within the executive branch, as well as through the state legislatures of both chambers of Congress. Our chapters suggest the term "executive" federalism is a closely descriptive term in Canada; the term "congressional" federalism is more a metaphor in the United States for a dispersed set of contacts than only the legislative system itself. The federal-regional relationship in Canada is concentrated in the executive; in America, it is dispersed through the entire political and governmental structure.

CONSTITUTIONS

Our concluding chapter points to two constitutional factors as the key undergirding supports for these differences in regional representation within our two federations. In Canada, jurisdiction over policy sectors is allocated to either federal or provincial levels, while the American constitution provides shared jurisdiction over any one matter between the two levels of government. Jurisdiction in Canada is largely exclusive, while in America it is blended. This constitutional difference gives the states great reason to be concerned with, and to participate in, the development of federal-level policies.

Our chapter on the Canadian provinces notes that the political leaders of provincial governments make important decisions; they have the authority to dispose of major resources within the jurisdiction of the provinces. If Canada, in spite of its constitution, had twice as many provinces as it has (10), perhaps the individual provinces would be less sizeable, not as rich in natural resources, and thus less important. To allocate the substantial natural resources of the Canadian portion of the North American Continent to only 10 governmental units is to provide each (or at least some) of them with potential sources of major wealth. It is often argued in the United States that there are too many states and that many of them are too small to be anything other than a nuisance. The opposite argument could be made—but isn't—in Canada, that the provinces are too few, too large, and too powerful.

The second essential constitutional difference specified in our concluding chapter is in the organization of the executive-legislative relationship (at both levels of government.) The American dual branch structure separates the executive from the legislature, while the Canadian system fuses executive and Parliament together in parliamentary government. The result is that the Canadian Parliaments are dominated by the executive through party discipline, while the American Congress (and also state legislatures) is free of the necessity to vote in support of executive policy proposals. The two American chapters emphasize the decentralization of the governmental system, while our two Canadian counterpart chapters elaborate their centralization.

One of the clearest expressions of difference between Canada and the United States is the different status of the two Senates. In Canada, the Senate is honorific and much less active and powerful than is the House of Commons. In the United States, the Senate shares equal authority with the House. The Canadian Senate is a retirement chamber for formerly active politicians, while the American Senate attracts potential presidential candidates. Conversely and perhaps paradoxically, as Olson and Weber argue, the American House of Representatives has become as reflective of state and regional views as is the Senate. In Canada, neither House effectively expresses or resolves regional views; in the United States, both Houses do.

American states, and their citizens and interest groups, must participate in federal decisions because of shared jurisdiction, and the states are able to participate in those federal decisions through Congress and the whole executive branch. Canadian provinces have less need to participate in federal decisions, because they possess exclusive jurisdiction over some major policy sectors. They are also less able to participate in federal decisions because of limitations upon Parliament and the political parties.

POLITICAL PARTIES

These two constitutional differences have given rise to, and are reinforced by, a variety of other practices, especially the very different pattern of political parties. The political parties of Canada and the United States differ from each other in two essential respects: discipline and vertical coordination. Canada has party discipline in Parliament, while the American parties are notoriously undisciplined in both state legislatures and Congress. The American federal level parties include state and

local parties and their leaders, while the Canadian parties are segmented by governmental level. Various chapters provide their own commentary upon this contrast in party systems.

Party leadership in both countries, and at both levels of government, is personal. The contrast between our Canadian and American chapters suggests, however, that perhaps the Canadian parties, more than the American, are creatures of dominant personalities who, when they become First Minister, join the formidable powers of their governments to the personal leadership of their party. The point is not directly addressed by either set of our two-country chapters, but we could speculate that there is more of an institutional identity and policy clarity in the American party system between the state and national levels within a party than is found in Canada. The Canadian provinces more frequently than the American states create their own political parties. Furthermore, the provincial-level parties of the same name as the federal-level, as both Smith and Stewart make clear, have little association with those federal level parties in either organization or policy. The American parties, for all of their loose and therefore permeable structure, have the greater capacity to coordinate state and national policies than do the Canadian.

If direct representation in Congress of state and local policy preferences is one of the biggest surprises to Canadian readers, it is the relatively greater vertical integration and policy coherence of American parties that would be the greatest surprise to American readers.

The divergent pattern of political careers reflects these structural differences in the two party systems. The American federal-level parties are based upon and include the state parties, and political careers culminate in federal-level office. The Canadian parties have developed two separate sets, one for federal and the other for provincial-level office. As Stewart elaborates, Canadian political careers apparently aim at the executive, but at either one level of government or the other. Service in the federal House of Commons leads either to ministerial office or to the provincial Parliaments and thence, as Smith shows, to their executives. If the American parties and careers are integrated across, the Canadian are segmented by government level. The Canadian career path becomes a support for the continuation, even enlargement, of the original trend—toward provincial authority. Perhaps in the United States, when and if federal-level officials leave those offices to run for state offices, we will have confirmation of the importance of the election-time slogan, "states' rights."

Public opinion and electoral behavior reflect this same pattern of divergence and similarity in the party systems of the two federations. As detailed in the Clarke and Stewart chapter, party identification is fairly stable over time in both countries, and there are small—surprisingly small—differences by region. There is, however, a marked pattern of provincial-level party identification in Canada differing from identification with the federal-level parties. This intergovernmental-level distinction appears—there is no direct evidence—to differ from the American public's party identification patterns. Our two federations experience the difficulties of large and diverse countries in having only two parties that could also be disciplined in accordance with the European practices of parliamentary government. What Europeans achieve through a multiparty system, North America gains through weakly articulated varieties of two-party systems.

Each country has developed a different solution to its dilemma. The Canadian solution is two separate sets of parties, one for federal-level politics and the other for provincial government. This solution has permitted strong party leadership at each governmental level. The American solution has been the incorporation of local and regional diversity within national parties, which has largely prevented the development of disciplined voting within the parties at any level.

Though the Canadian practice of national party nomination conventions is copied from the American, our authors suggest that the conventions function very differently precisely on the matters of prime interest to us in this book—how local and state people, structure, and policy views are reflected within the federal-level parties. Precisely how our two sets of national party conventions do function is a needed comparative study.

ADMINISTRATION, INTEREST GROUPS, AND LOCAL GOVERNMENT

Three other circumstances follow from and reinforce the different patterns of representation and policy formation in our two federations: administrative agencies, interest groups, and municipal government. The administrative agencies and the civil service are differently structured in the two federations. In Canada, responsibility and authority are centered in the cabinet. In the United States, the administrative structure is decentralized into many different and autonomous administrative agencies and functions. Each state agency and executive officer, and each

municipality, has many different federal-level counterparts. Each interacts directly with each other, without any direct control by either party officials or chief executives at any level. As a variety of European democracies illustrate (e.g., Sweden), it is possible to have a relatively decentralized system of administrative agencies, and even policy recommending bodies, within a parliamentary system of government. But that observation does not apply to countries based upon the British model. If anything Canada is more centralized in its executive functioning than are even the British.

There is an accompanying difference in the organization and activity of organized interest groups. Our chapters suggest that private interest groups in Canada concentrate their attention on provincial-level governments, while the American interest groups are more active at both the state and federal level. Interest groups, like political careers, serve as tracer elements in understanding the distribution of power and decision-making authority in the body politic.

Control by provincial government over Canadian urban and local government has become another resource for province-level executives. While American local governments are also the legal creature of their respective states, the states vary enormously in the extent and frequency of state regulation over local affairs. As detailed in the Smith chapter, provincial governments are the level that local officials must be concerned with, while in the United States, their energies are as often directed to Washington as to their respective state capitals. The Hamm and Luttbeg chapter discusses the many lobbying organizations of state public officers and their governments. Furthermore, at both state and federal levels, the many different local officials and their respective organized groups develop a mosaic of relationships, like all other interest groups, with legislative committees and administrative agencies. In Canada, their chief object is gaining favorable attention of the provincial executive. The net result of these American-Canadian contrasts is that decision making in the Canadian federation is centralized at each government level in the executive but is segmented between the two levels. In the American federation, power is more dispersed at both governmental levels and is more shared between the two levels of government.

The blockage of representation of local and provincial-level concerns within the Canadian federal government has led to the development of substitute means of expressing and reconciling policy differences, especially of the First Ministers' Conferences. The conferences of First

Ministers might even be regarded as a new and *de facto* Upper Chamber of the Canadian parliamentary system and in fact has been proposed as a constitutionally recognized body by the federal government. These proposals resemble the German Bundesrat, in which the provincial governments have direct representation.

METHOD, VOCABULARY, AND DATA

Though the chapters in this book have been discussed and revised through common meetings of the research team, each chapter reflects both the personal approach of the author(s) and the different research methods available to the political science disciplines in our two countries. These different disciplinary approaches in turn reflect the different political realities of our two countries. The American approach, especially to the states, is more quantitative than the Canadian, beginning with the elemental difference between 10 provinces and 50 states. In addition, the lack of party discipline in the American state legislatures and Congress permits analysis of individual public officers (hundreds of them) and also their relationship to their individual constituencies. Likewise, the variations in activity of individual cabinet members in American government invites individual-level treatment. The Canadian emphasis upon party discipline and cabinet responsibility both limits the utility of individual-level measures (and of statistical variation) and encourages attention to the collective enterprises of Parliament, party, and cabinet as whole institutions.

FEDERALISM PAST AND FUTURE, AND CONTEMPORARY RESEARCH

Our chapters attempt to dissect the status and functioning of representation in the present. Could things have been different? Was it inevitable that the two constitutional differences, for example, would have developed the different kinds of political parties and executives that they have? This type of inquiry invites speculation, in the absence of evidence, about causality.

Would it have been possible, as another example, for the American states to have been fewer and larger, thus approximating the Canadian provinces in natural resources? Would it have been possible for the Canadian provinces to have been smaller and more numerous, thus approximating the American states? Would it have been possible for

Quebec to have developed as several provinces, and if so, what would have been the resulting dynamic between Francophone and Anglo Canadians?

If the French -peaking population in Canada had dispersed among the provinces in the same manner as has the American black population, would the impetus to provincial autonomy· have been as pronounced in Canada? Perhaps, to speculate about the future, if the American Hispanic population concentrates in a few states (perhaps along the southwestern border) perhaps the United States will experience a new push for state-level autonomy and even "distinctiveness."

Several of our authors describe the contrasting party systems of the two countries. It is tempting to speculate about both the temporal and structural correlates of those party systems. It is an historical puzzle how and why, given the governmental differences between Canada and the United States, both countries have essentially a two-party system. It is a speculative puzzle how these two different governmental systems would function if either or both had a multiparty system. Would either the Canadian executive be as powerful or the American as fragmented? Would a multiparty system in Canada encourage each party to build links between provincial supporters and national leaders? Would a multiparty system in the United States encourage regionally based parties?

Our chapters raise questions for further research, both about our present and about our past. In the present, we need information about how the contemporary federal systems work in practice, ranging from detailed case studies to more comprehensive reviews. If these types of evidence could also be obtained in comparative studies from other British derived federal systems such as Australia, our understanding would be greatly improved. The puzzles about our present also raise questions about our past: how did our very different federal systems develop? Lord Bryce noted, as recorded in our American federal-level chapter, for example, that the states had ceased instructing their U.S. senators by the 1840s. What happened to produce that result? Likewise, we know little about the dynamics of the movement for direct popular election to the Senate. Further, there is little published information available about the role of states and of state political figures in a more recent event—the adoption of civil rights legislation in the 1960s. This present comparative study raises intriguing questions about the implications for federalism in each of these past developments.

As the joint American-Canadian organizers and editors, we are increasingly intrigued by what we do not know about the other's country.

We are also intrigued by the questions raised for each of our own countries by the other. Our chapters provide essential comparatively descriptive materials for an understanding of representation in our two very different federal systems. We hope that each chapter, and especially each pair of chapters, stimulates a new round of explicitly binational comparative research on the two North American federal democracies.

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No Quick Fixes:
The Canadian Central Government and the Problems of Representation

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Canadian politics, it has frequently been observed, are regional politics. In few, if any, other advanced liberal democracies are vertical lines of political segmentation so apparent. The reasons for this have been extensively explored. Even leaving aside settlement patterns (and the thin band of Canadians that stretches for 4,000 miles along the American boundary gives even Chile, by comparison, a modicum of geographical integrity), regional politics have been ensured by the combination of a regionally structured economy having a well-defined core in Ontario and Quebec and an equally well-defined hinterland in the other eight provinces, and a large, distinctive, and, most important, regionally concentrated francophone minority. Add to these factors the ubiquitous presence of the United States whose variegated patterns of trade and investment in Canada serve to strengthen regional forces and whose export of a specific set of cultural assumptions inhibits the appearance of a potentially countervailing class cleavage, and it is no surprise that over a century after confederation, many Canadians still wonder about their national identity and worry about their national unity.

Yet not all social cleavages find political expression; in the absence of either effective leadership or receptive institutional arrangements, many lines of social segmentation remain politically latent. Such has not been the case, however, with respect to Canadian regionalism, and it is problematic whether indifferent, or even hostile, elites and institutions could have prevented regional forces from barging onto the Canadian political stage. In any event, the activities of powerful and talented provincial elites and the dynamics inherent in Canadian federal structures have, especially over the past three decades, given ample articulation to

the regionalized nature of Canadian society. Admittedly, in the years immediately subsequent to the patriation of the Canadian constitution, some observers forecast a decline in regional politics as the Charter of Rights and Freedoms nationalized the Canadian political agenda and various nonterritorially defined groups became more conscious of their collective identity (Gibbins et al. 1985). The regionally driven debate over both the ill-fated Meech Lake Accord and more recent constitutional proposals, however, would seem to belie such prognostications. Nor is there any necessary inconsistency between the subsequent argument and that which is advanced by Clarke and Stewart elsewhere in this volume. Regionalism, it must be stressed, need not be built on a foundation of regionally distinctive political cultures. At times, the perception of interregional cultural differences can override any objective similarities. On other occasions, regional tensions may actually be exacerbated by cultural commonality, as regions compete for a larger share of a limited resource. In other words, conflicts of taste can potentially be resolved in a positive-sum fashion; conflicts of claim, on the other hand, are inherently zero-sum in nature (Mintz and Simeon 1982, 23-33).

What, then, of the panoply of national institutions? To what extent does Canadian regionalism find representation in Ottawa? It is this question that will be the focal point of the subsequent analysis, and while not ignoring other lines of social cleavage, this chapter will be guided by David Smith's dictum that, "representation" in Canada "almost always means the representation of interests which are territorially based" (Smith 1985, 33). Ultimately, I will conclude that even if, in this respect, there are deficiencies in the institutions of the central government (specifically, the House of Commons, the Senate, the cabinet, and the civil service), most proposals for structural reform have few advantages and even fewer prospects of realization.

Unfortunately, the central concept of the subsequent analysis (i.e., representation) is not unambiguous. There are several reasons for this. Because representation involves making something present that is not literally there (Johnston 1985, 100), the concept of representation is, of necessity, an abstraction of an abstraction, and it is perhaps too much to hope for consistent conceptual clarity under such circumstances. Compounding the murkiness is not only the reality that representation can simultaneously take place in different ways by different actors in different arenas, but also the fact that the meaning of representation has evolved over time. In Britain, for example, it has been convincingly argued that the dominant medieval notion of representing a locality was later replaced

by the whiggish concept of representing a specific synthesis of locality and nation that was, in turn, superseded by the radical-democratic ideal of representing a particular national programme (Finer 1985, 286-90). Finally, it might be said that representation has died the death of a thousand strokes as countless academics have sliced it this way and that, at times blurring the distinction between representativeness and responsiveness, at other times speaking of representation by space, of representation by sector, of symbolic representation, of legitimizing representation, of compositional representation, of formalistic representation, of substantive representation, and so on. In this chapter I shall attempt to minimize conceptual confusion by confining my attention to those who reside within the aforementioned institutions of the central government and by speaking of only two types of representation: *passive*, which refers to the degree to which the backgrounds and/or attitudes of those who sit within the legislative and executive arms of the state match those of any given social segment (or, indeed, of society itself), and *active*, which denotes the extent to which the former actively pursue and/or successfully achieve the interests and aspirations of the latter.

One final patch of pre-analytic underbrush remains to be cleared. The representation that occurs in the national institutions of federations can be expected to be qualitatively different from that which transpires in the corresponding structures of unitary systems. After all, federations are designed on the premise that the central government cannot, will not, or should not represent all regional shades of opinion. If the Canadian Fathers of Confederation had not been operating on this assumption, they might have been tempted to incorporate bicameralism within a unitary, rather than federal, system (in a manner akin to Britain, France, Italy, and others). Their collective decision to establish a federation, however, partially permits those who occupy positions within the central institutions to wriggle off the regional representation hook (although no such excuse exists for the failure to represent any other segment of society). In other words, and only with respect to regional interests, the inherent logic of federations requires a lowering of representational standards for the national government. Ottawa's partial insensitivity to Canada's territorial and bicultural diversity is to be assumed; a complete representational failure on this dimension cannot, however, be excused.

PASSIVE REPRESENTATION

Backgrounds

House of Commons

It is not strikingly original to assert that Canadian members of Parliament are not a demographic microcosm of Canadian society. As is true to a greater or lesser extent in the legislatures of all liberal democracies, the Canadian House of Commons has an overrepresentation of the aged, of the well-educated, of men (the 25 women who were elected in 1988 [plus one in a subsequent by-election] were by far the largest contingent in Canadian history, but still constitute less than 14 percent of the House) *(Toronto Globe and Mail* Nov. 23, 1988; Franks 1987, 66) and of the middle and upper classes (with numerous studies demonstrating that lawyers comprise one-third of the members and businessmen another one-quarter) (Kornberg 1967, 43-45). The reasons for this phenomenon have also been well-explored and revolve around three factors: the differential distribution of political resources (such as time, speaking ability, and money) available to potential candidates, the deferential character of at least part of the electorate (since the pool of unsuccessful candidates is invariably more socially representative than their successful counterparts, even after controlling for party), and the conservative nature of the nominating process (although the spate of incidents in which representatives of ethnic minorities have successfully "packed" Liberal nominating conventions in Metropolitan Toronto *[Toronto Glove and Mail,* Aug. 16, 1988; Aug. 25, 1988; Sept. 16, 1988] may be signalling an end to the old practices in this regard).

What is of more direct relevance for this chapter, however, is the degree to which the members of the House of Commons passively represent the territorial and bicultural dimensions of Canadian regionalism. From one perspective, the fit is essentially perfect. Admittedly, one might quibble about the slight overrepresentation of both the smaller provinces and the more sparsely populated regions of the larger provinces, (Courtney 1985, 24) as well, in contrast to the United States, about the sluggish nature of redistribution that can lead to elections being fought on the basis of a census that is more than a decade out of date. (McCormick et al. 1981, 24-25). Nevertheless, because MPs are elected by the single-member plurality system, because constituency boundaries, although less strictly than in the United States,

are designed to approximate the ideal of "rep by pop," and because only the most prominent carpet-baggers (such as Jean Chretien) can successfully parachute into "foreign" ridings, the House of Commons does essentially constitute a territorial microcosm of Canadian society. And because the francophone minority is concentrated in approximately 100 constituencies (in most of which they comprise a clear majority), a proportionate distribution of anglophone and francophone members of Parliament is also ensured.

Yet from another perspective, the passive representation in the legislature of the bicultural and territorial dimensions of Canadian regionalism is seriously flawed. Parliamentary government, as based on the Westminster model, is quintessentially party government. And the very same electoral system which, as opposed, for example, to a corporatist model of functional representation, has guaranteed that *in toto* the House of Commons must passively represent not only all of Canada's regions, but also essentially all of the subregions within those regions, paradoxically has acted to create profound regional imbalances within the parliamentary caucuses of all three major political parties. Since the publication in 1968 of Alan Cairn's celebrated critique of Canada's electoral system (Cairns 1968), students of this country's politics have been sensitized to the distortions engendered by the single-member plurality system. As a result of this method, the major parties are overrepresented where they are strong (in 1980, the Liberal Party garnered two-thirds of the popular vote in Quebec and were rewarded with all but one of the province's 75 seats), and correspondingly underrepresented where they are weak (in the same election, the Liberals received over one-fifth of the popular vote in each of the three western provinces of Saskatchewan, Alberta, and British Columbia but won none of the 63 seats available). As for the minor parties, they are generally disadvantaged by this electoral method unless they are parties of regional protest, in which case they prosper from it. Moreover, the electoral system creates disincentives for parties to campaign extensively in either their opponent's regional stronghold or, perversely, in their own. Most of the major parties' electoral resources are instead concentrated on those areas of the country where both a significant number of seats and an approximate competitive balance exist; in the Canadian context, this has effectively meant Ontario. On election night, regions, as much as political parties, are counted amongst the winners and losers. The end result of all these influences is that the Progressive Conservative party, the Liberal party, and the New Democratic party have been "national"

parties in name only, and whichever party has formed the government has confronted a type of legitimacy crisis in purporting to speak for all areas of the country. Even on those rare occasions when one of the major parties has been able to win significant numbers of seats in all the regions (as did the Liberals in 1968 and the Progressive Conservatives in 1958, 1984, and 1988), the caucuses of the remaining parties usually continue to exhibit regional imbalances.

Senate

Perhaps surprisingly, the demographic composition of the Senate does not usually deviate markedly from that of the House of Commons. With respect to gender, for example, women are again markedly underrepresented in the Senate. Indeed, it was not until after a rather bizarre court case (wherein the Judicial Committee of the Privy Council ruled that yes, women were persons) that the first woman senator was appointed in 1930; at the present time, only slightly more than 10 percent of the 104 seats in Canada's upper chamber are occupied by women. Young people are similarly underrepresented. In fact, until a 1965 constitutional amendment required senators to retire at age 75, the advances of modern medicine had raised the mean age in the Senate from 64 in 1920 to 70 in 1960 (Mackay 1963, 154). In fact, there was only one senator in 1961 who had not yet had his fifty-first birthday. This figure has been dropping somewhat in recent years, but there is still an element of unconscious irony in Senator Lorna Marsden's claim that the Senate is not an "old boy's club," because, after all, it has a median age "of only 62" (Marsden 1987, 556).

With respect to class background, it is well to remember that the Senate was established in part so that monied interests could check any radical tendencies in the popularly elected lower house. In the words of John A. Macdonald: "The rights of the minority must be protected, and the rich are always fewer in number than the poor" (Mackay1963, 47-48). Accordingly, the Fathers of Confederation instituted what was then a substantial property qualification of $4,000 as a precondition for membership in the Senate. A century of real and inflated economic growth has, of course, lessened the class significance of this property prerequisite. Nevertheless, senators have always had "strong social and business connections," (Albinski 1973, 470) and although one recent study noted that the proportion of lawyers and businessmen in the upper house virtually mirrored that in the lower chamber, senators were found

to be significantly more likely than members of Parliament to hold corporate directorships (Campbell 1978, 51). In short, the privileged are overrepresented in the Canadian Senate.

Are there similar distortions with respect to the territorial and bicultural dimensions of Canadian regionalism? In general, no. Having spent almost half the time at the Quebec Conference of 1864 discussing the appropriate composition and powers of the Senate, the Fathers of Confederation eventually created an upper chamber that institutionalized the principle of regional, rather than provincial, equality. This was an idiosyncratic decision, at least by the standards of such other federations as the United States, Switzerland, and Australia, all of whom give equal representation in their upper houses to the component states or cantons (Sharman 1987, 83). Yet at Quebec, only Prince Edward Island pressed for full provincial equality; the other Maritime provinces apparently felt this was unachievable, and Quebec was only intent on maintaining equality with Ontario (Black 1975, 28; Dawson and Ward 1970, 260; Mackay 1963, 36-37). As a result, the Senate was established with 24 representatives each from Ontario, Quebec, the Maritimes, and (later) the West.[1] While this apportionment might, at first glance, seem to have an equitable basis, it is actually riddled with contradictions. Most upper chambers in federations are based on the principle that the smaller units should receive some special protection, that simple majority decision rules are not entirely appropriate for federal systems. In fact, while the four small Atlantic provinces do have a greater proportion of Senate seats than they are entitled to by virtue of their population, the same cannot be said with respect to the four mid-sized Western provinces. Indeed, the largest Canadian province, Ontario, has proportionately more Senate seats than either Alberta or British Columbia (Gibbins 1985, 119-20).

Yet even if, as presently constituted, the Senate exists as an inchoate compromise between "rep by pop" and "rep by province," it is still difficult to argue that the upper chamber does not encapsulate Canadian regional diversity. True, except in Quebec, which is divided into 24 distinct senatorial districts, subregional units are not necessarily recognized; even so, senators are constitutionally required both to own property and to reside in their province of appointment. In fact, recent studies have shown that, in comparison to the House of Commons, the

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[1] With Newfoundland's entry into Confederation, it was granted six seats, and the Yukon and Northwest Territories have each been given one seat to bring the total to 104.

Senate contains, first, a slightly larger percentage of francophones, (Campbell 1978, 171) and, second, a significantly greater proportion of members with previous experience in provincial or territorial politics (Smiley 1987, 113). Accordingly, it is difficult not to conclude that, at least with respect to passive representation, the Senate encompasses the territorial and bicultural diversity of Canadian regionalism.

Cabinet

In designing their cabinets, Canadian prime ministers face a number of constraints. First, there is a constitutional convention that, either before or immediately subsequent to their appointment, cabinet ministers must hold seats in one of the two houses of Parliament. Second, there is a national political norm, at least at the elite level, that rejects the formation of coalition governments. Third, there are growing reservations about the democratic propriety of appointing nonelected senators to the cabinet. As a result of these three constraints, prime ministers must name between 30 and 40 ministers from a recruitment pool that is, on average, only four or five times that size. Were prime ministers to attempt to make their cabinets representative of all major social interests, this task might be all but impossible.

In reality, as in the United States, only some interests find full expression in the typical Canadian cabinet. Although the general age of ministers has been dropping marginally in recent decades (Matheson 1976, 103), the young are essentially absent from the cabinet table. So, too, with gender. One analyst categorically asserts that "women are the most underrepresented group in the cabinet" (Landes 1983, 126), although the universe of groups to which he refers is not entirely clear. Somewhat perversely, a second observer, after noting that Brian Mulroney in 1984 appointed six women to a cabinet of 40, concluded that the "Cabinet was made representative, too, of women" (Guy 1986, 136), although it is hardly representative to give only 15 percent of the cabinet seats to a segment of society that comprises marginally more than half the national population. As for class, the familiar distortions are, in fact, magnified. Lawyers and businessmen comprise around 60 percent of the typical parliament; in most cabinets, the corresponding figure for these two groups rises to approximately 80 percent (Matheson 1976, 111-13; Olsen 1980, 25-30).

Only with respect to the territorial and bicultural diversity of Canadian society does the representative principle seem to have applied

to national cabinets. From the outset, it was assumed that all regions would have a proportionate distribution of cabinet seats; John A. Macdonald's herculean efforts in this regard (Morton 1955) established a precedent from which subsequent prime ministers have been unable or unwilling to deviate. Hence, while Quebec and Ontario each invariably receive around 30 percent of the cabinet positions (with all but one from the former being francophone), it is now a firmly established constitutional convention that all provinces, with the exception of Prince Edward Island, must have at least one cabinet minister. When Joe Clark attempted, during his aborted term of office, to streamline government operations by creating an inner and outer cabinet, he confronted the power of this constitutional norm. The original list of 11 inner-cabinet members did not include a single minister from B.C.; protests from the West Coast obliged the prime minister hastily to expand the inner cabinet to 12, so that John Fraser could be included as British Columbia's representative (Mallory 1984, 91). It is even well established that certain regions within the larger provinces merit separate cabinet representation. Hence, both metropolitan Toronto and Montreal usually receive at least four or five ministers each, while other regions such as Northern Ontario and Quebec City generally have at least one cabinet representative. One must not, however, push this line of argument too far. When Pierre Trudeau had three cabinet ministers from Windsor, Ontario, this was not seen as an affront to the principle of proportionate regional representation (Smiley and Watts 1985, 67). Nevertheless, wherever practical, Canadian prime ministers will strive to construct cabinets that encompass the bicultural and territorially diverse character of Canada.

The problem, of course, is that this has not always been "practical." After four of the past six general elections, prime ministers have headed administrations that have been "national" in name only. As long as there have been grotesque regional imbalances in the government party caucus, some measure of this distortion has inevitably been replicated at the cabinet level. Hence, francophone cabinet ministers were particularly numerous during the last Trudeau administration. This was partially a strategic response to the claims of Quebec nationalists that francophones could never be at home in Canada (Cairns 1986, 63), but was also significantly driven by the fact that Quebeckers constituted half the Liberal party caucus. In contrast, and even after resorting to the embarrassing expedient of appointing senators to "represent" those provinces that had been injudicious enough to elect not a single government member, the four Western provinces had only four seats

between them at the cabinet table. During their infrequent terms of office, the Progressive Conservatives have generally had cabinets that were imbalanced in precisely the opposite fashion. Only four of the 30 ministers in Joe Clark's 1979 cabinet, for example, were francophones (Olsen 1980, 25). Thus, while prime ministers may strive to construct a cabinet that is a regional microcosm of Canada, the regionalized nature of the party system, as compounded by the single-member plurality electoral system and reflected in the distribution of parliamentary seats, has partially confounded this endeavour.

Bureaucracy

From one perspective, the Canadian federal civil service is the most demographically representative of the four institutions under scrutiny. If one counts such individuals as those who, for example, are in the armed forces or are employed by crown corporations, the national civil service accounts for almost three percent of the country's population and is broadly representative of Canada's generational, genderical, regional, cultural, and class composition. Yet unless one argues that bureaucratic power has paradoxically moved down the chain of command, that middle- and lower-grade technicians and clerks are now more influential than their generalist superiors, looking at the extent to which the entire public service is socially representative is a slightly misleading exercise. Such a scrutiny might help to illuminate matters of social mobility; it might also shed light on the state's manifest or latent legitimacy problems in particular sectors of society. Such an exercise could obscure, however, the essentially unrepresentative character of the bureaucratic elite.

The backgrounds of those at the apex of the civil service trace what is, by now, a familiar pattern. With respect to gender, it is a matter of record that female participation in the national bureaucracy was overtly discouraged for many years. In fact, it was only in 1955 that the Civil Service Commission removed all restrictions on married women, and only in 1967 that *The Public Service Employment Act* added "sex" to the list of grounds on which employment discrimination was prohibited (Hodgetts et al. 1972, 488-89). Yet notwithstanding the elimination of all formal barriers to their advancement and, indeed, the introduction of some limited programmes of affirmative action, women remain ghettoized in the lower echelons of the bureaucracy. Of the administrative support category, women comprise 82.7 percent; of the management category, the corresponding figure is 7.8 percent (Kernaghan and Siegel 1987, 487;

Peters 1984, 103).[2] Or to put the matter another way, in 1983, 69 percent of female civil servants earned less than $20,000 a year; only 5 percent earned over $50,000 per annum (Jackson et al. 1986, 397). Similar distortions are apparent with respect to age (the median of which, not surprisingly, rises significantly as one moves up the chain of command) and education (where as far back as 1973, one study discovered that 61 percent of the bureaucratic elite had at least one postgraduate degree) (Olsen 1980, 71). As for class, it is clear that the Weberian ideal of a bureaucratic meritocracy open to all social strata and driven by equal access to a universal, free education system has foundered. Numerous observers have pointed out that class imbalances are especially apparent at the top of the bureaucratic ladder (Kernaghan 1985, 14); according to one analysis, only 15 percent of the civil service elite "could be described as *possibly* of working-class origin" (Olsen 1980, 79).[3]

Yet what of the territorial and bicultural dimensions of Canadian regionalism? Until recently, francophones were dramatically underrepresented in Canada's civil service. An idiosyncratic combination of factors (ranging from the surge of nonfrancophone immigration in the twentieth century to the introduction after World War I of both a veteran's preference and an examination system that were biased against francophones to the fact that francophones, labouring under the cultural hegemony of the Roman Catholic Church, did not initially aspire to enter the service of the state) (Kwavnick 1968, 97-112; Hodgetts et al. 1972, 473-79)[4] led to a situation where in 1946, only 12 percent of the national civil service and none of those at the deputy minister level were of francophone origin (Kernaghan 1985, 244). Quebec's Quiet Revolution and the growth of separatist tendencies in that province, however, forced Ottawa to address these representational failures. Over the past two

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[2]It is worth nothing that Canada is by no means atypical in this respect. In one study of 14 western countries, only Norway had as much as 15 percent women in their bureaucratic elite.

[3]Olsen mistakenly concludes, however, that if only 15 percent of the bureaucratic elite are of working-class origin, that this "tells us that a working-class youth has at best 15 chances in a hundred of making it to the top and 85 chances of not making it." This alarmingly erroneous deduction could only be sustained under the rather fanciful scenario that all social members were of working-class origin and all social jobs were located in the bureaucratic elite.

[4]Much has been written on the factors that hindered francophone participation in the Canadian public service.

decades, the federal government has not only vigorously recruited francophones, but has also redefined "merit" to include facility in both official languages. As a result, francophone representation at all levels of the public service has increased to the point where they now comprise 27.8 percent of the entire bureaucracy and 20.3 percent of those in the management category (Kernaghan and Siegel 1987, 485).

It is tempting to suggest that the national government's recent ability to attract administrators from both of the charter ethnic groups has been furthered by Ottawa's strategic location on the cusp of Canada's cultural divide. A logical corollary of this assertion, however, is that those who reside in Canada's peripheries (and, to take an extreme case, the citizens of Whitehorse in the Yukon are approximately 3,500 kilometres from the nation's capital) would be underrepresented in the Ottawa bureaucracy. Yet while it is commonsensical to suggest that westerners, for example, would be less likely than their more centrally located counterparts to aspire to and achieve entry into the federal civil service, the data does not sustain this thesis. At least at the middle levels, there is evidence that the public service is "proportionately representative in relation to birthplace and geographic origins" (Kernaghan 1985, 240). Even at the bureaucratic apex, this conclusion holds. Although one study, which was restricted to five central agencies, found a slight overrepresentation at the top of westerners and Ontarians (Campbell and Szablowski 1979, 44), other more comprehensive analyses have concluded that with respect both to region of birth (Kernaghan 1985, 22) and to region of university education (Savoie 1987, 806), the national bureaucratic elite faithfully reproduces Canadian regional diversity.

What can be concluded from this representational overview? Three points, in particular, stand out. First, it must be stressed that the state *qua* social microcosm is clearly an ideal type, a standard that is not to be achieved but only approximated. Were this not the case, a host of logical and logistical problems would emerge. Society can be subdivided into essentially countless different groupings; obviously, not all of these can be reproduced in what are relatively small state institutions. Yet what is one to make of Nebraska Senator Roman Hruska's defence of C. Harold Carswell's nomination to the United States Supreme Court: "Even if he is mediocre, there are a lot of mediocre judges and people and lawyers. They are entitled to a little representation aren't they, and a little chance?" (Wilson and Mullins 1978). If mediocrities deserve representation in the state, then why not opera lovers or sons of train conductors? The obvious reply to such queries is that only those social

cleavages that are politicized merit representation; even so, problems remain. Few would disagree, although their reasons might differ, that Canada's francophone minority should be represented in Canada's national institutions. Yet what of the anglophone minority contained within that francophone minority; is it a representational failure that although anglophones constitute 20 percent of Montreal's population they comprise less than eight percent of the federal public servants in the city (Commissioner of Official Languages 1984, 51)? Such arguments can usually be taken several steps further, to consider, in this case, the representation of the francophone minority within the anglophone minority within the larger francophone minority, and so on. Moreover, the purely representative state would have to be representative both vertically (within each unit across levels) and horizontally (at each level across unit boundaries). Native people constitute almost four percent of the Canadian population and comprise around one and a half percent of the national bureaucracy. Yet 54 percent of those aboriginals who do work for Ottawa are concentrated in a single unit (the Department of Indian Affairs and Northern Development) (Kernaghan and Siegel 1987, 487). As to vertical representativeness, it is worth noting that although francophones have generally received a proportionate share of cabinet seats, not all ministerial positions are equally powerful. And until Prime Minister Trudeau deviated from the traditional pattern (by appointing Jean Chretien, for example, to be his Minister of Finance), it is undeniable that francophone ministers tended to be allocated the less important portfolios (such as Public Works) (Punnett 1977, 67). Finally, since the background of no single individual can reflect Canadian social diversity, the microcosmic ideal requires representation by a collectivity. Yet it is arguable that a significant amount of power in the Canadian political system is concentrated in a single individual—the prime minister. Accordingly, whether through historical examinations of prime ministers as a group, or by stressing the special prestige and powers that anglophone prime ministers have allegedly granted to a French Canadian lieutenant, attempts to employ the concepts of prime ministerial representativeness have generally foundered.[5] Not only is it essentially

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[5]Many analysts have commented that the position of French-Canadian lieutenant is essentially a myth. See, for example, Mallory, p. 18. It is parenthetically worth noting that similar difficulties emerge when attempting to assess the extent to which other key individuals (such as the governor-general) are "representative" of Canadian society.

impossible to have a background that represents Canada's regional diversity, it is also politically dangerous for a prime minister, or indeed, any national party leader, to highlight their regional profile. Three of the past six Progressive Conservative party leaders were former provincial premiers. Three of the past six PC leaders also went on to become prime minister. That there is no overlap between these two groups is surely not coincidental. For all of the foregoing reasons, therefore, it is well to realize that the purely representational state is a chimera.

Second, the demographic profiles in these central institutions are strikingly similar. In all our cases, women have historically been dramatically underrepresented but have begun to make inroads over the past two decades. Moreover, in all of the structures under scrutiny, there are distortions with respect to age and social class; the young and the lower class are not well represented in these institutions. Finally, the range of regional backgrounds that are found in the House of Commons, the Senate, the cabinet, and the senior civil service adequately, even if not always perfectly, reflects Canadian regional diversity. What makes this interinstitutional congruence so curious is the fact that there are clear differences in the recruitment methods of these structures. MPs are directly elected by the Canadian people, while members of the bureaucratic elite are appointed on the basis of merit. Senators are also appointed, but not on a meritocratic basis. After all, one senator was zero for four in his attempts to win elective office (Dawson and Ward 1970, 285), while another (John Godfrey) explained how he became a senator thusly: "I got drunk at the '68 Liberal convention and hoisted a Trudeau sign. . . . I guess I was the first person in the Toronto business establishment to come out for Trudeau" (Wallace and Fletcher 1984, 25). Finally, cabinet ministers are, in a sense, indirectly elected since they are both elected (leaving aside the small number of ministers who are recruited from the Senate), and appointed (on grounds that sometimes include merit, and sometimes do not).[6] In other words, irrespective of whether positions in state institutions have been filled by recourse to direct elections, indirect elections, meritocratic appointments, or patronage appointments, a particular demographic profile has emerged. It may be that the pattern could only be uprooted by using a system that allocated state positions, at one extreme, according to a strict set of quotas or at the

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[6]For a discussion of the need to put "at least a few dullards or nonentities" in the cabinet, see Matheson, pp. 29-30.

other, by a random drawing of lots. For constitutional engineers, this may be a sobering thought.

Finally, the backgrounds of those who occupy authoritative positions in Ottawa are far more representative of Canada's territorial and bicultural diversity than of other politicized social cleavages. This finding runs somewhat contrary to initial expectations. Recall that it was only with respect to regionalism that some representational failings in the national capital could be anticipated *a priori*. Moreover, a variety of observers have complained about the incompleteness of regional representation in Ottawa. Donald Smiley, for example, has lamented that in general, "the institutions of the central government have ceased to be an adequate outlet for interests that are territorially demarcated" (Smiley 1977). Yet our first cut at the representational data points to precisely the opposite conclusion. This apparent contradiction can be reconciled in one of three ways. First, Smiley *et al.* may be mistaken. Second, while members of Parliament, senators, cabinet ministers, and senior bureaucrats *approximately* reflect the country's bicultural and territorially diverse character, the political salience of region may be so high in Canada that even minor deviations from the microcosmic ideal are cause for comment and complaint. Third, the importance of a demographically representative state may be exaggerated. If, for example, their attitudes and activities are not directly linked to their backgrounds, then the fact that the members of the political elite reflect Canada's regional diversity may have more symbolic than substantive significance. As the next section will begin to demonstrate, there is much validity in this final hypothesis.

Attitudes

To what extent does passive representation at a demographic level lead to passive representation at an attitudinal level? If, for example, francophones and anglophones are proportionately represented in any given state institution, does this mean that the values and orientations of these particular cultural groups will also be proportionately represented? There would seem to be good cause for skepticism. First, a direct link between backgrounds and attitudes presupposes that the socialization patterns of all social sets are both internally homogeneous and externally distinctive. In other words, all members within, but none of those outside, the group must be subjected to the same socializing forces. This is manifestly not the case. On the one hand, such agents as the state, the educational system, and the mass media have a socializing power that

transcends any and all group boundaries.   On the other hand, it is apparent that there is a wide range of intragroup attitudinal cleavages. To take but one obvious example, over the past two decades Quebec has been riven by a federalist-nationalist debate.   The former tended to dominate the Trudeau administration, while the latter have been much more influential in the Mulroney cabinet. ·

Compounding the difficulty of finding a one-to-one relationship between backgrounds and attitudes is the evident atypicality of those who occupy authoritative positions within the national government. To seek entry into either the political or bureaucratic elite is a fundamentally idiosyncratic exercise.   Those who achieve such power, it can be deduced, are not especially likely to be situated within the attitudinal mainstream of whichever group they purportedly represent.   On the contrary, as John Porter pointed out three decades ago (Porter 1959), the ambitious and upwardly mobile members of a given social segment may be fundamentally disinclined to represent whatever is, in fact, attitudinally distinctive about the group from which they have arisen.

Finally, it is apparent that socialization does not suddenly terminate upon entry into one of the central institutions of the national government; rather, political and bureaucratic neophytes are quickly educated into the particular set of norms that are associated with their new position. As numerous studies have indicated, this postentry socialization can have a greater influence on orientations than any and all pre-entry factors. Hence, one American analysis concluded that "demographic variables fare poorly as predictors of the attitudes of higher civil servants" and that "agency socialization tends to overcome any tendency for the supergrades to hold attitudes rooted in their social origins" (Meier and Nigro 1976). A related study in the Canadian context came to similar conclusions. Aside from age, sociological factors fared far poorer than institutional variables at predicting the orientations of the bureaucratic elite (Smiley and Watts 1985, 87-88). It has also been demonstrated that even where they share the same demographic profiles, Canadian members of Parliament differ from their bureaucratic counterparts in their attitudes towards redistributive policy (Sigelman and Vanderbok 1977, 619) and that, during their tenure in office, significant shifts in the representational role orientations of MPs can be detected (Clarke and Price 1981, 381). All of the foregoing points unambiguously in one direction: for those who have come to occupy authoritative positions, institutional socialization stands as a significant intervening variable between pre-entry backgrounds and postentry values.

It cannot be assumed, therefore, that those at the apex of Canada's national political institutions are both demographically and attitudinally representative of the country's regionalism. Indeed, although the former has already been demonstrated, there are good grounds to doubt the latter. The Canadian civil service, despite the attendant administrative costs (Savoie 1985a), is geographically deconcentrated. Of the more than 220,000 bureaucrats who are subject to *The Public Service Employment Act*, more than two-thirds of them are posted outside Ottawa (Smiley and Watts 1985, 81; Kernaghan 1985, 27-31). Yet at the apex of the civil service quite a different picture emerges. In fact, of the highest ranking 267 bureaucrats, 246 (or 92 percent) work in the national capital region (Savoie 1987, 803), and one recent cabinet minister complained that as many as 70 percent of these senior executives have little field experience and over half have never worked outside Ottawa in their entire careers (Savoie 1985b). It was noted earlier that the national bureaucratic elite had backgrounds, with respect to both birthplace and university education, that were broadly representative of Canada's regional diversity. Whether they still have regionally representative values after having spent decades away from their area of origin, however, is significantly more problematic.

Leaving aside the inherent insularity of the national capital, there is reason to doubt that regional orientations survive for very long in the Canadian civil service. Organizational norms proscribe bureaucrats from perceiving themselves to be agents of particular social segments, including regional ones. On the contrary, public servants are encouraged to cultivate such values as fairness, equity, and efficiency (Rawson 1984).[7] However laudable such universal orientations may be in the abstract, they serve to undercut the particular notion of regional agency. Discouraged from acting as regional delegates and insulated from the powers of regional socialization, Canada's bureaucratic elite are unlikely to maintain a coherent set of regional attitudes.

Are cabinet ministers, members of Parliament, and senators also unlikely to translate their regionally representative backgrounds into regionally representative attitudes? There is certainly cause for suspicion

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[7]In fact, one survey of those at the apex of Canada's central agencies discovered that only 12 percent perceived themselves to be accountable to the public. Clearly, the figure would be still lower if the questionnaire had attempted to tap into subjective accountability to a particular regional segment of the public. See, Campbell and Szablowski, p. 271.

since for all three groups the dominant norm is that of loyalty to the national party. For senators, this fact may be somewhat surprising since they enjoy tenure until the age of 75, or, in the cases of those appointed before 1965, until death. Nevertheless, the fact that senators are invariably long-time political partisans who are appointed for partisan advantage in a unilateral fashion by the national government does much to create an ethos in the upper chamber that subordinates regionalism to partisanship. In fact, one analysis discovered that senators actually feel more accountable to their party than do MPs (Campbell 1978, 64). Those who would reform the Canadian Senate (and their numbers are substantial) have generally been sensitive to this pervasive hierarchy of norms. Hence, both the Alberta Special Committee on Upper House Reform and the Special Joint Committee of the Senate and House of Commons on Senate Reform proposed mechanisms that would undercut the prevailing ethos and permit senators to perceive themselves as regional tribunes (Report of the Special Committee of the Senate 1984, 3; Report of the Alberta Special Committee 1985, 2). For the moment, however, the dominant perspective of senators is one of loyalty to the national party.

Much the same arguments can be made concerning cabinet ministers and the remaining members of Parliament. Even leaving aside the capacity of political parties to sanction deviant behaviour, it is clear that most MPs have internalized, above all else, loyalty to party. This point deserves special attention because the preeminence of party in the Canadian legislature stands in such obvious contrast to the American situation. In the words of one government backbencher:

> I support the government consistently because that is the way
> politics operates in this country. I knew I had to do this when I
> decided to run for office, so did the people who voted for me.
> If I don't want to play by the rules, I should get out of the party
> (Matheson 1976, 188).

What makes this assertion particularly revealing is that this MP has not only internalized upon himself but also externalized upon the general public the norm that parliamentarians should willingly be directed by their parties. With respect to the Canadian people, this is clearly in error. Although many Canadians feel constrained to vote on the basis of party, one recent national survey discovered that 63 percent of respondents affirmed that looking after the needs of constituents should be an MP's top priority; the corresponding figure for loyalty to party was less than 7 percent (Lemco and Regenstrief 1985, 32). Nevertheless, most studies

have revealed that only a minority of parliamentarians claim to adopt the legislative role of social delegate (Jackson and Atkinson 1974, 147) (and the highly reactive nature of survey research in this context should lead one to suspect that the true proportion is significantly lower); of those that do allege to be delegates, the majority are oriented more to the nation than to their region or constituency (Kornberg 1967, 108; Hoffman and Ward 1970, 66-77).

It is also worth noting that the process by which they are selected does not encourage party leaders to structure their thoughts along regional lines. For the first 50 years after confederation, Canadian party leaders were selected, as in Britain, by the members of the parliamentary caucus. As with many other features of Canadian life, however, the American example of large, colourful, and ostensibly democratic leadership conventions soon proved to be irresistible, especially given the immediate need of the Liberal party after World War I for an occasion to reforge party unity. Yet there remain certain important differences that impinge significantly on the question of representation. In contrast to the United States, Canadian delegates are seated according to their candidate of choice rather than their province of residence. Moreover, most are selected at the constituency level; relatively few delegates owe their status to their positions within the provincial wing of the party. During national leadership campaigns, provincial party leaders will usually stay neutral; Joey Smallwood's labours on behalf of Pierre Trudeau at the 1968 Liberal convention may actually have backfired on the Newfoundland premier (Courtney 1973, 202). One final difference is that Canadian delegates vote as individuals and in secret. As a result of the foregoing, therefore, successful aspirants for Canadian party leadership are likely to emerge from the convention believing that they have received a *national* mandate from their party.

It would seem, therefore, that what has been argued generally to be true (that demographic representativeness does not imply attitudinal representativeness among members of the political and bureaucratic elites) is also true in the specific instance of Canadian regionalism. Not only are those who occupy authoritative positions in the national government not encouraged to structure their opinions along regional lines, but they are also provided (perhaps quite properly) with a countervailing set of norms that actually discourages such an orientation. As shall be demonstrated, the representation of regional diversity becomes even more problematic when the level of analysis moves from passive to active representativeness.

ACTIVE REPRESENTATION

The concept of active representation contains two quite distinct meanings. The first is essentially what the structural-functionalists label as "interest articulation," that is, the *voicing* of a particular set of policy preferences. The second, and much stronger, sense of active representation is the notion of "successful agency," that is, the *enactment* of the aforementioned policy preferences. Where regional interests conflict, it is axiomatic that not all such concerns can be enacted. Nevertheless, one can hope that policymakers will attempt to aggregate these diverse interests, that compromises and accommodations that are at least minimally acceptable to all regions will be enforced. In the subsequent discussion, I shall attempt to determine whether those within the institutions of national government not only articulate but also aggregate all regional interests. In a pluralist utopia, both would occur (and, indeed, the former would necessitate the latter); as shall be seen, Canada's central institutions fall far short of this standard.

House of Commons

It is tempting to assume that the quality of representation cannot improve as one moves from demographic to attitudinal to behavioural representation, that the inadequacies of the preceding mode provide an implicit ceiling to the extent of representation at subsequent stages. Such an assumption would, however, be erroneous. That middle-class intellectuals are more likely than their working-class counterparts to ascend to the leadership of left-wing political movements constitutes just one of many counter-factual instances (although doubts can be raised even about this example if such leadership is not achieved by *purely* democratic means). One cannot assume that members of Parliament are, *a priori*, incapable of overcoming the flaws that were apparent in the previous discussion of attitudinal representation.

The House of Commons is clearly not the policymaking core of the Canadian political system. Stephen Leacock once described Parliament as "a place where men come to gather merely to hear the latest legislation and indulge in cheers, sighs, groans, votes and other expressions of vitality" (Thomas 1988); more crudely, former Prime Minister Trudeau once taunted that MPs were "nobodies." Yet even if the House of Commons does not autonomously create and consider legislation in a manner akin to the American Congress, and, hence, has a limited capacity

to achieve representation *qua* successful agency, it still may accomplish representation *qua* interest articulation. In the eyes of some observers, this latter aspiration is, in fact, fulfilled. Hence, Tom Hockin, who in his present incarnation as minister of the crown might be expected to be significantly less enthusiastic about this phenomenon than he was in his previous capacity as a scholar, asserted that essentially all social segments find spokespeople in the House of Commons:

> An examination of Commons debates, not only on bills, but in question period, in supply debates, during the adjournment proceedings at the end of each day, and other occasions reveals the rather remarkable performance of Opposition parties to articulate the needs of unorganized and inarticulate groups. Opposition MPs frequently argue for values that are not articulated by associational and other organized group interests. This is an especially valuable activity in Canada, because the needs of regions are often not articulated through provincial party positions and the grievances of unorganized interests are not always promoted by organized interests. Since Opposition MPs find themselves in continual search of all sorts of criticisms of the Government, they usually go far beyond their soundings of organized groups in pursuing their attack (Hockin 1973, 376).

Yet Hockin's opinions are far from hegemonic. For some, the seemingly indiscriminate proliferation of public opinion surveys has raised questions about the need for, and the capacity of, members of Parliament to articulate the views of any given social interest. For most others, Hockin's assurances run directly contrary to the central fact of life in the Canadian House of Commons—the omnipresence of party discipline. Admittedly, some degree of party cohesion is essential in any parliamentary system based on the Westminster model. Yet even in Great Britain, there have been times over the past two decades when breaches in party unity have been commonplace (Norton 1980; Franklin et al. 1986; Norton 1985-86). In Canada, on the other hand, party discipline is taken to an almost fetishistic extreme. Small wonder, then, that some observers have mocked attempts to apply American models of legislative behaviour in the Canadian context; Jackson and Atkinson conclude that partisanship's "predictive capacity outweighs that of all the other inside and outside variables put together" and that "[r]egardless of the role MPs claim to adopt, for the purposes of role enactment when voting on the floor of the House all are party delegates" (Jackson and Atkinson 1974, 145, 148; Franks 1987, 68).

Such strict party discipline obviously impinges on questions of representation. If members of Parliament, irrespective of whatever norms and values they may have internalized, are obliged to act as "party delegates," then only those social interests that are embraced by the party will have their views articulated. To put the matter another way, Canadians have potential avenues of representation that number not 295 (the number of MPs), but five (the number of parties). When these five collectivities speak with a single voice, the prospects of representation are further constricted.[8] Unlike their francophone counterparts, for example, those anglophones who would endorse the politics of cultural exclusion have been effectively denied a voice in the national Parliament. When, in one highly atypical occurrence, a group of eight self-styled "dinosaurs" on the Conservative back-benches chose to speak and vote against their government's revisions to *The Official Languages Act* in the summer of 1988, they were promptly fired by the prime minister from all positions of legislative responsibility; many of the dissidents subsequently decided not to reoffer as candidates in that year's fall election.

In all but the most exceptional case, however, MPs are effectively muzzled on the floor of the House of Commons (which is not to say that they cannot fulfill what has been characterized as the role of "nursemaid" (Finer 1985, 290)—answering complaints and providing services for constituency members). Nor is there an "Extension of Remarks" appendix to the daily Hansard, an appendix that in the United States permits individual members to insert anything they wish into the Congressional Record. As a result, the burden of fully articulating the range of interests that emanate from Canadian regional diversity falls substantially on the individual party caucuses. Unfortunately, caucus deliberations transpire behind closed doors; this makes our knowledge of this area rather problematic. Paul Thomas has undertaken by far the most thorough analysis of party caucuses, and three of his conclusions are worthy of note. First, caucus structures and procedures are sensitive to Canadian regional diversity. Not only are caucus offices filled with an eye to regional representation, but also regional, and in some cases

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[8]In the eyes of some analysts, this representational constriction is worthy of praise. Hence, Franks speculates that a decline in party discipline could lead to worrisome increase in activities and influence of special interest groups (p. 32), while, in a similar vein, Dobell suggests that without party discipline, MPs might find it difficult "to resist the blandishments of provincial colleagues, especially when those colleagues form the provincial government."

subregional caucuses exist that meet separately from, and make regular presentations to, the entire party caucus (Thomas 1985, 93-94, 116,119). Second, Thomas uncovered some instances in which government policy was ostensibly altered in response to objections raised from regional blocs of MPs. Hence, when the Liberals were in office during the early 1980s, the Atlantic regional caucus successfully amended a bill on the prior employment period necessary to determine eligibility for unemployment insurance benefits, while their counterparts in the Quebec wing of the caucus managed to block a proposal to limit the extent of provincial government ownership in transportation companies (Thomas 1985, 97-98). Third, and despite the foregoing, there are manifest limitations in the caucuses' representational role. Caucus meetings, after all, are large and unwieldy affairs; it is well to remember that they are "intended not for formal decision-making, but for communication and consultation" (Thomas 1985, 91-92). Moreover, the secrecy under which caucuses operate, in itself, limits their representational effectiveness. It may be, as with federal-provincial conferences, that regional accommodations can only be struck in caucus away from the prying eyes of the citizens concerned. Such a situation is, of course, democratically lamentable, but more significantly in the present context, it also largely vitiates the impact of any regional articulation that does transpire. Representation without perception is like the moon on a cloudy night; we may surmise its existence, but this conjecture offers us only cold comfort. Furthermore, the same sort of regional imbalances that, as earlier mentioned, plague Canada's "national" parties militate against the effectiveness of party caucuses as avenues of regional articulation and accommodation. The Liberals attempted during the early 1980s to overcome their weaknesses in the four provinces west of the Manitoba-Ontario border by striking a western affairs committee of caucus and by twinning western ridings to eastern MPs. The Conservatives employed similar devices to overcome their weakness in Quebec (Thomas 1985, 106-07, 118). Yet, ultimately, these methods enjoyed limited success. Finally, the majority decision rules that characterize law making on the floor of the House (to the detriment of the less populous regions) are essentially replicated in the party caucuses. The celebrated influence of the Quebec regional caucus during the later years of the Trudeau administration did not necessarily reflect a sensitivity in the Liberal caucus to questions of minority rights. On the contrary, given the disproportionate number of Liberal MPs from the province of Quebec, it came close to being just another instance of "majority rule." When the government party caucus does adequately

reflect the regional diversity of the country, as in the case of Brian Mulroney's Conservative administration of 1984-1988, then the relative powerlessness of the smaller regions becomes apparent. The controversy in 1986 over the CF-18 fighter plane maintenance contract provides a nice illustration of this phenomenon. Although a Manitoba company had tendered a superior bid, the contract was awarded to a Quebec firm. As Jake Epp, a Manitoba cabinet minister, has since lamented, "I and my colleagues fought very hard to have the CF-18 in Manitoba. The decision was made to put it somewhere else" (*Toronto Glove and Mail*, Oct. 4, 1988).   It is difficult to conclude, therefore, that MPs are *actively* representative of Canada's territorial and bicultural diversity. The full range of regional interests are often neither articulated nor aggregated by members of Parliament.

Senate

Like the House of Commons, the Senate has little direct policymaking power. Nevertheless, senators do have the capacity to articulate the concerns of particular social segments. Have they, in the past, exercised this capacity in defence of regionally defined interests? In the eyes of such senators as Lorna Marsden, the answer is an unequivocal yes. Marsden notes, for example, that it was the daily questioning in the upper chamber by Alberta Senator Joyce Fairbairn that precipitated a government relief programme for that province's struggling sugar beet farmers (Marsden 1987, 556).   More generally, a recent Senate subcommittee on Legal and Constitutional Affairs concluded that while more could have been done, "the Senate has in the past acted as a useful spokesman for regional interests" (Mallory 1984, 268).

In the minds of more dispassionate observers, however, significant doubts exist. Indeed, even the rather lame claim of F. A. Kunz that the Senate has been "an auxiliary protector of the provinces in Parliament" (Smiley and Watts 1985, 121-22) does not stand up after an examination of the historical record. During the late nineteenth and early twentieth centuries, the Senate consistently opposed provincial railway demands and supported the federal government, rather than its provincial counterparts, on the delicate issue of separate schools (Mackay 1963).   In 1912, the Senate twice rejected a proposal to assist provinces in building highways (Stevenson 1982, 156).   Twenty-four years later, the country was suffering through the Great Depression; nevertheless, the Senate ignored the expressed wishes of all 10 governments and rejected a constitutional

amendment to provide the provinces with some jurisdiction over indirect taxation (Stevenson 1982, 123). Six years later, Canada was riven by the issue of military conscription. A national referendum revealed that an overwhelming majority of Quebeckers opposed conscription; precisely the opposite distribution of opinion was apparent in English Canada. Yet when the conscription bill came to the upper chamber, it had the support of more than half of those Quebec senators who voted on the measure (Mackay 1963, 116). This discussion could be expanded to include, for example, the Senate's role in subsequent constitutional amendments, (Mackay 1963, 119-21) but the point has seemingly been well established. As one analysis starkly concludes, "in terms of effective regional representation, the Senate is close to a dead loss" (McCormick et al. 1981, 29.)[9]

It is tempting to treat the upper chamber's inability to represent regional interests as merely a specific instance of a more general problem. After all, much has been made of the Senate's institutional impotence; why should anything more be expected with respect to regional representation? Nevertheless, senators have shown themselves to be vocal and vigilant defenders for the interests of at least one social segment—Canadian businessmen. The analyses of Mackay (1963, 137-42), of Campbell (1978, 66-107), and of McMenemy (1987, 538-50) all point unequivocally in support of this conclusion. The Senate generally acts as the silent partner of the House of Commons; when it does flex its somewhat atrophied legislative muscles, however, "it is frequently to challenge provisions considered harmful to business" (Jackson and Atkinson 1974, 85).[10] During the Confederation Debates, George Brown

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[9]E. Donald Briggs makes essentially the same point (albeit in more tempered language) when he notes that, "to date, the Senate has not been of any great importance to any of the provinces."

[10]The arguments of those who would deny that senators have effectively represented business interests are often somewhat eccentric. What is one to make of Marsden's rebuttal (p. 557) that it has not been substantiated that business interests "overwhelm" senators' judgments or of Jackson, Jackson, and Baxter-Moore's contention (p. 343) that the Senate is not "a straightfoward champion of a particular class." Straightforward? Perhaps the most intriguing contribution to this debate comes from W. L. White, R. H. Wagenberg, and R. C. Nelson who advance the two-pronged but internally inconsistent position that the Senate does not represent business interests "because the rest of the community could hardly be expected to support such an institutionalization of minority power. In

stressed that the composition of the Senate meant that "the very essence of our compact is that the union shall be Federal and not Legislative" (Waite 1963, 63). It is perhaps revealing that when senators look around the upper chamber, they see no reference to the importance of safeguarding regional interests. On the contrary, their eyes are much more likely to rest upon a quote from Cicero: "It is the duty of the nobles to oppose the fickleness of the multitudes" (Wallace and Fletcher 1984, 24).

Cabinet

Notwithstanding the problems to which reference has already been made, the House of Commons and the Senate exist as forums in which the diverse interests and opinions are *publicly* articulated. It is not the task of either legislative house, however, to reconcile these divergent views; that job falls to the political and bureaucratic arms of the executive. Yet, irrespective of what happens in Parliament, unless these views are *privately* articulated within the cabinet and the civil service, the task of producing policy syntheses will be greatly complicated.

For some observers, the cabinet is able to play the brokerage role envisaged by pluralist theory. Hence, one analysis describes the cabinet as "in a unique degree the grand coordinating body for the divergent provincial sectional, religious, racial, and other interests throughout the nation" (Dawson and Ward 1970, 178). In a similar vein, it has been suggested that the cabinet "is the focal point for public pressure from a variety of interests" and that it strives "to steer a course which avoids alienating any of them completely" (White et al. 1972, 131) Nor does the conclusion change when the level of analysis shifts specifically to the forces of Canadian regionalism. It is frequently asserted, for example, that certain portfolios are reserved for MPs from particular regions; invariably, a Westerner is given control of the Wheat Board, and someone from a Maritime province is accorded responsibility for the fisheries. Moreover, as Dawson and Ward allege,

> the federal character of the cabinet is emphasized still further in
> the practice of ministers discharging their conventional functions
> as provincial representatives. Each minister is constantly

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any case, the wealthy and conservative in Canada have had more effective means of protecting their interests through positions of power in the economic and social as well as in the political systems of Canada."

concerned with the widely scattered interests of his special
province and he acts, and is supposed to act, as its spokesman,
advocate, and (where necessary) dispenser of patronage and
possibly electoral organizer. In cabinet councils he will be
expected to advise, not only on matters within his particular
department, but also on any topic whenever it concerns his
province; and his opinion, by virtue of superior knowledge of
that locality, will merit exceptional consideration (Dawson and
Ward 1970, 181).[11]

From this perspective, the national cabinet is little more than a coalition
of semi-autonomous regional chieftains; by extension, this view reduces
the prime minister to the role of moderator and umpire rather than that
of leader.

There have always been some problems with this assessment of the
federal cabinet. For just as MPs are hamstrung both externally (in the
form of party discipline) and internally (in the form of engrained
partisanship), so too are cabinet members. In fact, it is arguable that
ministers are quadrupally constrained, since they also labour under the
twin conventions of cabinet secrecy (which denies recognition for any
representation endeavours they may undertake) and collective
responsibility (which obliges policy losers either to defend the decisions
of the victors in public or to resign in protest). Admittedly, there were
always a few ministers such as W. L. Fielding of Nova Scotia, Ernest
Lapointe of Quebec, C. D. Howe of Ontario, and Jimmy Gardiner of
Saskatchewan who enjoyed considerable autonomy in their capacity as
regional barons. Over the past two decades, however, it has grown
increasingly difficult to find even a few regional ministers of comparable
influence.[12] In part, this can be attributed to the "presidentialization" of

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[11]Despite the opinions of Noel, Matheson, and others, even this rather
idealized view of regional representation in the national cabinet is not consistent
with the consociational model. See Herman Bakvis, *Federalism and the
Organization of Political Life: Canada in Comparative Perspective* (Kingston,
Ontario: Institute of Intergovernmental Relations, Queen's University, 1981), 74.

[12]For a dissenting perspective, at least with respect to job creation
programmes, see Herman Bakvis, "Regional Ministers, National Policies and the
Administrative State in Canada: The Regional Dimension in Canadian Decision-
Making, 1980-1984," *Canadian Journal of Political Science,* vol. 21 (1988): 539-
67. For a fuller discussion of these matters, see Herman Bakvis, *Regional
Ministers: Power and Influence in the Canadian Cabinet* (Toronto; Buffalo:

Canadian politics.   Fuelled by the advent of personality politics, the prime minister now enjoys a stature that is much greater than that of *primus inter pares*. The result is that for almost all ministers, power is not now an outgrowth of a regional base of support; rather, it is increasingly a product of prime ministerial favour.   The other major factor that has attenuated the capacity of cabinet members to articulate the interests of their regions has been the rationalization of cabinet decision-making processes over the past two decades. Beginning with the introduction of the ill-fated PPBS in the late 1960s, Canadian governments have periodically attempted to confront the growing fiscal crises of the state by substituting technocratic rationality for political expediency. Government priorities have ostensibly been set on a rational basis, and individual ministers, who previously enjoyed considerable autonomy in the administration of their departments, have been obliged to conform to an overarching plan. The entire cabinet now meets less often; instead, the process has been streamlined through the introduction of an elaborate series of subcommittees that can effectively make decisions of regional consequence in the absence of the minister from that area (although, to be fair, the 1982 reorganization did result in the creation of a cabinet committee on economic and regional development). Nevertheless, as a result of all these changes, cabinet decision making has been tilted "further in the direction of being functional and managerial and less politically sensitive to the political pressures of federalism" (Mallory 1984, 116; Smiley and Watts 1985, 68-73; Aucoin 1985, 144-45).

Clearly the voices of regional interest have been increasingly muffled in Canadian cabinets.   This does not imply, however, that national governments have pursued policies either without regard for their regional consequences or in such a way as to ensure that one region has consistently gained at the expense of another.   Nor, however, does it imply the opposite, and there are substantial obstacles in the way of any attempt to draw definitive conclusions about systemic biases in Canadian public policy. To take but one example—equalization payments from the federal government to the have-not provinces were inaugurated in 1958 as a way of ensuring that, without unduly raising tax rates, the poorer parts of the country could offer their citizens a comparable range of services to those enjoyed by Canadians in the more prosperous provinces.

University of Toronto Press, 1991).

From a relatively modest beginning, these payments have grown to be the sixth largest item in the federal budget and, in fact, were afforded constitutional status in a 1982 amendment. On the surface, equalization grants would seem to indicate a sensitivity to the needs of the weak partners of confederation, not just from the federal government but also on the part of such large and wealthy provinces as Ontario. From this perspective, these monies are an instance of the altruism of the rich. Yet there are alternative interpretations of this programme. Ontario might, for example, be taking out an insurance policy against the possibility that they, too, would one day become a have-not province. Or even more provocatively, equalization payments might be regarded as a bribe for the poorer parts of the country to remain within an economic and political set of arrangements that systematically benefits the wealthier regions, a bribe that, in any event, gradually trickles back to the original donor.[13] Nor does the fact that equalization grants are almost universally popular among both the peoples and the governments of the poorer provinces bring us any closer to resolving these competing understandings; after all, it is not difficult to advance arguments about objective reality and false consciousness that call into question such firmly held but nonetheless subjective perceptions. If these problems exist in assessing the real or imagined regional trade-offs of a single public policy, they are magnified exponentially in scrutinizing the whole range of federal government programmes. Such eminent scholars as Don Smiley have purported to detect in the national government a historic bias against the interests of the eight "hinterland" provinces (Smiley 1975, 43-44; Mallory 1976, 169-80); there are, however, convincing arguments to the contrary (Norrie 1977, 325-40). We are left, therefore, with a somewhat tentative conclusion to this section. Despite the mystifying shroud of secrecy that surrounds their deliberations, it is undeniable that the cabinet is now less exposed than in the past to the full range of Canadian territorial and bicultural diversity. It is reasonable to surmise, moreover, that this muted articulation has some policy implications. The precise linkage, however, remains highly problematic.

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[13]For a further discussion of these competing policy interpretations, see Jack Mintz and Richard Simeon, *Conflict Taste and Conflict of Claim in Federal Countries,* Kingston, 1982, 27-29.

Bureaucracy

Earlier, it was argued that the role of regional agent (or, indeed, agents of any particular social segment) was foreign to the bureaucrat mind-set. As a result, that portion of the policy process that occurs within the public service tends to be bereft of specifically regional voices. Instead, the creation of public policy is largely conceived to be a transregional exercise. Witness, for example, the words of civil servant Bruce Rawson who, despite admitting that "modest" adaptations to regional circumstances may occasionally be necessary, nevertheless states:

> This is not to deny the commonalities, nor the need for consistent, even-handed policy when fairness, efficiency, and other over-riding objectives are at stake. Thus, consistency in tax policy, pensions and some of our major social benefits is defensible and can be seen as an important part of being Canadian. Many other national policies would be vastly less effective with excessive regional variation (Rawson 1984, 608-09).

Apparently, bureaucratic orientations are at least partially incompatible with a federal society. To render the latter more responsive to the former would require an institutional framework that drives civil servants to consider public policy from a regionalist perspective. This framework, however, has been largely absent in Ottawa. It is a commonplace of organization theory that administrative departments can be structured along the lines of purpose, skill, clientele, process, or location.[14] Only the latter ensures a consistent sensitivity to regional concerns, but departments based strictly on location have been remarkably rare in the federal government. In fact, despite a kaleidoscopic series of departmental transformations over the first 125 years of nationhood, only three departments have ever been organized primarily along locational lines: the Department of the Interior (1873-1936), the Department of Indian Affairs and Northern Development (1966-present), and the Department of Regional Economic Expansion (latterly, the Department of Regional and Industrial Expansion, 1969-1982-present). For the rest of the administrative leviathan, organization by purpose and by process

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[14]For a discussion of the allocation of programmes in the Canadian civil service, see J. E. Hodgetts, *The Canadian Public Service: A Physiology of Government, 1867-1970* (Toronto; Buffalo: University of Toronto Press, 1973), 82-137.

have generally been the guiding principles with the result that "federal officials quite naturally have a sectoral concentration" (Savoie 1985b, 12). In 1982, motivated both by a genuine desire to counterbalance this orientation and by a baser concern with heightening the federal government's visibility throughout the country (Smiley and Watts 1985, 84-85), the Trudeau administration initiated a range of organizational reforms. In addition to the aforementioned change in nomenclature at the cabinet committee level and the metamorphosis of DREE into DRIE, a Ministry of State for Economic and Regional Development was created, with regional offices in each province to be headed by a senior federal economic development coordinator. While this structure ensured an element of decentralization "that was novel in the experience of Canadian central agencies" (Aucoin and Bakvis 1985, 70), MSERD was dismantled two years later. As for DRIE, it has been gradually merging with the Ministry of State for Science and Technology in an attempt to reorient its focus away from regional development and towards science and technology (*Toronto Globe and Mail*, Oct. 3, 1988). Clearly, the national bureaucracy continues to be structured in such a way as to encourage the articulation of functional, rather than regional, interests.

The dangers of regional inattentiveness are, of course, greatest in those areas where bureaucratic independence is most substantial. Given that they operate outside the regular departmental hierarchy, most federal agencies enjoy substantial autonomy; one analysis has claimed to discover "numerous examples" of cases where these units "have been insensitive to regional concerns" (Fletcher and Wallace 1985, 143). From the setting of freight rates to telecommunications policy to the Columbia River dispute (where, "without significant jurisdiction as a lever, the British Columbia government would have found it difficult to get a hearing for its vital interests"), the insouciance of federal agencies "has fanned the flames of regionalism" (Fletcher and Wallace 1985, 143). In short, neither the culture nor the structure of the Canadian civil service encourages the articulation, far less the effective aggregation, of the nation's varied regional interests.

CONCLUSION

The political goals of particular social segments may be articulated, if at all, by those who are either internal or external to the state system. The bulk of this chapter has dwelt on the former, on those who occupy authoritative positions within the national government, and the conclusion

that flows from the preceding analysis is relatively straightforward; except in terms of demographic representation, Canadian regional interests do not receive adequate expression in Ottawa. Yet what of the alternative means of articulation? Do interest groups fill this void? In general, the answer is no. For a variety of reasons, the universe of Canadian interest groups is stunted and fractionalized. First, liberalism is the dominant thread in the national political culture (and, hence, Canadians do not look first to groups to advance their individual interests). Second, for an ostensibly "modern" country, the Canadian economy is surprisingly underdeveloped (and, hence, there are fewer interests requiring representation). Third, those territorial and cultural divisions that cleave the social fabric of Canada have a similar impact on the country's interest groups (and, hence, these groups are rarely able to speak with a single voice from within a single organization). But perhaps the most significant factor in accounting for the ill health of Canadian pressure groups is the system of political institutions that have been catalogued over the preceding pages. In contrast to the relatively more open and pluralistic policy process that is apparent in the United States, the Canadian policy community has a closed and hierarchical character. Canadian interest groups lack the variety of access points that are enjoyed by their American counterparts. Neither house of the Canadian parliament plays a substantial policy role; as a result, and notwithstanding some recent revisionist analyses (Pross 1985; 1986, 62-79) pressure groups generally bypass these legislative arms of the state. Their chief lobbying targets lie within the executive, but even here they must endure what has been characterized as the "turtle syndrome"; cabinet ministers and senior bureaucrats generally welcome interest group submissions during the prelegislative stage but close ranks when the time comes to make a policy decision (Campbell 1983, 288).

For those groups that represent a specifically regional interest, the obstacles to policy participation are particularly high. Earlier, attention was drawn to the fact that bureaucratic values and activities are inevitably influenced by the failure to organize the civil service along spatial lines. This structure also impinges on pressure group activity; as one observer notes, there are "fewer points of entry for regional than for functional interest groups" (Esman 1984). In recent years, regional interests have been further disadvantaged by the growing tendency to refer those policies that have clear regional implications to federal-provincial conferences, an arena in which only those who wear government uniforms are permitted to play. One analysis of three distinct policy

areas (public finance, old age pensions, and constitutional reform) concluded: "In no case did interest groups have a significant effect on the outcome, once the issue had entered the federal-provincial arena" (Simeon 1972, 280-81). In short, the activities of Canadian pressure groups do little to offset any representational lacunae that are evident in the values and activities of those who occupy authoritative positions in Ottawa.

Does this mean that the structures of the national government should be reshaped? In the years leading up to the 1980 Quebec referendum on sovereignty-association, many observers grew convinced of the virtues of institutional reform as a palliative, if not a solution, for Canada's ongoing crisis of national unity. Such momentum as developed, however, was unable to force the issue into the constitutional compromise of 1982, and only a single tentative step to improve Senate representativeness was contained in the ill-fated Meech Lake Accord. In the present period of constitutional turbulence, it is worth noting that this situation is not necessarily cause for lament. It has already been stressed that the four types of representation discussed in this chapter are significantly independent of each other, that success at one end of the representational continuum (that is, demographic) has only the weakest of links with representation at the other end (that is, successful agency). Yet many of the proposed institutional reforms (from proportional representation in the House of Commons to an elected Senate to a "representative bureaucracy") address discrepancies in passive representation on the mistaken understanding that these changes will necessarily have a direct impact in terms of active representation. Even within the subcategories of active representation, the linkages are suspect. In a perceptive article on parliamentary committees, Grace Skogstad questioned whether interest articulation is even compatible with interest aggregation and concluded that the former may actually work to the detriment of the latter if it simply "escalates the debate to a more intense level" (Skogstad 1985).

In fact, much of the debate on the articulation of regional interests within the national government is theoretically confused. In an oft-quoted article entitled, "Regionalism and Canadian Political Institutions," Richard Simeon advances the argument that the federal, electoral, and parliamentary systems serve "to reinforce and make salient the territorial dimensions of political life, and to dampen, minimize or curtail non-regional—or national—cleavages" (Simeon 1979, 293; Smiley 1977).

With respect to the first two of these three institutional features, there can be no argument. Both the federal and electoral systems encourage people to think and act along regional lines; in their role as gate-keepers,

they serve to institutionalize regionalism.   Yet as has been shown throughout this chapter, and as Simeon himself realizes, parliamentary government, as based on the Westminster model, acts to *discourage* Canadians from thinking and acting along regional lines. Simeon argues, however, that the parliamentary system still institutionalizes regionalism by forcing regional issues to appear in other, potentially less accommodative, arenas. Yet such a contention stands the original premise on its head. Regionalism may still be such a pervasive feature of the body politic that it continues to be made manifest in other forms (such as federal-provincial relations), but this occurs despite, rather than because of, the parliamentary system. To see that this must be so, imagine that the Fathers of Confederation had bestowed upon Canada a congressional, rather than parliamentary, form of government. Presumably, region, at least as much as party, would have come to be one of the organizing features of legislative life; as in the United States, transparty regional caucuses would likely have emerged, and voting across party lines would have become commonplace. Under such circumstances, few would have quibbled with the contention that the structure of the national legislature (along with the aforementioned federal and electoral systems) served to institutionalize regionalism.   In short, unless institutions are of no account, it can hardly be claimed that structures that act to discourage the articulation of a particular social interest have the same effect as those that operate in precisely the opposite way.

One must equally avoid erring in the opposite direction. The effect of institutions on the behaviour of those within is clearly not negligible, but nor is it overwhelming. Those who would engage in constitutional engineering would do well to consider whether blame for any of the representational shortcomings discussed in the preceding pages can properly be placed on the structures themselves. Certainly, Canada's political parties and their leaders should shoulder some of this responsibility. It has been persuasively argued by David Smith, for example, that to censure the national institutions for the growth in "western alienation" over the past two decades is mistaken. On the contrary, asserts Smith, the Trudeau administration could have provided better representation for western interests; it simply *chose* not to do so (Smith 1985, 49-51; Banting and Simeon 1983, 354).

Moreover, it is worth considering the unpredictable character of institutional reform. Even a minor change in design can have a range of unanticipated consequences, not only with respect to the institution itself, but also in other elements of the political system (Sharman 1987, 90-91).

It is partially for this reason that many observers are even wary of tinkering with a less than optimal *status quo* (Franks 1987, 199-201, 257). The possible discovery that institutional reform is not a cure-all for representational failures could, in fact, have serious systemic consequences. As long as westerners believe, for example, that Senate reform will remedy many of their representational ills, they are less likely to question their ongoing commitment to the wider Canadian community. Viewed from this perspective the frustrations engendered by the failure to reshape the upper chamber may paradoxically be contributing to national unity.

Ultimately, the types of representational shortcomings that have been outlined in this chapter could well remain for the indefinite future. Even a structure as universally despised as the Canadian Senate could retain its present shape, if only because the range of reform options is so bewilderingly large. Under any set of institutional arrangements, Canada is still going to be a difficult country to govern. Zero-sum conflicts between competing regions of vastly different size and influence do not lend themselves to a representational utopia. A move away from majority decision rules might purchase a more just balance in this regard but only at the rather substantial cost of policy stalemates and inertia; it is, in any event, not certain that English Canada (on matters of cultural significance) and Ontario and Quebec (on matters of territorial significance) would countenance such a revolutionary change in the national government. For Canada's representational shortcomings, it would seem, there may be no quick fixes.

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The U.S. Congress and the National Executive

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In the United States political system, the term "state's rights" is a much more potent election slogan than it is an accurate description of the place of states in either constitutional law or in the national public policy process. The national government defines the circumstances within which states participate in the implementation of national policy. On those many matters on which the national government has not acted, the states act on their own preferences.

The pragmatic interplay between national and state-level governments in the implementation of national policy is premised upon an equally pragmatic interplay in the policy formation process. Both Congress and the national executive branch are structured to encourage the expression of diverse points of view. The very means of expression of diversity—including state and regional—are also the means by which those diversities are resolved into agreed national policy.

In this chapter, we examine the representational and policy- making procedures within both Congress and the executive branch. The importance of the Senate, the usual absence of party discipline, the openness of the executive branch, and the bargaining relationship between president and Congress are all features of the U.S. government that appear to contrast with the Canadian. We begin with the greatest contrast of all between the two national governments, the constitutional structure of separation of powers in the U.S.

CONGRESS AND PRESIDENT

The very constitutional system designed to create a stable and strong executive has also created a strong legislature. The institutional

separation of the two policymaking arms of U.S. national government has protected each against the other. If Congress, unlike the Canadian Parliament, cannot dismiss the chief executive through a vote of no confidence, neither does that executive need, as the condition of his continuance in office, to oversee the legislature. The separation of personnel, and their very different selection procedures, is the essential precondition for policy independence of one against the other. While the Canadian prime minister must control Parliament, U.S. presidents can only desire and attempt to control Congress. While the Canadian parliamentary party is the means by which the prime minister controls Parliament, the U.S. congressional party is the means by which Congress organizes itself.

That "the executive" is not in Congress—and constitutionally cannot be—is symbolized by the ceremony of the annual State of the Union Address. The president is greeted by representatives and senators of both parties with applause and handshaking, both as he arrives and as he leaves. He is escorted in and out of the House chamber by the leadership of both parties. At no time does he take a seat, for there is no place for him to sit.

There are no government members in Congress. There is no Government Front Bench on the floor, nor are there government members who lead the congressional committees. Indeed, with increasing frequency, the committee leaders come from the opposition party, for Republican presidents usually face Democratic majority congresses.

The institutional separation of the two explicit policy branches of U.S. national government permits a wide range of relationships between them. At times, Congress has usually accepted presidential legislative proposals, for the president has exercised firm leadership through control of the majority party (e.g., Jefferson, Wilson). At other times, and often in reaction to periods of strong presidencies, Congress has been far more resistant and assertive (e.g., Grant, Taft). In the more recent era, the presidencies of Johnson and Nixon were succeeded by the assertive post-Watergate congresses, only to be followed by the Reagan presidency, successful with Congress in the beginning but not as much toward the end.

Bicameralism in Congress and the electoral college mechanism in presidential elections were both intended to ground the structure of U.S. national government upon the pre-existing fact of state boundaries. Bicameralism itself was the compromise solution to the large vs. small state antagonism in the Constitutional Convention (Rossiter 1966). In

addition, there were a variety of cross sectional splits among the 13 original state delegations in that convention (Jillson 1981; Riker 1955).

The electoral college method, whereby each state has as many votes as it has seats in the whole Congress, has been bypassed through the development of a nationwide two-party system and with the growth of a democratic ethos. The original expectation, however, was that presidential selection would be localized, and that as a consequence, few candidates (except George Washington) could obtain a majority of electoral college votes. In that event, Congress would have made the final selection, thereby creating in the United States a proto-parliamentary system before the British had developed theirs.

Just as the electoral college has worked differently than originally envisaged, so has Congress. The House is as fully reflective of local and state preferences as the Senate, and the latter has become a full legislative body rather than evolving as either an executive council to the president or an assembly of ambassadors from state governments.

The large vs. small state issue, leading to equal state representation in the Senate, has seldom since been important in U.S. national politics except when the same type of power sharing issue arises, as for example, in periodic re-examinations of the electoral college system (Bryce 1891, 94). Competition among states, however, is growing as the federal government allocates funds to the states. Particularly the endless arguments over the formula—size, need, merit—by which federal funds should be allocated among the states, counties, cities, and congressional districts, often are expressed in terms of rural vs. urban states, and sometimes even of small vs. large states. These considerations are not confined to the Senate but are equally vigorously expressed in the House.

CONGRESS: REPRESENTATION AND POLICY

United States Bicameralism

The two chambers of the Congress represent the U.S. electorate in two different forms, both of which are expressed through state boundaries.

In the House, the electorate is represented on a population ratio basis. Each state has as many representatives in ratio to the total seats as its population size is to the national population. This feature, though more strictly applied in the United States than in Canada, is common to most democracies.

The Senate by contrast, is very different in the two countries. Each U.S. state has two members, irrespective of population size, geographic spread, or economic importance.

Originally, the state's two senators were to be chosen as the state legislature directed—that is, by themselves. Since 1914, however, all senators are directly elected as a result of a constitutional amendment. It is not uncommon for the two senators to come from different parties or to vote against one another even if they do come from the same party (Elazar 1984, 24-25). Nevertheless, on issues of state importance, the two senators often do vote with each other, even if they are of different political parties.

In today's Congress, 100 senators represent the electorates of 50 states, while in the House, 435 seats are apportioned among the states in single-member districts. Even the state's two senators in effect run in a single-member district election, though at different intervals. The 100 senators are divided into thirds, with only one-third of the Senate up for election at any one time. Thus the two senate seats from each state are elected at different times. The two senators do not run against each other, nor even at the same time. One result has been the possibility that the two senators come from different parties and that they are elected by differently composed majorities within their common state.

Both chambers—not just the Senate—directly express local and state opinion. On international trade questions, to take but one example, regionalism has been more important than party in congressional voting in both the House and Senate. In Canada, by contrast, local and provincial opinions, as they have disagreed with the policy of the national government, have more directly been expressed through provincial governments than through either chamber of Parliament.

Though representation of states was a very important consideration in the Constitutional Convention of 1787 in creating the Senate, neither chamber has often acted to express the official position of state governments on national questions. In the early decades, senators did refer for advice if not also instructions to their state legislatures, but by 1840 apparently that practice had ceased (Bryce 1891, 110; Riker 1955).

Though the Senate has been transformed by changes in its election system, the formal powers of the two chambers remain unchanged in the Constitution. Though equal in most respects, each chamber has a somewhat different function. The House initiates appropriation and revenue legislation as the popular chamber, while the Senate has the

executive oriented functions of confirmation of selected presidential appointees and ratification of treaties.

Legislation must be approved by both chambers in identical form. If one chamber defeats or amends a bill, the other does not have the power to override that action. Differences between the two chambers on a bill are resolved through a joint conference committee, the report of which then must be adopted in both chambers. Similarly, both chambers must vote (by a two-thirds margin) to override a presidential veto. On the omnibus trade bill of 1988, for example, the House voted to override the veto, but the majority in the Senate fell two votes short of the required margin. As a result, the veto was sustained and the bill defeated.

The Senate soon developed a special function within the U.S. political system. The rapid emergence of political parties after the Constitution went into effect transformed the electoral process. That senators were selected by state legislatures gave the leaders of the new national level political parties ample incentive to extend their fledgling organization into the state legislatures and state politics. The electoral college mechanism for selection of the president had the same effect. But the Senate provided the explicit connection into state legislatures. Furthermore, senators eventually became the leaders of their state parties in the 19th century, thus providing an additional bridge between national and state politics (Bryce 1891, 94, 98). Direct election of U.S. senators severed this cross-level institutional link (Riker 1955).

Bicameralism illustrates a broader feature of the structure of U.S. national government—the intent to express diverse views within national government. The electoral college mechanism for the president along with the territorial districts for House and Senate provide for three different ways in which popular votes may be cast and by which their majorities form. Though all three bodies are now directly elected, they divide the popular vote differently. With formidable constitutional powers, each instrumentality of national government is able to defend and express the different views of public policy that it is likely to acquire through its different selection means.

Representation

Constituencies and Districts

The House size was set at 435 members in 1911, with the result that some states lose seats as the U.S. population shifts across the country.

By region, the older and northern areas have lost seats over time, while the southern and western regions have gained (Table 3.1).

A second result of a constant House size is that the average population size of congressional districts continues to grow. As of the 1980 census, the average district size was slightly over 500,000 people while after the 1990 census, it is closer to 600,000. Each state is guaranteed at least one House member, and thus the smallest states (e.g., Vermont) have more senators than congressmen (Jacobson 1987, 10-12).

The number of House seats apportioned to each state is a function of the decennial census, taken at the turn of each decade (e.g., 1980, 1990). By the time of the succeeding election (e.g., 1982, 1992), two major sets of decisions have been made. First, and fairly automatically, the number of seats allocated to each state is decided by the Bureau of the Census. Second and far more controversial and difficult, each state must divide its population into equal sized congressional districts.

Districting within the states is accomplished by state government, unlike in Canada. That is, the districting decision in most states originates as a bill that must be passed by both chambers of the state legislature (only Nebraska has a single chamber) and signed by the governor. Since the two chambers in the state may be controlled by different parties, or a legislature with a majority of one party may have a governor of the other (e.g., California, New Jersey, North Carolina), the opportunities for partisan squabbling are common (Jacobson 1987, 13-15; Jewell and Olson 1988) and for judicial intervention are increasing (Butler and Cain 1992, 110-15).

Districting is sufficiently difficult that, in the 1920-60 period, few states redistricted for either Congress or the state legislatures. The result was increasing population inequalities in size between the rural districts that lost population and the urban and suburban districts that grew rapidly. A series of Supreme Court decisions required the states to redistrict both their legislatures and their congressional districts (Jacobson 1987, 12-13). The unresponsiveness of the rural dominated states to the growing urban population was one major reason for the decline of the states as respected and active elements in the governmental structure.

That initial set of Court decisions, and the many others that followed, ultimately defined the standard of population equality within any one state as absolute population equality. While previously, congressional district boundaries tended to follow county or township lines, the necessities of population equality now force the district boundaries to flow across local jurisdictions. Since political party structures tend to be

Table 3.1. *Changing Apportionment of House Seats by Region, 1930 and 1990*

Region	Year 1930 N	1990 N	N Seat Change
New England	29	23	-6
Mid Atlantic	94	66	-28
South	102	127	+25
Border	43	33	-10
Midwest	90	73	-17
Plains	34	22	-12
Rocky Mountain	14	25	+11
Pacific Coast	29	66	+37
Total	435	435	

Sources: Norman Ornstein, et al. (eds.), *Vital Statistics on Congress, 1984-85 Edition,* 7-8.

anchored to local governmental units, congressmen must interact with a large number of party groups and local leaders who have nothing else in common except that one office. The constant observation by House members that their office is not considered very important by their local parties is only increased by the new fluidity of their district boundaries (Olson 1978). Senators, too, are often not deeply involved in state party affairs.

Elections

There is now less electoral competition in house than in senatorial elections. While 80 percent of the House members are reelected incumbents after any one election, only about 60 percent of the senators are. Thus turnover rates in the Senate are usually higher than in the House. The average House member has served about six terms, while after the 1980 election, over half of the Senate were in their first term

(Jewell and Patterson 1986, 47). As of the 1990 election, a low of only 10 percent of the House membership were newly elected freshmen. But over 60 percent of them had been elected during the 1980s, and over half of the Senate had also been initially elected during the same decade (Ornstein et al. 1992, 19-21).

That the House should have greater membership stability than the Senate is a reversal of original expectations. The House was expected to reflect the issues and views of the immediate moment, partly because its membership would be subjected to the vicissitudes of election every two years (Carmines and Dodd 1985, 415-17). A century ago, Bryce commented on the ceaseless turnover and consequent ineptitude of the House, in contrast with the more experienced and competent Senate (Bryce 1891, 113). Today, that observation could almost be reversed.

Congressional reelection rates are keyed to the cycle of presidential elections. The four-year term of the presidency is the calendar with which House and Senate elections are sequenced. All of the House members and a third of the Senate are elected on the same day as the president. Two years later (the midterm election) all of the House members and another third of the Senate are elected.

Normally, the winning president's party gains seats in Congress and then loses as least some of those gains in the succeeding midterm election. In 1980, for example, Republicans gained 34 seats in the House with the election of Ronald Reagan as president and then lost 26 seats in the 1982 midterm election. However, in 1988, the Republicans actually lost three seats when George Bush was elected to replace Reagan, and then in 1990, they lost an additional nine seats. Most state gubernatorial elections are now held in the midterm years, and they, too, tend to run counter to the presidentially victorious party (Jewell and Olson 1988).

Congressional elections during the Reagan presidency illustrate one of the longer cycles of U.S. congressional elections. A president's party usually gains the most seats in Congress in the president's initial election, and loses the most in that president's second (and last) midterm election in a normal eight-year term. Republicans gained a majority in the Senate in Reagan's initial election in 1980, but lost it in the 1986 midterm election midway in his last term.

U.S. congressional elections demonstrate the distortion effect of single-member districts observed in both Canada and Great Britain. Though Democrats obtain a slight majority of all votes in congressional elections, their share of seats is increased above that margin anywhere from three to 11 percent in the 1962-90 series of House elections

(Ornstein et al. 1984, 42, Congressional Quarterly Weekly Report, Dec. 29, 1990, 4238-40).

Members and Experience

The average member of Congress, as noted above, has served an average of six terms, or 12 years, as a member. As a result, members of Congress gain experience in the politics of national policy in general and of the rules and procedures of Congress in particular.

Their relatively long service in office, together with the year-long activity of Congress, requires members to sever their ties with their previous occupations. Service in Congress has, for most members, become a full-time occupation in itself.

Many senators and House members have served previously in state and local governments. The largest single number of senators had previously served in the House, while the largest number of House members have served in their state legislatures. Another large number of senators have previously held other state-level elective office, especially governor and attorney general, while large numbers of both senators and congressmen have also served in the judiciary and legal prosecution offices (Schlesinger 1966).

So many federal legislators have served in local and state offices—especially elective—we can regard state and local offices and Congress as beginning to constitute a single career ladder. For state legislators who wish to advance in electoral politics, Congress is a readily available institution for them to consider. While some state legislators run directly for the Senate (e.g., Sen. Sam Nunn, D-GA), more run for the House or for a statewide elective office.

Furthermore, House members sometimes run for governor, illustrated by Hugh Carey of New York and Carroll Campbell of South Carolina. Members of Congress from major cities sometimes run for mayor (e.g., Mayor Washington of Chicago and Mayor Koch of New York). Senators occasionally seek the governorship of their state (e.g., Governor Wilson of California), but more often they become presidential candidates.

Members of the House of Representatives and the Senate usually have much more education and more professional occupations than the general population. Their education and occupations equip them to understand and to work with the increasingly complicated policy questions facing contemporary society. These skills also prepare the members to work independently of both the executive branch and of their

parties. They are distributed proportionally by state and region but do not mirror the population in either occupation or education. The newer ethnic and religious groups tend to have few members in national elective office (Keefe and Ogul 1989, 115-22; Congressional Quarterly Weekly Report, Nov. 10, 1990, 3835-37).

Both House and Senate members emphasize their local attachments. The Constitution requires them to live within the state they represent. Custom requires the House members also to live within the boundaries—even if shifting—of their specific congressional district. In some states, the two senators customarily come from different regions of the state, and in some geographically dispersed congressional districts, successive congressmen usually come from different counties or regions within the district.

In summary, though senators have much larger electorates and a longer term of office than do congressmen, their elections have become more competitive and their tenure less secure than in the lower House. The Senate remains near the pinnacle of national political ambitions, with congressmen having a wider range of other elective offices to consider. There is a steady if small flow of elected officials from national (especially the House) to state office, and a much larger flow from state to national office (especially the Senate).

Regionalism

Parties and Regional Representation

Prior to the New Deal in the 1930s, the United States had a two-party system only in the sense the two great regions of the country each voted for a different party. The "Solid South" for the Democrats was in effect matched by the hold of the Republican Party in the rest of the country. The elections of 1928 and 1932, the latter electing F. D. Roosevelt, initiated a slow diffusion of two-party competition around the country, beginning in the 1930s with New York and Pennsylvania and concluding with the South in the 1970s and 1980s. (Sait 1927, 211-31; Jewell and Olson 1988). The result is that in the 1970s and 1980s, all regions are represented in both congressional parties (Table 3.2). The region-party disparities are now much smaller than at anytime in the past century (Dodd and Oppenheimer 1985, 2, 6).

It is common in the House to speak of "state delegations," which include all members of both parties from any given state. Such delega-

Table 3.2. *Changing Party Strengths by Region, in House and Senate, 1924 and 1990: Percentage Democratic*

Region	Chamber and Year			
	House		Senate	
	1924	1990	1924	1990
New England	12.5	66.7	8.3	58.3
Mid Atlantic	26.7	56.9	37.5	50.0
South	97.1	66.4	100.0	68.2
Border	58.7	67.6	50.0	60.0
Midwest	16.9	60.0	10.0	70.0
Plains	15.4	54.2	0	58.3
Rocky Mountain	28.6	45.8	50.0	37.5
Pacific Coast	19.0	60.7	16.7	40.0
Chamber Total	42.3	61.4	42.7	56.0

Source: Norman Ornstein et al. (eds.), *Vital Statistics on Congress, 1984-85 Edition,* 10-14; *Congressional Quarterly Weekly Report,* Nov. 10, 1990, 3822-23, 3826.

tions frequently meet and act on a bipartisan basis. The Texas delegation, for example, one of the larger ones in the House, meets for a weekly lunch. On relevant state matters, a bipartisan state delegation can act as a unit both within Congress on legislation and against the executive branch on an executive decision.

Members speak of having a state seat on major committees of interest to their state. The state basis of the chamber party organization, which we will discuss in greater detail below, is a convenient way through which state and constituency claims can be asserted and expressed in gaining committee seats (Congressional Quarterly Weekly Report, Jan. 3, 1987, 24-28.)

A fairly new development has been the growth of regional caucuses in Congress. The Northeast and Midwest Caucus was formed in the late 1970s to defend the economic interests of its region in the face of apparent economic decline. The Sunbelt Council is a response in kind in

the 1980s by a set of southern congressmen joined by members from adjacent states. Each caucus concentrates on the claim that its region is systematically discriminated against by federal policies, especially in the distribution of federal funds (Markusen 1987).

Regional caucuses are but a few of the many topical and issue-oriented congressional groups. Some caucuses are purely policy oriented, such as the one concerned with world peace. Others are ethnic group based, especially the Black Caucus and the Hispanic Caucus. Still others are based upon a product or commodity or industrial category, such as the Textile Caucus and the Steel Caucus. Each one of these other types of caucuses—especially the ethnic and product ones—at least partially are also based upon a constituency, some of which are regionally distinctive. The textile and steel caucuses are based in the South and North, respectively, while the Black Caucus with its members elected from major cities is concerned with urban voters across regions. An emphasis upon local needs and attributes can just as often cross state lines as emphasize them. A regional pattern to congressional behavior is perhaps not so much a cause of that behavior as an artifact (Bullock and Loomis 1985, 68-69; Hammond 1989).

The regional and issue caucuses are bipartisan in composition. They are careful to include the important members from each region and attempt to provide services to all members of both parties from their respective categories. Typically the chairmanship of such a caucus will rotate between the parties, or at least the structure of caucus officers will include members of both parties. While some caucuses explicitly include both representatives and senators, most are confined to the House. The smaller size of the Senate makes this type of formalized activity less useful than in the House.

The South and Civil Rights

The South, as the U.S.'s most distinctive region, has placed more emphasis upon the rhetoric and practice of state autonomy, under the banner "states rights," than have other regions. Its general economic deprivation and rural economy made it welcome the initiatives of the New Deal in the early 1930s. Regulation of business on one hand, and financial subsidies on the other, were well received in the South. But as civil rights slowly grew as a salient issue in U.S. politics, southern political figures withdrew their support from the national Democratic

Party and the Roosevelt and Truman administrations (Key 1949; Orfield 1975, 61-119).

Race relations and civil rights have been the U.S.'s major domestic issue, one tightly interwoven with federalism simply because the bulk of the black population was concentrated in the South. As the South was becoming opposed to the New Deal and defensive of its racial segregation, other changes were underway nationally that had a decisive impact upon national policy on race relations. The population as a whole was shifting from the South to both the North and West and from rural areas to urban ones. Southern blacks were among the major migrating population groups. As they moved North and West, they developed voting strength in their new urban areas, gained public office, and entered into the ethnic-based party factionalism typical of the northern cities and states.

In the 1948-1970 period, the most intense time of civil rights controversy, the southern congressional delegations were relative moderates on the issue, with the most intense resistance in southern states coming from governors and state legislatures. The publicly visible leaders of southern opposition to civil rights were Governors Shivers (Texas), Thurmond (South Carolina), Talmadge (Georgia), and Wallace (Alabama). All were, at that time, Democrats.

Southern leaders in Congress on civil rights issues included Senators Byrd (Virginia), Bilbo (Mississippi), Russell (Georgia), and Representative Smith (Virginia). This contingent—all Democrats—led opposition in Congress on a series of civil rights bills and also led the growing southern dissatisfaction with the national Democratic party on economic issues as well.

By the early 1970s, the political landscape of the South had changed. Blacks, previously legally excluded from politics, were voting in ever larger numbers and were becoming active mostly in the Democratic party, while black candidates were elected to public office. As of the early 1980s, for example, the majority of black state legislators in the U.S. are elected in the South (Bernick et al. 1988).

The Republican party began to grow in numbers, organization, and public officials in the South from the early 1950s. In part, Republicans were growing because northerners were moving to the newly developing urban South. In addition, southern Democrats also were changing parties from a combination of both racial and economic issues. All of the leaders of southern opposition listed above to civil rights were Democrats; some of them, such as Governor Shivers of Texas and Senator

Thurmond of South Carolina, switched to become prominent Republicans.

The result in Congress after about 1960 is that southern members are the most conservative in both parties. Southern Democrats have supported the policies of President Reagan in the 1980s more than other Democrats. At the same time, Republican members are more conservative in all regions than are Democratic members.

Yet, explicitly race related legislation no longer divides Congress by region. Southern Democrats, since 1975, have voted for reauthorization of the Voting Rights Act, for example, as did a majority of southern Republicans in 1981 (Bullock 1988).

Furthermore, not all southern Democrats in Congress are alike. Social and economic change, as well as electoral participation by blacks, have resulted in increasing differentiation within the South. Those southern Democratic congressmen who supported Reagan's 1981 legislative program differed from those who opposed it in two major respects. First, the southern Democratic supporters of Reagan's program came from rural districts with a low black population compared to the opponents, and second, they were relative newcomers not holding committee chairmanships (Salamon and Abramson 1984, 51-52).

Congressmen are often mediators between local values and national trends. Within the Democratic party, especially, southern members have attempted to shape the views of national congressional Democrats to regional preferences and often attempted to keep their voters loyal to the national presidential ticket.

Other Regions and Issues

Energy, industrial policy, and trade issues are recent national issues with regional conflict. In the energy crisis of the 1970s, the oil and natural gas producing states were concentrated in part of the South and in the Rocky Mountain area. As producers, they had a common point of view against all other regions and states as consumers of energy. Individual states and regions had particular reactions to specific issues. The Northeast, for example, depended upon imported oil, and thus opposed the Carter administration's attempt to increase the domestic price of fuel oil. The West could utilize Alaskan oil and thus opposed attempts to sell that oil to Japan. Coal miners in Colorado had differences with coal miners in West Virginia. "Independent" oil drillers in Texas had differences with the major oil companies drilling oil in Texas (Davis 1978; Oppenheimer 1980).

Industrial policy and trade issues also are regional in their impact. The former suggests government action to either rescue failing industries (in the North and South) or support growth industries (in the South and West). Positions on trade policy vary with specific product, but in general, the West is dependent upon shipping to and from the Far East, and thus supports open trading policies. By contrast, the steel, auto, and textile producing states and regions support restrictive trade policies at least for their specific products (Olson et al. 1991).

Table 3.3 displays roll call voting in both chambers on selected trade and industrial policy issues in the 1980s. On each issue, party and region interact. Democrats are more supportive than Republicans on each issue. Within both parties, however, the western representatives and senators are least supportive and northern the most, with southern members shifting by issue. Southern members tend to oppose restrictive trade proposals except on textiles—one of the few industries concentrated in their region.

In sum, regionalism is alive and well in the contemporary U.S. Congress as an expression of geographically concentrated populations and economies. Regionalism, however, shifts by specific issue. Congressmen and senators seek allies on every vote. Their alliances cross party lines as needed and group by geographic regions when and if useful.

Parties Without Discipline

Congressional parties are free of the discipline that characterizes almost all other democratic national legislatures. The individual member is free to vote against the other members of his party. The individual member is free to vote against the preferences of his own president, or, if he is of the other party, to support that president.

Relatively uncohesive parties in voting and undisciplined in organization are perhaps the most important consequences of a system of separation of powers. While party discipline has been known at times in Congress—Jefferson and Wilson were strong presidential leaders of their congressional party—more often than not congressional parties have been flexible and even fluid coalitions, including regional ones.

Congressional party leaders are not selected by presidents nor presidential candidates, nor by any national party body external to Congress itself. Neither are they automatically their party nominees for chief executive, unlike Britain.

Table 3.3. *Support on Trade and Industrial Issues: Percentage Voting "Yes" by Party, Region, and Chamber on Four Bills, 1979-1986*

	Bill and Chamber						
Region and Party	Chrysler 1979		Domestic Auto Content 1983	Textile 1985		Trade Veto 1986	Omnibus Trade 1986
	HR %	Sen %	HR %	HR %	Sen %	HR %	HR %
Region							
North	74.6	70.6	70.6	65.0	81.3	72.7	73.7
South	51.2	46.2	31.3	73.7	85.7	77.3	74.4
West	53.2	42.5	39.8	32.3	25.0	35.0	52.5
Party and Region							
Dem.							
N	88.7	81.9	94.7	80.9	95.0	90.0	94.3
S	64.0	57.9	41.6	81.7	85.8	89.0	95.1
W	69.8	66.7	67.2	41.0	30.8	55.0	91.8
All	76.6	69.5	70.3	74.7	74.5	81.3	94.0
Rep.							
N	51.9	50.0	33.8	44.2	64.3	48.1	44.9
S	20.0	14.3	7.8	57.5	83.3	56.5	38.8
W	31.3	22.7	7.4	22.8	22.2	14.0	10.5
All	38.8	29.3	19.2	42.9	47.2	39.4	32.4
Total	62.6	53.0	50.6	61.3	60.0	63.9	68.0
(N "yes")	271	53	219	255	60	276	285

Sources: *Congressional Quarterly* roll calls by year, issue, and number: 1979 Chrysler: HR 661, Sen 490; 1983 domestic auto content: HR 417; 1985 textile trade: HR 386, Sen 305; 1986 textile trade veto: HR 265; 1986 omnibus trade: HR 128.

Party Organization

States and regions are the major building blocks of congressional party organization. The parties' policy and steering committees, variously named, include a large number of state and regionally designated members. Likewise the whip system is structured by geography, especially in the House. Large states by themselves and contiguous states as groups have regional whips within each party. The Senate whip system is much less overtly developed than in the House, largely because of the smaller number of members, and depends upon the proclivities and personal aptitudes of individual senators. Paradoxically, in the chamber intended to represent states, the states and regions are less explicitly designed into the party structure than in the House.

The speaker and party floor leaders in the House, and the party floor leaders and whips in the Senate, are elected by the chamber parties in secret ballot. Though we cannot trace the regional alignment in the leadership selection votes, the party leaders tend to come from moderate segments of their parties and correspondingly from certain regions. Democratic leaders tend to come from the "border states" and the Rocky Mountain states, or from large Eastern urban areas, while Republican leaders tend to come from the Midwestern states. In each case, geography is linked to moderate and middle issue positions in their respective parties. The Boston-Austin axis is as every much a part of the Democratic party in Congress as it is in national presidential politics (Davidson 1985, 225-52; Peabody 1985, 253-71; Davidson 1989).

One of the most important decisions affecting the individual member is his committee assignments, which are decided by each party. In each congressional and senatorial party, the body that officially makes those assignments is regionally constructed. For House Democrats, the selection body is the Steering and Policy Committee mentioned above, while for House Republicans, a special committee on committees makes the choices. That selection committee contains representatives of every state that has elected a Republican.

The party caucus is an infrequent and usually not very important device in Congress. Successive waves of reforming congressmen—usually newly elected—attempt to have frequent caucus meetings and to use them to formulate party policy positions. In the Senate, party meetings are used mainly for organizational purposes, while in the House, they have been used occasionally for policy purposes as well. As we will

note below, House Democrats, at critical junctures, have used their caucus to discipline errant party members, most of whom have been southerners.

Party Voting

We have already referred to major expressions in recent U.S. congresses of regionalism on issues and roll call voting. The corollary is that party aligned voting is variable. In the congresses in the 1970-90 period, a majority of the members of one party have voted against a majority of the other party anywhere from 27 percent of the roll calls up to 64 percent. On that subset of roll call votes in 1990, the average scores of congressmen voting in support of their party majorities has varied among the regions, with the southern members the most disloyal among Democrats but most loyal among Republicans. In the House, for example, the average northern Democratic party loyalty score was 84 percent while that of the southern Democrats was 73 percent. Among House Republicans, the average party loyalty score was 74 percent while that of the southern Republicans was 80 percent (Congressional Quarterly Weekly Report, Dec. 22, 1990, 4212).

The major single source of disunity among congressional Democrats has been the South when their members have voted with Republicans to form the "conservative coalition." From a high of near 30 percent in the early 1970s, the coalition has formed on a decreasing proportion of roll calls, down to 11 percent in 1989 and 1990. The cross-party coalition on the few occasions of its formation, however, usually constitutes a majority, winning about 77 to 93 percent of its appearances in the most recent decade (Congressional Quarterly Weekly Report, Dec. 22, 1990, 4217).

The importance of the political party in roll call voting increased during the Reagan administration. The fairly sweeping proposals of President Reagan stimulated more of a uniform Democratic response than has been typical of prior presidents. Furthermore, the administration worked hard to firm up its own party basis of support in Congress, with the result that both parties are now voting more distinctively than in the recent past (Jones 1988, 56). The scope for regionalism correspondingly is reduced, even though the industrial policy and trade votes discussed above all occurred during the Reagan administration.

The first years of the Reagan administration, and again the Bush administration, revived the propensity of some southern Democrats to support Republican legislation. They even formally organized themselves

as the Conservative Democratic Forum and sought to bargain with the speaker for assignments of their members to the party steering committee and to choice House committees. Though they received some assignments in the first Reagan years, they failed subsequently as House Democrats recovered both their morale and electoral fortunes in the first Reagan midterm election (Bullock 1988, 190-91).

Discipline Among Democrats

The many resentments among House Democrats against southern Democrats were expressed and addressed through the Democratic caucus. The large contingents of newly elected Democratic House members—largely from outside the South—used the caucus following both the 1964 and 1974 elections to punish blatantly disloyal Democratic congressmen.

In the first instance, House Democrats who publicly campaigned for the Republican nominee for president in 1964 were dropped in committee seniority to the bottom of the party side of the committee. In response, two southern Democrats resigned their seats, to which one was immediately reelected as a Republican. The other was elected as a Democrat for governor of his state and has since not been active overtly in politics. The sanctions were imposed by majority vote within the House Democratic caucus. Since the vote largely followed regional lines, the balance of northern over southern members among House Democrats was crucial (Olson 1980, 254).

In the second, the post-Watergate influx of new House Democrats elected in 1974 promptly used the caucus to revise the methods of selecting committee chairmen, a move at least partly directed against senior southerners. Though this change will be discussed more completely in the next section, the main point to be noted is that committee memberships and chairmanships are allocated through the political parties in each chamber. The renowned seniority rule for committee chairmanships, for example, is not written in the House rules but is an unwritten practice within each party.

In 1983, the 1964 type of discipline was again applied by the House Democratic caucus. Rep. Gramm, as a Democrat, led the collaboration of southern Democrats with the Reagan administration in 1981 and 1982 on budget and tax legislation. As punishment, the House Democratic Steering and Policy Committee removed him from the House Budget Committee. He promptly resigned his seat and within two months had

been reelected as a Republican (Congressional Quarterly Weekly Report, Jan. 8, 1983, 4-5), and he since has been elected to the Senate as a Republican.

While U.S. congressional caucuses are held in secret, as in Canada, their much reduced frequency and importance in Congress leads to much less secrecy in party affairs than is found in Canada. Furthermore, the lack of a direct link to the government of the day removes the necessity to protect the government's business through secrecy. Congressional party matters are, compared to Canada, both less important and better known.

In summary, party, state, and region pervade each other. Now that two-party competition is found in all regions, if not in all states, regionalism can be expressed within and through both national congressional parties. An important task for each congressional party is to find those views held in common among its diverse membership. Occasionally, as in the House in the 1960s and 1970s, the caucus can be used to remedy extraordinary party disloyalty, with the South and the Democratic party presenting the severest test of regionalism within contemporary U.S. national political parties.

Committees

The description that "Congress in its committee-rooms is Congress at work" by Woodrow Wilson almost a century ago remains accurate today (Wilson 1956, 69). All bills are referred to committees that have plenary power over them. The committees have a continuous existence across congressional sessions, a stable membership across sessions, and a defined jurisdiction over sectors of public policy and the corresponding administrative agencies. The stability of membership and the continuity of the committees and their jurisdiction lead to a committee leadership (and staff) made familiar with the topical policy issues and the politics of those issues through the experience of repetition through time.

Federalism is not a topic within the jurisdiction of any one committee. Various forms of intergovernmental funding are used to achieve national purposes through a wide variety of programs, with the jurisdiction over each intergovernmental mechanism and the associated funding belonging to the committee with jurisdiction over the substantive program itself. The appropriation of dollars to each program is the responsibility of the Appropriations Committee, which itself is structured by topical subcommittees. General responsibility for oversight of intergovernmental

programs belongs to a subcommittee within the Committee on Government Operations, while responsibility for the former "general revenue sharing" program belonged to the House Ways and Means Committee and its Senate counterpart, the Finance Committee. This elaborate structure of committees has been cited as one reason for a pervasive means of intergovernmental relations—the use of categorical grants (Wright 1988, 210).

Serious work on legislation is mainly done in committees. They receive bills upon introduction. There is no prior debate or vote on the floor on bills. Unlike in parliaments in the Westminster tradition, there is no "second reading" vote that binds committees to work within the principle of the bill. Committees decide which bills go the floor, rather than the floor decide which bills go to committees. Committees do the original and thus decisive work on the vast bulk of legislation. Nevertheless the U.S. Congress began with the British parliamentary practice of first debating measures on the floor and then sending them to ad hoc committees (Galloway 1965, 59).

Committees account for the great drop in the number of enacted bills from the number of introduced bills. Most bills are never acted upon. Unless the committee chooses to act on a given bill, it will simply die upon adjournment of the two-year Congress. Given the large number of bills introduced in each two-year Congress, most are ignored simply by the crush of time. The filter function of committees is one of its more important if elemental ones, reducing the approximately 10,000 introduced bills to approximately 800 reported to the floor, in every two-year period.

Furthermore, committee leaders have operating responsibility for a bill through all stages of legislative procedure, including the floor and conference committee. Consequently, serious bills on a topic will be introduced and managed by the committee leaders, rather than by either nonmembers of the committee or by party leaders. Of course, there are neither ministers nor parliamentary secretaries to serve on or to lead the committees. Administration bills—a rather vague and uncertain category as we will discuss below—may be managed in committee by any sympathetic member, usually a senior member. Administration spokesmen and state government officials are invited to testify at hearings, just like any other outside interest group.

In addition to considering specific legislation, House committees hold "oversight" hearings on the administrative agencies within their legislative jurisdiction and may undertake investigations of topics of their own

choosing. Unlike the Canadian and British Parliaments, Congress has a single set of committees. Congressional committees both investigate topics and administrative agencies as well as handle legislation.

As one example of committee investigations, the Trade Subcommittee of the House Ways and Means Committee held hearings in 1983 on the textile industry. The hearings had been requested over a long period of time by a member of the subcommittee who came from a textile state and who also served as chair of the House Textile Caucus. Those hearings were not designed to examine a specific bill but had a broader investigatory purpose. Several of the textile hearings were held in the textile region, and the subcommittee also visited, though not to conduct hearings, several Far Eastern countries. Most hearings, however, are held in the committee rooms in Washington.

Some committees have a fairly well-defined geographic constituency. The Merchant Marine and Fisheries Committee, for example, attracts members from seaports and from major inland waterways. That committee includes members from all regions, for the sea and navigable water districts are distributed around the country. The Interior and Insular Affairs Committee, by contrast, attracts members mainly from the West, for most national forests and parks as well as Indian Reservations are in that section of the country. The Committee on Agriculture tends to be a biregional committee, for most agriculture is located in the Midwest and the South.

Other committees, such as Ways and Means, Energy and Commerce, Appropriations, and Rules, handle nationwide issues, and thus members from all regions and states seek membership. As one of the Texas members said of his state's delegation, "'We always try to make sure we have the major committees covered and covered adequately'" (Congressional Quarterly Weekly Report, Jan. 3, 1987, 24).

Committee chairmanships have been the object of regional controversy in Congress, especially between southern Democrats and their colleagues. For about 50 years into the 1970s, committee chairmanships were allocated on the basis of seniority. That system, because of the lack of electoral competition in the South, greatly advantaged southerners during the long period of Democratic majorities in both chambers beginning with the midterm election of 1930. In the 1960s, about two-thirds of the committees were chaired by southerners in both the House and Senate, for example. Given the disaffection of southern Democrats from their national party, and from their presidents (Kennedy and Johnson), southern

members were able to block important presidential legislative initiatives (Bullock 1988).

The distress of Democrats from other regions over southern blockage of the committee system ultimately led to important modifications of the seniority rule. Those changes, however, were not possible until the landslide elections of 1964 and 1974, in which Democrats obtained two-thirds of the seats. Most of the newly gained seats were in the North, and thus northerners for the one of the few times in recent memory had a majority within the House Democratic party.

Northern Democrats used their new intraparty majority to change their party's rules for the allocation of committee chairmanships. Chairmen would be voted upon at the beginning of every two-year Congress in the party caucus. Competition could occur for that position, rather than be awarded automatically through an impersonal and mechanical seniority rule. In the first year of its application (1975), three incumbent committee chairmen were removed, all of whom were southern. Their replacements, however, were the next highest ranking in seniority, and two of the three were themselves southerners (Bullock 1988).

In the 1991-92 Congress, southerners held about one-third of the committee chairmanships in both chambers. A regional shift in identity of committee chairmanships has occurred, but not in any dramatic fashion. More important than the replacement of southerners by nonsoutherners was the modification in behavior by incumbent committee chairmen from all regions. They became more cooperative with their congressional party and more considerate of the thoughts and suggestions of the members of their own committees (Ornstein and Rohde 1977).

A related change also occurred in the House in the 1970s. The "Subcommittee Bill of Rights" reduced the power of committee chairmen by stipulating that each committee must have a set of subcommittees and also that members would have wide latitude in deciding on which subcommittees they would serve. In addition, the chairmanships of subcommittees would be decided by a vote within the majority party side of the subcommittee. The cumulative effect of these changes was to remove the power of the chairman of the full committees to either establish subcommittees or appoint their members and chairs.

These changes were intended, like the previous, to reduce the power of the southern chairmen in Congress. But an additional objective was to reduce the power of senior members of all regions and to give widened scope for activity by middle-ranked members. They nevertheless collectively were less southern than were the most senior members

(Deering and Smith 1985; Dodd and Oppenheimer 1985, 47-46). One result has been to increase the flow of amendments to the floor, permitting all points of view, including regional ones, more access to the floor than previously.

Any committee or subcommittee chairman and any ranking member of the minority party can use their positions on the committee to advance any policies they chose. Some use their committee to advance policy preferences that pit their state or region or constituency type against others. A major and continuing conflict in the House for the past few years, for example, concerns air quality controls. The chairman of the Committee on Energy and Commerce, who comes from the Detroit automobile manufacturing area of Michigan, strongly opposes air pollution controls proposed by the chairman of the subcommittee on Health and the Environment who comes from the Los Angeles smog belt of California. This intracommittee battle has prevented major legislation on this topic for a decade. This deep division within the majority party on the committee then opens the way for the minority members to exercise decisive influence on the issue. They, too, divide regionally against each other (Congressional Quarterly Weekly Report, Sept. 23, 1989, 2451-52).

Woodrow Wilson referred to the "disintegrate ministry" presented by powerful committees in the U.S. Congress, clearly preferring the cohesion and central leadership of the prime minister and cabinet in the British parliamentary system (Wilson 1956, 82, 90-94). James Bryce, writing at about the same time, noted perhaps more neutrally that much of the work of a British cabinet is done in the U.S. system by congressional committees. He also observed that a system of separation of powers encourages, if not requires, a system of strong and active congressional committees (Bryce 1891, 86).

Much of the ferment in Congress to reform the committees and also the parties was generated by the hold of southern Democrats over committee chairmanships in defense of the one issue that created and sustained the "Solid South." The twin growth of civil rights legislation nationally in Congress and of Republican strength sectionally in the South combined to enable northern Democrats to selectively sanction the most disloyal southern members. The result has been far broader, however, for all committees, especially in the House, have been decentralized into subcommittees.

Policy Related Activities

While legislation is the major overt means of congressional activity on government policy, Congress has many other means of expressing and acting upon its views of proper public policy. Committees conduct oversight review of administrative agencies, and individual members have other options open to them.

Legislation

Many more bills are introduced in Congress than in the Canadian Parliament. While none are technically designated as "Government Bills," much of congressional legislative activity centers upon bills introduced on behalf of the president or other executive branch entities. Roughly 8,000-10,000 bills are introduced every two years (Ornstein et al. 1984). For comparisons to other parliaments, these numbers are misleading, for many bills are introduced as "companion" bills in both chambers. Furthermore, individual members may introduce as many bills as they wish without leave from their chamber to do so.

Committees

Committees are among the main actors in the initiation by Congress of policy proposals (Orfield 1975, 263-80). Investigatory hearings on topical questions are one source of new legislative ideas. When the executive does not propose its own suggestions for legislation, congressional committees can develop their own proposals. Such activity may require years of development. The Area Redevelopment Act of the Kennedy administration, as well as the minimum wage bill, for example, were developed in committees during the preceding Eisenhower administration. That example suggests another policy consequence of committee activity—the policies of the newly elected president can be developed over the preceding years through the congressional committees, especially when the opposition party to the White House is the congressional majority.

Though public hearings are the most visible portion of congressional activity, committees and their senior leaders are active on a bill through all stages, from introduction through floor stages to the bill signing ceremony. The committee leaders are also the ones appointed to the

conference committee to reconcile different versions of the same bill passed separately by the two chambers.

The transcripts of committee hearings are usually published and some hearings are televised. They always feature, usually as lead witnesses, major appointees in the executive branch. These hearings are a major forum for interest groups and any nonfederal participants to express their views. States and local officeholders often are among the witnesses.

On the Floor

The floor is both a separate arena and a distinct stage of legislative activity. There are two major opportunities for legislative impact at floor stage. First, more important in the Senate than in the House, getting a bill to the floor can be subject to delay and even defeat. The Senate's filibuster is often directed at a bill at this point, with the intent to keep the bill from ever coming to the floor. This practice gives major power to any one senator with a strong point of view on a given bill and can be used for state and regional purposes, as did occur on civil rights legislation in the 1950s and 1960s.

The opportunity for individual and heroic filibuster in the House is largely foreclosed by the Rules Committee, which defines the special rules for the consideration of each bill. The special "rule" is usually accepted on the floor by a simple majority. Under this practice of special rules, the bill is brought to the floor without further debate, and floor stage is usually completed in one or two afternoons.

The second major opportunity for floor activity on legislation is in consideration of amendments. While most work on bills is still done in committees, the House has, over the past 15 years, increased the opportunity for floor amendments. In some cases, aggrieved members have decided to offer their major amendments on the floor rather than in their committee. The Senate's permissive rules have always allowed numerous floor amendments to legislation (Smith 1989).

The Member

The floor can also be used by individual members for policy purposes. While most of serious working time on the floor is on specific legislation, the House also allocates time under "special orders" to members for speeches from five minutes up to one hour on any topic of their choosing. This period commences whenever the legislative work of the

day is completed—anytime from 4:30 to 9:00 p.m. No one else is present except the watchful crew of designated party representatives. The potential audience for such statements is reached through the printed Congressional Record and through TV. The Congressional Record portions are often used as reprints for mailings by the member and by outside interest groups. Though the TV audience is small relative to usual standards, the special orders speeches now apparently command a dedicated nationwide viewership who can be voluble in their actions as citizens.

The members, in addition, as they attend to the complaints and problems of constituents, both mold policy implementation and learn about the practical impact upon citizens of their general policy decisions. Usually handled at the staff level, these matters are pursued both in administrative agencies and with the White House. The "case work" function helps adjust generalized policy statements to specific instances.

State officials and agencies are among the members' constituencies. State officials can themselves be in direct contact with relevant congressional committees and administrative agencies. Their utilization of their congressional contacts would vary, among other things, with both their personal and partisan compatibility.

In sum, most of the activities of Congress and its members are explicitly policy directed. The committees are the prime mover in the development and consideration of policy matters. Committee activity on legislation includes initiation prior to introduction and hearings and mark-up after introduction. When and if a bill reaches the floor, the committee continues to manage the bill through all subsequent stages. The individual member, in addition, can act on policy implementation cases by contacting both administrative agencies and the White House staff. In these activities, the members can act on behalf of state officials. Only when policy issues reach the floor as proposed legislation are any of these policy activities mediated by the congressional party. The individual member and each committee works autonomously.

Congress and Executive

Even though the U.S. Congress is usually regarded as the most active and independent national legislature in the world, it has gone through cycles of decline and resurgence in its relationship to the president in particular and the executive branch in general.

The president himself is only an occasional participant in the congressional process on any given bill. But his direct participation can be triggered as needed. More commonly, the several offices within the executive office of the president are in contact with Congress, especially the Office of Congressional Relations within the White House Office and the Office of Management and Budget.

The daily and detailed work on legislation is usually handled at lower agency levels. The more important the pending congressional actions, the higher the level of executive branch personnel who participate. As committees near major decisions, for example, the agency directors and cabinet secretaries will be active on the Hill. If difficult floor votes are anticipated on major amendments, executive branch and White House personnel will be in rooms physically near the chamber floor.

The president may ask individual senators and representatives for their votes by phone. He may meet with groups of members, usually at the White House. President Reagan has several times come to Capitol Hill to meet with the leadership of his party and once to ask the whole House Republican caucus to vote for his tax reform bill—which had been defeated on a preliminary vote by Republican opposition.

These open-ended series of continual contacts and discussions continue through conference committee and on into the decision about a presidential veto. Not infrequently, presidential advisors will differ on whether or not the president should sign or veto a bill. Congressmen on both sides of the issue will also offer their advice to the president, both privately and publicly.

On the Omnibus Trade bill of 1988, for example, President Reagan received conflicting advice both from within the administration and from the Hill. The disputes included discussion of the reasons for a veto if a veto there be. The president did veto the bill, stating two specific provisions to which he objected. The congressional response was to take one of the objected sections—concerning the closing of businesses—and to repass it as a separate bill. Once again the president had to decide how to react, and once again he was the recipient of conflicting advice from all quarters. His ultimate action was to permit that new bill to become law without his signature.

There is no firm count of the number of bills that are transmitted to the Hill in the name of the president. There is no firm count of the number of bills that are sent as "executive" or administration bills. These designations are commonly discussed informally and are usually clear in the consideration of any one bill, but they are not firmly established

categories with which bills are designated or by which counts are kept in the records.

As we discuss in a subsequent section, executive nominations are one clear presidential action requiring senatorial confirmation. The nominees, most of whom are confirmed, are screened informally by relevant committees, which then hold public hearings. Individual senators and even House members do have an opportunity to suggest their own candidates for nomination, especially for judicial posts within their respective states and districts.

Presidential unclarity and congressional fluidity on legislation are matched and mutually reinforcing conditions. Even on bills with a clear presidential imprint, congressional changes are often sufficiently numerous and severe that it becomes an open question of whether or not the president remains in support of the bill. His diverse advisors and other executive branch personnel have no better idea of the ultimate presidential decision than do members of Congress. What the president will be persuaded to accept is an open-ended guessing game, in which dire predictions are one of the weapons used to shape the final legislative product. More than once, for example, a major budget compromise among the Republican Senate, the Democratic House, and President Reagan's administration was aborted because the president's advisors could not persuade him to accept that which they had agreed in his name.

In sum, the usual aphorisms that policy initiative and coherent policy are found in the executive branch in general and in the presidency more specifically, especially in contrast to the localist and fragmented Congress, are not very accurate. While the disorganization of Congress is visible for all to see, the executive branch displays the same attributes—only less visibly. Policy more often is the result of congressional-executive interaction and mutual bargaining than of concerted leadership exercised by one branch to which the other clearly responds.

THE EXECUTIVE: REPRESENTATION AND POLICY

Executive Selection

Executive powers in the U.S. national government reside in the office of president. Under a compromise adopted at the Constitutional Convention of 1787 and ratified by the states, the president is chosen by an electoral college. This indirect method of executive selection was a compromise between those who favored election of the executive by the

Congress and those who desired direct election by the people. The former method would have undoubtedly given the U.S. a parliamentary system and would not have been consistent with a theory of separation of powers. The latter method would have enabled the voters of the large states to control the election of president and was vetoed by small state delegations.

The electoral college alternative based on the number of combined seats each state had in the Congress was intended to ensure that the president would be selected by an informed political elite giving due credence to the wishes of the states. In case of a deadlock in the electoral college vote, the president was to then be chosen by a majority vote of the lower house of the Congress with each state casting one vote.

Since the Constitution empowered the states to choose electors by any manner of their own choosing, the original indirect manner of presidential selection has evolved over time into one in which the electors in all 50 states are now elected by the voters rather than the legislature. These electors almost always then faithfully cast their electoral votes for the candidate that has received the largest percentage of the votes in each state. The popular vote winner in each state usually wins all of the electoral vote under at-large, plurality voting rules with the result that small popular vote majorities are usually translated into large electoral vote majorities that often become mischaracterized as landslides or voter mandates.

Although the electoral college system is often criticized (see Peirce 1968; Longley and Braun 1975) and misunderstood by the average voter in the U.S., the system represents interests that might not be represented as well under any direct executive selection system. Small states particularly in the West are advantaged by what is called the "constant two" votes that each state gets from the electoral votes represented by the two senators. When these small states tend to vote as a bloc as they have done in recent elections, the small states as well as the West seem to be overrepresented in selecting the president.

The electoral college also tends to advantage large states because of the unit system employed to award all electoral votes to the winner in each state. It is possible by winning all the large states by a narrow margin that a candidate could finish second in the popular vote while winning a majority of the electoral vote. The result is an electoral college system in which medium-sized states (four to 14 electoral votes) are underrepresented in the selection of the U.S. executive. Thus, voting groups that are disproportionately found in large and small states have

more importance in determining electoral college outcomes, while those groups in medium-sized states are disadvantaged in terms of electoral vote importance.

The fact that the U.S. national executive is not selected by the legislative branch of government has created the possibility for divided control of the national government by the two leading political parties. The possibility for divided party control of the national government is further enhanced by the bicameralism of the legislative branch. With presidential electors, senators, and representatives being elected by sometimes different electorates and at varying times, the potential for divided party control of the national government is enhanced.

Whereas divided party control of the national government was an infrequent occurrence in the nineteenth and the early part of the twentieth centuries, it is a fixture in the post-World War II U.S. Beginning in 1947 with the 80th Congress, divided party control of the national government has been in existence for 28 out of 46 years (see King and Ragsdale 1988, Table 7-20), with the result that some presidents have been hampered in obtaining congressional support for some legislative initiatives.

The term of the U.S. national executive is fixed at four years by the Constitution. This provision was a compromise among extreme views on executive tenure proposed at the Convention of 1787. Some delegates wanted the president to serve during "good behavior" meaning that the Congress would have been empowered to dismiss the executive and call an election for a replacement. Others favored single fixed terms or at best two terms with reelection prohibited. The final provision adopted and ratified by the states ensured a fixed term of four years with no prohibition against a president seeking reelection.

This provision was modified in the early 1950s when the states adopted a constitutional amendment to limit executives to two elected terms in office. Any person who serves more than two years of another president's term is then eligible for one elected term. This system of fixed and limited tenure ensures that the executives must face the voters at regular intervals (not just when the winds of executive popularity are blowing in the right direction or when the executive's performance or programs fall into disfavor in the legislature) and that the political parties and voters must choose fresh national leadership at least once every eight years. The idea of fixed tenure guarantees both that the Congress cannot bring an executive to its knees by threatening to dismiss it and that the executive cannot refuse to renew its mandate by not scheduling periodic

elections. Limited tenure is designed to guarantee that no executive could ever use the powers of the office to manipulate voters time after time into giving a president life-time tenure. This provision means that every president elected to a second term becomes an automatic "lame duck" for the remainder of the term of office. "Lame duck" status is sometimes associated with a breakdown in executive accountability in the U.S. political system.

The national executive selection system in use in the U.S. is dominated by the two leading political parties. Although third or independent parties have emerged from time to time to take on the nominees of the Democratic and Republican parties, they have not been viable in contesting for the office of President. Since the emergence of the Republican party as a minor party in the 1850s leading to the demise of the Whig party, only one minor party has won more popular or electoral votes than either the Democratic or Republican party in a presidential election. Theodore Roosevelt and the Progressive party accomplished this feat in 1912 when it finished second to the Democratic party while winning more popular and electoral votes than the Republican party.

Contesting of the presidency by third and minor parties seems to ebb and flow over time. Sometimes candidates such as Henry Wallace in 1948, Eugene McCarthy in 1976, John Anderson in 1980, and Ross Perot in 1992, who cannot find an outlet for their ambitions and views in a major party form a third party movement, compete successfully for votes, and have an impact on determining which major party candidate wins a state's electoral vote. Other times candidates such as Theodore Roosevelt in 1912, Robert LaFollette in 1924, Strom Thurmond in 1948, and George Wallace in 1968 have enough regional or state-based strength to win electoral votes.

The most common type of minor parties, however, are ideological parties that contest time after time with small followings in the electorate. These parties do not have sufficient state-based strength to win any electoral votes and at best might deprive a major party candidate of enough votes to throw the state to the other major party candidate. Despite the occasional appearance of third parties who cause electoral problems for the two major parties, the majority win rule of the electoral college system of executive selection really works to benefit the two major parties and to disadvantage third or minor parties. Furthermore, the states that determine the rules under which presidential candidates are nominated and elected have written laws over the years that perpetuate the legal status of the two major parties and make it very difficult for

third or minor parties to legally come into existence to challenge the major parties. The rules of the electoral game in presidential politics are stacked to favor the two major parties and to stifle third or minor party competition.

Another consequence of the national executive selection system is that presidents have tended to come from large home states and regions of the nation with large states. Five states—Massachusetts, New York, Ohio, Tennessee, and Virginia—have provided 24 of the 40 presidents. No president has been elected from 33 of the 50 states. The West has been particularly disadvantaged in serving as the home base of presidents, with only presidents Nixon and Reagan being from that region. Since the Civil War, the South has also been disadvantaged. Only Presidents Johnson, Carter, Bush, and Clinton in recent times have been from that region.

Just as the national executives of the U.S. have come from certain regions and states, the occupants of the White House have followed certain political paths on the way to the office of the presidency. Vice presidents have become president on nine different occasions because of a vacancy in the office of president, while another five of them have won the office in their own right. Several presidents had immediate prior experience in the Congress or as governors of state houses before becoming the national executive. No president has ever been elected that has had no prior political office experience.

Cabinet Selection

The president under the Constitution is empowered to act as chief executive and authorized to appoint a number of high ranking officials including major department heads. These department heads have by custom come to be known as members of the president's cabinet. The organization of the executive branch is provided by statute and whether or not a department has cabinet status is determined legislatively. The first Congress enacted statutes establishing three major departments, State, War, and Treasury that became the basis for today's cabinet. Since that time numerous departments have been created and given cabinet status in order to provide high-level representation of interests within the national government and to provide for presidential control over the bureaucratic workings of major departments and governmental functions. Today there are 14 cabinet-level departments, with the fourteenth—Veterans Affairs—having been created recently by statute. In addition to the 14

major department heads in the cabinet, recent presidents have accorded other high ranking officials cabinet status. In the Reagan administration, the United Nations Ambassador, the Director of the Central Intelligence Agency, the Director of the Office of Management and Budget, and the Counselor to the President were also members of the cabinet.

Since there is no constitutional or statutory requirement for presidents to have cabinets or for cabinet meetings, presidents over time have made varying uses of the cabinet. Some presidents have largely ignored the cabinet and at best have gathered the body for ceremonial picture-taking at periodic intervals. Others have attempted to use the cabinet for serious policy discussions and to obtain policymaking advice. President Carter followed the latter course toward "cabinet government" to downplay the role of White House staff in providing presidential advice on policymaking. President Reagan appeared to subscribe to the former view that cabinets should be seen but not heard on policy issues.

Even though the cabinet has rarely been a mechanism for high level decisionmaking, this does not mean that the cabinet lacks significance for political and representation purposes. As two students of the presidency observe: "It has great symbolic value as a means of representing major social, economic, and political constituencies in the highest councils of the administration. Newly elected presidents try to select cabinet members whose presence will unify those constituencies behind him and his administration. Elevation of an agency to cabinet status signifies the importance the nation places on its activities" (Watson and Thomas 1983, 295). Presidents who want to give further emphasis to a policy area without cabinet-level status will urge the creation of such a cabinet department in order to show the nation and a particular constituency that he wishes to put a priority on that policy area.

Presidential cabinet selection involves a myriad of factors. Presidents attempt to appoint individuals who represent constituencies within the president's political party and in the country. Regional, ethnic, geographical, and sometimes interest group considerations are important in the selection process. According to Cronin, "Nowadays, for example, it is custom to have at least one woman, one black, one westerner, and one southerner in the cabinet. It is politically prudent to have at least one former governor, a former member of Congress, a Jew, an Italian, a prominent businessman or banker, and either a labor leader or someone especially approved by the leaders of major labor unions" (1980, 255). In addition to these considerations, presidents tend to appoint persons

with administrative competence and experience, but who can be loyal to and congenial with the president.

Presidents recognize that cabinet appointments have important symbolic meanings to the nation and various constituencies and thus seek to choose individuals who will strengthen a president's standing with the public and specific constituencies. Finally, presidents must take into account the fact cabinet department heads must be confirmed by the Senate and hence need to choose individuals who will not be politically unacceptable to that legislative body. Fenno, however, argues that the power of the Senate to advise and consent "is hardly a limitation at all upon the ultimacy of the presidential decision. The Senate ordinarily extends him the courtesy of approving his selections. Its attitude is based on the recognition of the intimacy of this 'official family'" (1959, 54).

Not all cabinet positions are equal according to scholars of the presidency (Cronin 1980; Edwards and Wayne 1985). Some cabinet departments spend more money and have more personnel than others. Some departments that are not highly ranked in expenditures or personnel, however, have functional responsibilities that make those cabinet positions more important than others with more resources. Cronin (1980, 276-86) maintains that there are inner and outer cabinets based on extensive research. Four departments—State, Defense, Treasury, and Justice—constitute an inner cabinet with the occupants assuming a role as counselor to the president and managing departments that have broad-ranging, multiple interests. The other 10 departments make up the outer cabinet. They all have explicitly domestic policy functions and in most administrations have primarily assumed an advocacy role for their departmental interests. In some administrations a secretary from one of the outer cabinet departments may break into the inner cabinet due to a close personal relationship with the president or to dominant personal skills.

As presidents make their selection of cabinet members they are aware that some cabinet positions are more important than others. Appointments to the inner cabinet positions seem to get much more personal attention by the president than those for outer cabinet departments. As outsiders to Washington, both Presidents Carter and Reagan sought to appoint to the Secretary of State position individuals with strong foreign policy credentials to counterbalance their lack of such experience, whereas President Bush did not need to appoint a person with foreign policy experience since the president's previous governmental experience was in the foreign policy arena. At Defense, Presidents Carter and

Reagan chose individuals with reputations as strong managers, while President Bush opted for a member of congress with expertise in national defense matters who could be an effective spokesman on Capitol Hill for defense programs. A president's choice for the Secretary of Treasury is very important to the business community and in particular to bankers. Hence, Presidents Carter, Reagan, and Bush sought individuals with high visibility in those sectors of the economy. At Justice, the last of the inner cabinet departments, both Presidents Carter and Reagan chose close personal intimates, while President Bush retained President Reagan's last appointee, a former governor who had a strong reputation for political independence. All of these choices for inner cabinet positions reflect each president's desire to maximize factors unique to their presidencies and that reflected needs at the time of appointment.

Those scholars who have studied cabinet selection intensively (Hess 1976; Polsby 1978; MacKenzie 1981; Cohen 1988), suggest some differences between selections made at the beginning of a new presidency and those made later in administrations. Initially, presidents seem to strive to select cabinets that are broadly representative with members being able to speak for interest group or party constituencies. When replacements for initial appointments must be found, presidents tend to select individuals who seem to be more independent of interest group or party constituencies than their predecessors. In a number of cases, the replacement will be a Deputy or Under Secretary who has served as second in command of the cabinet department. Such individuals usually do not have the same group or party ties as their previous bosses. Hess (1976, 183) suggests that "often a President's second-round Cabinet choices are of higher caliber." He argues that this occurs because some of the second cabinet is selected "from within the administration where they have proved themselves to the President. Promotions are made from the ranks of Under Secretaries, occasionally from the White House staff." Over time it is less important to use cabinet appointments to build external political support and more important to employ the positions to strengthen internal presidential control over the bureaucracy.

Political Experience of Cabinet Members

Although political experience may be a useful resource for cabinet members to have in the U.S., it is not a requirement as in most parliamentary systems. It is not legally possible for an individual to hold both the position of senator or representative in the Congress and at the same

time an appointment in the executive branch. The philosophy of separation of powers does not permit the kinds of formal ties where ministers in a parliamentary system also hold seats in a legislative body. Hence, most of the cabinet members in the U.S. have never held an elective political office, let alone having served in the Congress. On the other hand, many of them have had appointive political office experience usually at lower levels in previous national administrations.

Previous elective office experience usually comes into play in two ways when cabinet appointments are made. The first is that some departments have constituencies that nicely coincide with electoral office constituencies. Departments like Agriculture and Interior are natural positions for state governors particularly from the Midwest and the West. The Department of Housing and Urban Development, which is oriented toward cities, sometimes becomes a position for a city mayor. The second way in which previous electoral experience gets factored into the appointment process is that there are recently defeated officeholders of the president's party who are looking for jobs in Washington. Sometimes these individuals are former senators or congressmen who have strong ties on Capitol Hill that can be utilized in representing the administration and a department before the Congress.

If we examine the initial cabinet appointments of recent presidents, Carter, Reagan, and Bush, we can see how frequently elective office experience comes into play in cabinet selections. Of Carter's 11 initial appointments, three had been elected officials—Cecil Andrus, a former governor at Interior; Robert Bergland, a former U.S. representative at Agriculture; and Brock Adams, a former U.S. representative at Transportation. Reagan named only two elected officials to his first cabinet of 13—Richard Schweiker, a former U.S. senator at Health and Human Services, and James Edwards, a former governor, at Energy. In appointing cabinet replacements, Carter selected Edmund Muskie, a former U.S. senator, as Secretary of State; and two former mayors, Moon Landrieu at Housing and Urban Development and Neil Goldschmidt at Transportation. Former elected officials among Reagan's replacement cabinets included U.S. senator William Brock at Labor, Governor Richard Thornburgh at Justice, and at the Department of Health and Human Services U.S. representative Margaret Heckler and Governor Otis Bowen. At one time President Carter had four former elected officials in his cabinet, while the most former elected officials in a Reagan cabinet has been two at any time.

Bush, on the other hand, recruited to his cabinet a total of six current or former elected officials. He reappointed former Governor Thornburgh, who had been Reagan's last attorney general and named former U.S. Senator Nicholas Brady to Treasury. Recently retired U.S. representatives Jack Kemp was named to Housing and Urban Development, Manual Lujan was selected for Interior, and Edwin Derwinski was named to Veterans Affairs when it was created. U.S. Representative Richard Cheney was named to Defense after the U.S. Senate rejected the nomination of former Senator John Tower, Bush's initial choice for Defense. Although Presidents Carter and Reagan did not put much priority on recruiting cabinet members with prior elected office experience, it is rather clear that having held elective office, particularly in the Congress, was an important factor in cabinet recruitment under the Bush administration.

Members of the U.S. cabinet are much more likely to bring private sector experience—sometimes coupled with public sector experience—rather than elective office experience to their cabinet positions (Cohen 1988). It is commonplace for cabinet officials to be part of a "revolving door" phenomenon in Washington. Careers may begin in the lower echelons of government or the private sector, with the individual then moving on to a middle-level position in the sector other than the one in which they began their career. Individuals who come to occupy middle-level posts in the federal government then return to the private sector at a higher level. Finally, when the opportunity presents itself, they return to Washington in a cabinet or subcabinet position. After completing their service in such a position, they again return to the private sector in very high positions of responsibility, at usually high levels of compensation. Very few cabinet appointees follow a purely public or private sector path to a cabinet position.

Presidential-Cabinet Relations

Because the cabinet in the U.S. has no constitutional legal status, presidents are completely free to make extensive use of the cabinet if they choose to do so for meaningful policymaking and representation of interests or to treat it as nothing more than a group of individual department heads to be called together occasionally for a symbolic picture-taking session. In the first century of the nation's history, the cabinet became by custom a president's principal advisory body for both foreign and domestic policy. According to Edwards and Wayne:

"Administrative positions on controversial proposals were often thrashed out at cabinet meetings. Presidents also turned to their cabinets for help in supporting them on Capitol Hill. The personal relationships between the individual secretaries and members of Congress often put the cabinet officials in a better position than the president to obtain this support. Strong cabinets and weak presidents characterized executive advisory relationships during most of the nineteenth century" (1985, 172).

Presidential-cabinet relationships have evolved in a different direction in the twentieth century. Strong presidents like Theodore Roosevelt and Woodrow Wilson used their personal influence to shape public opinion and mobilize partisan support at the expense of both Congressional and department head power. With the passage of the Budget and Accounting Act of 1921 that gave the president the power to propose a consolidated budget for the agencies to the Congress, presidential influence over cabinet officials and departments was greatly strengthened. By the time of the administration of Franklin Roosevelt, the cabinet had been transformed from a mechanism for decisionmaking into a forum for discussion. Only Eisenhower of post-World War II presidents used the full cabinet as a mechanism for achieving administration consensus on policymaking proposals.

It is clear that as the power and influence of the presidency has grown over time, the role of the cabinet in policymaking and representation has declined. Advising carried out by cabinet members in times past is now the province of members of the White House staff. Offices and structures such as the National Security Council, the Office of Management and Budget, and the Office of Policy Development now fill functions once provided by cabinet members and their staffs.

As the nature of policymaking has become more technical and the need for highly specialized information has increased, cabinet members have become less able to be involved in informed discussions of policy areas outside their own departmental jurisdictions. Cabinet members also have little time to be involved in advising the president in areas beyond their own policy areas. They must be heavily involved in providing information and testimony to the Congress. Cabinet secretaries must work within subgovernment networks that operate within numerous specialized issue areas. Oftentimes the cabinet members must be advocates for their departments before the Congress and to the president. Such an advocacy role is not consistent with a role that would call upon a cabinet secretary to be a member a president's collective advisory group. Cabinet members also feel more comfortable in expressing their

policy views to the president in one-on-one sessions than in the group setting of a cabinet meeting.

A final way of seeing the demise of the cabinet as a deliberative mechanism is to observe presidential use of the cabinet over time in each administration. As recent presidents have arrived in office they have usually articulated a view calling for frequent cabinet meetings to coordinate administration programs and to discuss policy initiatives. But as time passed recent presidents such as Ford, Carter, and Reagan met less frequently with the full cabinet as each presidency progressed. Instead these recent presidents looked for other ways to consult with the cabinet.

Colin Campbell (1986) in a recent study of the Carter and Reagan presidencies suggests that there are two models of cabinet consultation—one of mostly decentralized cabinet government and one of highly structured cabinet councils. The Carter presidency followed the first model, while the Reagan presidency has adopted the second.

Under the first model of decentralized cabinet government, a president allows cabinet members to run their departments without much guidance or direction from the White House. This model also allows departments to act as baronies with little or no involvement with other departments or cabinet secretaries. Relationships among cabinet members are more likely to be adversarial than collegial. Cabinet structures tend to be ad hoc with very few areas of cabinet specialization. In such a system policy gets made on a one-on-one relationship between the president and each cabinet member. Carter as a detail person found this method of consultation and policymaking best fit his personal style.

Under the second model of highly structured cabinet councils, presidential authority over the departments and cabinet members is neither decentralized or centralized. Campbell (1986, 54-55) suggests that presidents like Reagan who adopt this model of cabinet consultation have a mixed approach to centralization of presidential authority over the departments. Departments are not allowed to be run as baronies by the cabinet secretaries and a collegial approach to interdepartment relations is expected. In order to make the departments work together collegially, the president structures cabinet-level committees to deal with issues of common interest. Areas of cabinet specialization become institutionalized with secretariats and cabinet councils. This model gets around any need to reorganize the executive branch departments as President Nixon proposed in the early 1970s. Instead, the cabinet council system brings together secretaries and their advisors in a supercabinet structure without

the need for congressional action. This model has fit the personal delegating style of President Reagan rather well. The cabinet councils have been delegated the responsibility to deliberate policy recommendations, develop administrative positions, and coordinate the implementation of key presidential decisions. Conflicts are resolved within the cabinet councils with the result that the administration presents a picture of harmony to the Congress and the public.

From the foregoing discussion, it is clear that the cabinet council form of cabinet consultation may be the preferred model for future presidents. Although this model found its final shape in the Reagan presidency, it was emerging within the Nixon and Ford administration. Even the Carter administration followed the cabinet council approach within the national security policy area. The fact that such a system of cabinet consultation was institutionalized by the Reagan administration is going to leave future administrations with a proven system that may be difficult to improve upon.

THE BUREAUCRACY: REPRESENTATION AND POLICY

Organization of National Bureaucracy

The size of the executive branch has grown enormously over the past 50 years or so due to a large expansion in the scope of the activities of the national government. The number of agencies and programs administered by them has multiplied many times. Indicators like the budget and number of civilian and military personnel employed demonstrate in stark terms this growth and the absolute size of the national government today. The national government bureaucracy and the programs under their control have grown to the point that the two recent presidents—Carter and Reagan—campaigned against Washington and the size of the bureaucracy in winning the office.

In addition to its size, the bureaucracy is characterized by complexity and dispersion—factors that make it difficult for any executive to bring control over bureaucratic activities. The degree of complexity in the national bureaucracy can be seen in the large number of programs and agencies created by the Congress. There are overlapping jurisdictions among departments and agencies that sometimes lead to duplication of efforts. Bureaucratic complexity is also fostered by the interdependence of many national government activities. One agency's efforts in a particular policy area may be offset by another agency's activities. For

example, in the energy policy area efforts to reduce air pollution by less use of coal to generate energy may result in increased reliance on imported oil and thus affect the trade deficit. The multiplicity of national government activities are also widely dispersed. Presidents, department heads, and their advisors operate at the center of government. On the other hand, those who run the programs, regulate economic activities, and dispense services are at the periphery. Further complicating the problem of dispersion is the fact that most of the people working at the periphery are civil servants, not political appointees, and hence beyond the political control of those at the center.

Despite the campaign rhetoric of both Presidents Carter and Reagan when they sought the presidency, neither of them was able to check the overall growth of the national bureaucracy. Figures reported by King and Ragsdale (1988, 228-29) reveal that the national civilian work force has continued to grow in recent years. During the Reagan years the national civilian work force increased by almost 200,000 persons, or at the rate of about one percent per year. Most of that growth in employment was accounted for by large increases at the Departments of Defense, Justice, and Treasury as well as the U.S. Postal Service and Veterans Administration. A number of other departments and independent agencies have experienced real declines in employment. They include: Agriculture, Commerce, Energy, Health and Human Services, Housing and Urban Development, Transportation, General Services Administration, and Tennessee Valley Authority. The overall pattern of change in the national civilian work force conforms to the views of the Reagan administration that the national government should continue to be involved mostly in traditional government functions like national security, collecting taxes and coining money, delivering the mail, and prosecuting national crimes, while reducing its involvement in areas of domestic policy that were first taken on in the present century.

There are three classes of officials who operate the national bureaucracy—about 700 officials at the cabinet, subcabinet, agency, or bureau level; about 7,000 higher civil servants, many of whom are members of the Senior Executive Service; and the remaining almost 3,000,000 civilian employees who carry out the day-to-day activities of the national government. The 700 officials at the cabinet, subcabinet, agency, or bureau level are appointed by the president subject to confirmation by the Senate.

Presidents have employed two distinctly partisan strategies in making appointments of these officials. The first and most traditional approach is a patronage approach that characterized the appointment behavior of

nineteenth and early twentieth century presidents. Under this approach new presidents would replace almost all of the government appointees of the previous administration with their partisan supporters. Prior to the establishment of the national civil service system in the 1880s, nineteenth century presidents actually made more presidential appointments than contemporary presidents.

While the patronage approach is still used to fill some national government positions, this approach has been largely replaced by a second—the partisan policy approach. Under this approach, the president seeks to appoint to the high-level positions individuals usually from his political party who have policy biases that fit with the president's party program in the departments and agencies. Party leaders are now only casually consulted in making these appointments. Instead, the process is centered in a White House appointments office where several staffers manage the president's recruitment process. This office not only assists the president in making these high-level appointments, but it also seeks to be consulted by personnel people in the departments and agencies as they fill high-level civil service positions that do not require presidential appointment or senatorial confirmation.

Presidents have a large degree of success in winning Senate confirmation for their appointments. Data compiled by MacKenzie (1981) and King and Ragsdale (1988) indicate that only a very small number of major presidential nominations are not confirmed by the Senate. When nominees are rejected, it is usually because of "policy or philosophical dissensus between a nominee and a majority of a Senate committee or a majority of the full Senate" (MacKenzie 1981, 177). Both the MacKenzie and King-Ragsdale data reveal a notable increase in Senate rejection of nominations in the 1970s and 1980s. The Senate has become tougher in its scrutiny of nominees, particularly those proposed by Republican presidents. The number of presidential appointments subject to Senate confirmation has also increased as a result of congressional action.

MacKenzie (1981) suggests a number of factors have led to increased scrutiny of presidential nominees: first, Senate committee staff support has increased thus allowing Senate committees to conduct intensive, independent investigations of nominees; second, changes in Senate rules have forced the committees to conduct much more of their confirmation activity in public thus enabling the blame to be fixed when poor quality nominees are confirmed; third, a growing number of interest groups take an active role in the confirmation process, opposing those nominees whose policy views and records they find offensive; and fourth, the

media have become more aggressive in investigating nominees leading to embarrassing disclosures by the press in some situations. It is not accidental that these changes in how the Senate handles presidential nominations begin to occur during the Watergate period—the waning days of the Nixon administration. This was a period of change related to the entire range of powers shared by the Congress and executive. According to MacKenzie (1981, 185): "The pendulum swung significantly in legislative-executive relations in the 1970s, and the changes in the confirmation process were part of that broader movement."

Relationship to Political Executives

Although presidents are highly successful in winning senatorial confirmation for their nominees, they are nowhere near as effective in obtaining bureaucratic support for the persons selected to fill the highest positions in the national executive. Most recent presidents have considered one of their biggest challenges that of gaining control and influence over the bureaucracy. President Nixon was so frustrated by his inability to control the bureaucracy in his first term that he hatched a "plot that failed" at the beginning of his second term to gain an upper hand over the departments and agencies (see Nathan 1975, 1983, for a discussion of this problem).

As noted above, the size, complexity, and dispersion of the bureaucracy will create problems for any president who wants a tightly managed administration. Furthermore, factors like bureaucratic inertia, the need to implement policies using standard operating procedures, the rules and regulations of the civil service system, and ideological incompatibility between the administration and the bureaucracy work to undermine the possibility for presidential control. Finally, high turnover of cabinet and subcabinet officials coupled with low turnover of bureaucratic personnel has made it difficult for the appointed department heads to manage their departments. By the time an appointed executive has learned his or her job, turnover of subordinates, other department heads, or White House staff produces an environment for management in which teamwork within a department or between departments is difficult to sustain.

The bottom line is that most appointed political executives are amateurs when it comes to managing public bureaucracies, while the career civil servants at the highest levels of the departments and agencies are professionals who know the ways of the bureaucracy and are particularly adept at working with other actors such as the Congress and

interest groups to protect the department's or agency's turf from presidential control.

Is the problem of presidential control of the bureaucracy insoluble? If one examines the experiences of recent administrations in attempting to control and manage the bureaucracy, it may be possible to answer this question. In particular, one would look at structures created to maintain presidential control, the loyalty, ideological compatibility, and experience of appointed political executives, and the use of incentives and disincentives to motivate the bureaucracy to respond to presidential management.

Structuring the management of the presidency was important to Nixon, for as Hess (1976, 111) argues: "Nixon was clearly a management-conscious President; the way the White House would be organized was of serious concern to him." Based upon Nixon's experiences in the early days of his administration in using the cabinet and White House staff to attempt to control the bureaucracy, he moved to make a number of structural changes in the management process. He moved to centralize control of the government in the White House by expanding the White House staff and creating a Domestic Council. The Bureau of the Budget was converted into an Office of Management and Budget with expanded managerial powers, and new functional and constituent offices were created in the Executive Office of the President. He even proposed to the Congress a sweeping reorganization of the executive branch that would have had fewer and larger domestic policy departments. It was never enacted by the Congress. The result of this management restructuring was that more and more department decisions had to be cleared by the White House staff, and the Office of Management and Budget examined department policy proposals with greater scrutiny.

Nixon also put a high premium on recruiting political executives, particularly after his 1972 reelection, who would be personally loyal to him and who shared his political and ideological beliefs. In his massive changes in appointed political executives at the beginning of his second term, he sought to place politically loyal people from the White House staff in key under secretary, assistant secretary, or agency head positions in order to have reliable sources of information within the bureaucracy. Finally, Nixon used whatever disincentives possible to attempt to keep the senior civil servants in control. Recognizing that he really had no power to fire recalcitrant senior civil servants, Nixon instead used the power to demote and transfer as methods to punish bureaucrats who resisted presidential oversight of the management of their programs. The effect of these actions was to further politicize the national bureaucracy.

President Ford, according to all available accounts, was not in a position to exert aggressive leadership over the bureaucracy. Although Ford retained a large number of Nixon cabinet, subcabinet, and agency appointees, many of his appointees were individuals who did not share the same partisan or ideological preferences as the president. In an attempt to repair the damage done to the presidency by the Nixon administration, Ford consciously sought to appoint persons who would broaden the representativeness of his administration. He felt that confidence in the national government had to be restored. Consequently, Ford was much more likely than Nixon to allow department heads to run their departments without much supervision from the White House. In the absence of White House control, the bureaucracy was able to regain influence in departmental matters.

Although Ford did not put much emphasis on trying to control the bureaucracy, he did two things to improve presidential management of the policy process. First, he put in place by executive order a procedure for OMB to scrutinize the departments' proposals for major rules and regulations. Second, Ford was the first to have a highly structured mechanism for domestic policymaking in the form of an Economic Policy Board. This body, staffed by a secretariat, was a precursor of the cabinet council system that emerged fully in the Reagan administration, while the Ford procedure for administrative clearance of major rules and regulations was to provide the foundation for a much broader program of administrative clearance in the Reagan presidency.

Students of presidential management in the Carter presidency indicate that Carter and his White House staff had considerable problems during his term of office. Although the bureaucracy was probably more in tune with Carter's ideology on domestic policy programs, the fact that he campaigned against "Washington" and the bureaucracy during his quest for the White House created great suspicion about him within the career bureaucracy. He reduced the size of the executive office staff and thus overloaded those individuals who were supposed to work with the appointed cabinet, subcabinet, bureau, and agency head personnel. Carter also did not pay much attention to a need for politically loyal persons as he filled cabinet and subcabinet positions. Often he allowed cabinet appointees a relatively free hand in choosing their under secretaries, deputy secretaries, and assistant secretaries. Hence they were sometimes more loyal to the department head than they were to the president.

The major structural change of the Carter administration was the reform of the civil service system and the establishment of a Senior

Executive Service. The philosophy of the civil service reform was to use incentives to make the bureaucrats more responsive to executive control and to improve their performance as managers.   A new Office of Personnel Management (OPM) was established with the power to undertake independent evaluations of work force effectiveness and manage the Senior Executive Service.   However, budget constraints imposed by OMB slowed down the staffing of the OPM, and it was not until the Reagan administration came to power that the OPM began to exercise its management potential.

Carter had a lot of trouble controlling his cabinet appointees let alone the bureaucracy. He was so reluctant to get rid of recalcitrant cabinet and subcabinet officials that he waited until his third year in office to fire four cabinet members to restore executive office control to the policy process. Even that effort was somewhat futile for he failed to get rid of subcabinet officials that by then were acting independently of White House control.

Reagan, the president who publicly seems to have been the most detached of recent presidents from management of the policy process and the bureaucracy, has probably had the most successful administration in dealing with the bureaucracy. Structurally Reagan institutionalized the cabinet council system that had its origins in the Nixon and Ford administrations. By executive order, he set up an administrative clearance process requiring a "regulatory impact analyses" be done for each set of proposed regulations and for major regulations already in effect. The OMB was authorized to review, delay, alter, or block agency regulations.

In addition to these structural changes, Reagan built upon the experience of Nixon in particular and put a high priority on appointing politically loyal and ideologically compatible persons in cabinet, subcabinet, bureau, and agency head positions. A number of his appointees had served in the Nixon or Ford administrations and brought previous executive branch experience to their new positions. Finally, Reagan used the budget process and the unutilized powers of the recently created OPM to create disincentives for the bureaucrats in the depart- ments and agencies carrying out functions inconsistent with Reagan's views of a minimalist national government. Reductions in force (RIF) were employed in the early days of the Reagan administration to reduce the size of some domestic policy departments thus creating a lot of fear in the bureaucracy.   Uncooperative bureaucrats were given poor evaluations by the OPM and thus denied merit salary increases or promotions. By the end of the Reagan administration it was clear that the bureaucracy was much more under control than it had been in any recent

administration. While Nixon could only dream of an "administrative presidency," Reagan achieved it.

The foregoing discussion indicates clearly that presidential control of the bureaucracy is possible under the right conditions. A cabinet council system promotes control as does a system of administrative clearance of rules and regulations. The appointment of loyal, compatible, and seasoned political executives is also important. And a willingness to use the budget process as well as personnel regulations to create incentives and disincentives for bureaucratic performance seems essential to exercise presidential control of the policy process and the bureaucracy.

THE STATES IN WASHINGTON

In the free form policy formation process in the U.S. national government, the states, the various state officials, and the national associations of the various state officials are all potential participants. The U.S. policy process has been characterized by the imagery of triangles, whirlpools, policy communities, and issue networks. These images do not exclude formally organized interest groups but incorporate them as one type of actor in a wider and more diffuse policy process (Kingdon 1984; Ripley and Franklin 1987; Heclo 1978).

Presidential candidates, especially at election time, talk about revitalization of the states within the federal system. President Reagan's "New Federalism" proposals were only partially acted upon. While several components of the proposals were adopted, the "swaps and turnback" proposal of 1982 was never transmitted to Congress because of resistance from the state and local officials (Wright 1988; Conlan 1988). In addition, the administration was weakly staffed and poorly organized for this policy sector—in marked contrast to its staffing and internal structure for budgetary and economic policy issues in general (Peterson et al. 1986, 219).

Nevertheless, the states were greatly affected by the cumulative changes in the federal domestic budget during the Reagan administration. Grants and funds to both states and localities were reduced, general revenue sharing first reduced and then eliminated, and not many new domestic programs were enacted. The result was to leave program initiative to the states by default.

The states were forced to increase their own revenues both to replace reduced federal funds and to pay for their own new programs. In Congress, the budget was the driving force and main legislative vehicle

for most programmatic decisions. The substantive committees, however, together with the subcommittees of the Appropriations Committees, often acted to protect existing state and local aid programs and their funding (Peterson 1984, 220, 232-33; Peterson et al. 1986, 218; Wright 1988, 104-05, 249-51, 462-66.)

During the first year of the Bush administration, the states and their officials and organizations were active in advising and protesting to Congress about national mandates placed upon the states in medical, child care, and indigent policies. In effect, the states were increasingly required to provide services without receiving full reimbursement from the national treasury. The executive director of the National Governors' Association testified at the Senate Finance Committee against increasing mandates, the National Governors' Association adopted resolutions, southern governors formed a task force on infant mortality, and the National Governors' Association has a Committee on Human Resources. In August 1989, the association adopted a resolution and sent a letter to congressional members offering to work with both Congress and the White House to develop mutually acceptable proposals. At the same time, the coastal states were attempting to persuade Congress and the administration that a new national law on environmental protection should not preempt their own provisions (Congressional Quarterly Weekly Report, June 24, 1989, 1537-38, 1552; and August 12, 1989, 2121-23).

In these many activities directed at the national policy formulation process, the states and their officials were participating as do any other interested persons and organizations on any given policy matter. As the national government turns increasingly to the states to administer national policy, it is likely that the states and their officials will become increasingly prominent actors in the national policy process.

PARTIES IN THE FEDERAL SYSTEM

U.S. political parties have often been described as temporary assemblies every four years in national convention of state parties for the sole purpose of nominating a presidential ticket. Closer examinations of the state parties often found them, in turn, to be built from county-level political parties.

The power of the state level political parties as building blocks of national parties in presidential politics has been eroded by the growth of nationwide candidacies seeking the presidential nomination through almost two years of direct public campaigning for votes in presidential

primaries. Whether the delegates to the national conventions are selected directly through presidential primaries, or through district and state party conventions, most of the delegates are more loyal to their presidential nomination candidate than they are to their political party as an organization.

The growth of candidate movements displacing political party organizations is a direct result of the long practice of southern Democratic parties in excluding blacks from political participation. Southern Democratic party practice and southern state law excluded blacks from the franchise. The civil rights legislation of the 1960s, discussed above, was accompanied by efforts of the national Democratic party to open the national convention to "representative" delegates. The delegates should reflect the demographic composition of the state's electorate, thus admitting blacks to party affairs in the South, and should also reflect the support of candidates seeking the party's presidential nomination, thus admitting factionalism and pluralism to the state political party. At one time, state parties would cast their national convention votes as a unit, but now each state delegation's vote is a sum of the individual delegates' candidate preferences.

It is tempting to speculate that, at one time, U.S. parties could have developed as have the Canadian, so that the Democratic Party of Texas, for example, would have little relationship to the national Democrats who lived in Texas. In 1948, President Truman was not on the ballot in some southern states, for the state Democratic party would not place his name on the state ballot. Similarly, more than one southern Democrat was elected to Congress by campaigning against his national party, and again in 1948, the States' Rights Party's presidential ticket consisted of two southern Democratic state governors.

Had these separatist movements occurred early in the Republic, perhaps U.S. political parties, and with them all of U.S. national government, would have evolved very differently. But we would speculate that the attraction of the electoral college device in presidential elections coupled with the national senate to state legislature connection inside each party pulled two sets—state and national—of office seekers into a single partisan structure.

Furthermore, the divisions in the post World War period inside the national Democratic party greatly fueled the spread of two-party competition around the country. If civil rights alienated southerners from the Democratic party, that same issue attracted northerners to that party. The very growth of Republican support in the South has greatly nationalized

U.S. politics. Politics, as well as society, has become much more homogeneous throughout the regions of the United States than ever before in U.S. history.

CONCLUSIONS

Images abound to describe the rich tapestry of state-national relationships: layer cake, picket fence, dual, cooperative, and the like. Perhaps "kaleidoscope" captures the changing variety of federal-state relationships, changing among issue sectors and through time. This variability is just as much a feature of policy administration as it is of policy formulation.

States and localities as governmental units, and populations concentrated within states and localities, have all found representation within the diverse organs of U.S. national government. Through their representation, their diverse views have been expressed and a national policy resolved out of that diversity.

The openness of the U.S. national government is duplicated, and if anything magnified, at the state level, as a subsequent chapter will note. It is difficult for a single state to form a single point of view on any national question, and it is even more difficult for all or most states to form a single point of view. The openness and diffuseness of U.S. governmental structures at all levels, in contrast to the Canadian, both impede centralization within states and facilitate representation at the national level.

These characteristics of government interact with trends within U.S. society. The increasing homogeneity of U.S. society, especially in the twentieth century, reducing the disparities among states and regions in wealth, education, and ethnicity has permitted all states to share the same problems and to search for similar solutions. Those regionally distinctive issues that now and later emerge, such as energy and international trade, can, in this context, be expressed and resolved through the representational channels of U.S. government as "normal" rather than as constitutional or crisis issues.

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Representation and Policy Formation:
The Canadian Provinces

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Federalism in theory is about the dispersion of power; Canadian federalism in practice is about its concentration. In Canada national political debate in Parliament and between the federal and provincial governments acknowledges, when it is not occasioned by, the presence of concentrated power at the centre. Two factors account for this: a division of powers that grants Parliament supremacy over such crucial matters as taxation, the whole of the criminal law and the constitution of all but the most inferior courts, and a parliamentary system of party government that entrusts decision making to a small executive. Political debate in the provinces (sovereignties in their own right) frequently originates from a similar preoccupation, though one restricted to the pervasive influence of all-powerful cabinets. If balance is supposed to characterize constitutional and federal government, then the Canadian political system seems to operate imperfectly to achieve that end.

Canadian political history may be interpreted as a search along different and even contradictory routes for dual harmony, on the one hand among the elements of the constitution and on the other among those of the federal system. In reality the distinction between the two has not always been clear. The rise of third parties was as much an attack on the uses of concentrated (that is, majority) power within the realm of Parliament as it was a regional revolt against the operation of federalism. Again, proposals for constitutional (e.g., Senate) reform have sought less to improve the operation of parliamentary government than they have to inject regional (i.e., federal) influences into decision making. To some extent lack of clarity—increasingly evident as Canadians struggle with new constitutional terminology in the wake of the Charter—grows out of an interpretation of Canadian political development that this chapter

disputes: that Canada is a country of regions (identified with provinces) that must challenge the federal government if their interests are to be heard. This is the lesson of the failure of the Meech Lake Accord in 1990, at least as interpreted by proponents of a Triple E Senate. That assertion is at best exaggerated. Its repetition, however, detracts from a more basic truth—provincial governments are so organized that regardless of the interests served they assume an autonomy that has been a hallmark of the Canadian federal state since its beginning.

INTRODUCTION: THE SETTING

The Canadian provinces share fully in Canada's monarchical system of government, a fact that leading Fathers of Confederation who became prominent federal politicians after 1867 (Macdonald is the prime example) resisted but that provincial politicians and the Judicial Committee of the Privy Council successfully countered.[1] Though hoary with age and encrusted with barnacles of bygone disputes over royal prerogative in the provinces (e.g., escheats, the appointment of Queen's Counsel), monarchy pervades provincial government, not in the panoply of office (the lieutenant governor is a very bourgeois gentleman or -woman, save where Ottawa has sought to make the appointment representative of the black, native, or ethnic communities), still less in public recognition or understanding of the office, which is slight, but in the organizing principle of government that monarchy dictates.

More than a century ago Walter Bagehot wrote of monarchy that it was "intelligible government," while other parts of the parliamentary system were "easy to mistake" [1961]. Whatever the truth of that assertion then, it is questionable it applies today as regards the office of lieutenant governor. Nonetheless, monarchy remains the hallmark of the Canadian constitution, itself a confusing accretion of acts and practices that has begun to impinge on public consciousness only in the last quarter century. It is fair to say that until the passage of the Constitution Act 1982, few Canadians or their leaders had used the term, for as an

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[1]Witness J.C.P.C. opinion in *Liquidators of the Maritime Bank v. Receiver General of New Brunswick* (1892) *A.C.* 437: "The Lieutenant-Governor is as much a representative of His Majesty for all purposes of Provincial Government as is the Governor-General for all purposes of Dominion Government," and in *Re Initiative and Referendum Act* (1919) *A.C.* 935: "The analogy of the British Constitution is that on which the entire scheme is founded."

Australian scholar, who has defied this convention, recently noted: "Canada has an ambivalent attitude to constitutional documents" (Sharman 1984, 87). That predisposition stems from Canada's British inheritance and from the origins of its confederation. On the one hand a central part of the Constitution rests not upon the federating act but "upon the common law, and upon that part of it which deals with the King's prerogative," while on the other hand, the federating act "apportions authority to different organs of the state, some federal and some provincial"; in short there is "no separate 'federal' constitution" (Stuart 1925, 70-78; Scott 1977). Equally, there is no separate provincial constitution for half of the provinces (the Atlantic provinces and British Columbia) whose constitutional base is the exercise of royal prerogative in the eighteenth and nineteenth centuries. The other five have a statutory base, either the Constitution Act 1867, for Ontario and Quebec, or acts of the Canadian Parliament for the Prairie provinces, but even here the law on which cabinet government rests must be found elsewhere. Missing from either level of Canadian government is the existence of an "elaborately drawn document" that has received popular sanction.

In this regard the Canadian situation differs markedly from that of the United States where, despite the prevalence of common political norms, the American states display unusual (by Canadian standards) constitutional distinctiveness *vis-à-vis* the national government and each other. State constitution-making itself is a venerable activity; in Canada the phrase and concept are empty of meaning. The contrast between the two federations is heightened if one considers other characteristics, some of which are discussed elsewhere in this volume by Hamm and Luttbeg. With 50 unit governments in the one country and only 10 in the other, the scope for constitutional activity is greater in the United States. Add to that more frequent elections and more numerous institutions of state government—lower chambers of remarkably varied sizes, upper chambers in all but one state (none of Canada's legislatures is bicameral although five once were), governors and lieutenant governors—as well as judicial involvement in matters of reapportionment (the Canadian term is redistribution, a subject that only very recently has begun to receive judicial examination), and the result is a multiplicity of discrete components of state constitutions. In the Canadian provinces, however, fusion prevails through the telescoping of institutions, for example the Crown-in-Parliament or legislature and the phenomenon of party-in-government.

In practice monarchical government in the provinces means there is a lieutenant governor appointed by the Governor-in-Council (the cabinet)

in Ottawa, for a term of five years, normally renewable for another term, who exercises the customary powers of the crown in a British-style parliamentary system: in Bagehot's famous triptych, the right to advise, to warn, and to be informed. Because they are appointed by a partisan body from outside, lieutenant governors in the main are detached from the tempo of provincial politics. However, as federal officers in the provinces, they are empowered by the Constitution Act 1867 (ss. 55 and 90) to reserve (as well as assent to or veto) legislation; decision on its passage then being left to the federal cabinet. Because the power of reservation is not limited to matters falling within provincial jurisdiction, the possibility of federal invasion in provincial matters is great, although the threat today is more potential than real. Used only once in the last 50 years, the reservation power is a reminder of Canada's telescoped federalism. So, too, is the federal cabinet's power (last used in 1943) to disallow any piece of provincial legislation within one year of its passage (ss. 56 and 90). Together, the two powers were sufficient in the late 1930s to quash Social Credit legislation promised by mesmeric William Aberhart of Alberta.

A less ostentatious but more emphatic demonstration of monarchy in the provinces lies in the power of the executive to appoint hundreds of officeholders (in Ontario, the number is in excess of 2,500) to myriad government-related jobs of a regulatory or advisory nature, none of which is subject to legislative examination.[2] The significance of appointments may better be evaluated below in the context of a discussion of the executive, but as a preliminary comment it can be said that patronage is an ancient power of the Crown-in-Parliament system, legislative control of which in Canada in the 1840s signified the triumph of responsible government.

A further example of the monarchical element, and one of direct importance for the provinces, concerns natural resources. Section 109 of the Constitution Act 1867 conferred on the provinces after confederation "all lands, mines, minerals and royalties" belonging to them as colonies at the time of union. That grant, which applied to all new provinces created after 1867, save for the three Prairie provinces whose resources were transferred by Parliament in 1930, made possible crown ownership

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[2]"Ontario MPPs seeking permanent death knell for patronage system," *Globe and Mail,* January 27, 1986, A4. Modest reforms at the federal level, which now see some committees of Parliament examining proposed appointments but not the individuals themselves, have yet to be duplicated in the provinces.

in right of the province. This ownership remains to the present a defining characteristic of the Canadian polity, one that has involved the provinces in a variety of public policy experiments (to be discussed below) aimed at promoting economic development. In a revealing first chapter, "The Function of Monarchy," to his book *The Politics of Development: Forests, Mines and Hydro-Electric Power in Ontario, 1849-1941*, H. V. Nelles explores the signal contribution to Canadian life that flowed from property rights being retained by the provincial state. Among these, one of general import was that "public ownership of the resource itself cleared a good deal of semantic and philosophic ground for the eventual debate on the public ownership of the industry" (Nelles 1974). The ground may have been cleared but the source of controversy continues, most recently in the attempts by neo-conservative politicians to privatize government business, a scheme that in some provinces (Saskatchewan, for example) has been promoted as "public participation."

Excluding Nova Scotia, New Brunswick, and Prince Edward Island, the Canadian provinces possess great mineral wealth that except for British Columbia, is located in the Canadian Shield, that huge subregion that embraces Hudson Bay. To exploit those resources "all across the country major metropolitan centres have organized broad regional hinterlands about themselves" (Careless 1969, 6). In fact, each of the nonMaritime provincial capitals has become the base not only of economic development policies along a series of north-south axes (in contrast to the federal government's "horizontal" policies of national development) but also of new governmental and nongovernmental elites whose well-being is founded on provincial concerns (Black and Cairns 1966; Richards and Pratt 1979). The exception to this generalization is the Maritime provinces, where Halifax plays the role *vis-à-vis* the region that other capitals play toward their respective provinces. J. M. S. Careless has noted the distinct Canadian pattern of dominant provinces and has compared it to the far more complex situation in the United States "with more sizable cities and tiers of cities, more regions and subregions, and also more states." Another part of the explanation for Canada's distinctiveness lies in the chain of provincially specific resources—timber in British Columbia, oil in Alberta, potash in Saskatchewan, hydro-electricity in Ontario and Quebec (or others, asbestos, nickel, gold, natural gas, fish, etc.)—and the different government policies formulated to capitalize on them—Saskatchewan's crown corporations under the Cooperative Commonwealth Federation after 1944, Alberta's "new West" statism of the 1970s and 1980s, nationalization of hydro in

Quebec during the Quiet Revolution, and many more. Here is the explanation for what today is called province-building but which despite the examples cited can be traced back to the nineteenth century (Young, Faucher, and Blais 1984).

Monarchy and geography are only two of the ingredients that confer distinctiveness on the Canadian provinces. Of equal importance is the centrality of party politics to their governments. From the early years of confederation party government has triumphed in the provinces as in Ottawa. Coalition, which has occurred only once (1917) in federal politics, is scorned in the provinces; exceptions such as British Columbia's government between 1941 and 1952, usually emerge to keep another party (in B.C., the CCF) out of power.[3] Everywhere politics is organized, fought, decided, and perceived along party lines. More crucially, subjects are incorporated into public debate only through the vocabulary of partisan politics. The pervasiveness of party is the most distinctive feature of Canadian politics, though Canadians who complain about the absence of ideological distinctions between the principal contenders for elected office overlook this truth. Several conclusions follow from this monopoly of parties on public affairs: party discipline over elected members is intense (independent members are rare and short-lived), the authority of the party leader is magnified, the executive becomes in fact what it is in form—party-in-government, with the consequence that all participants in the political process adopt an executive mentality and, as a consequence of the foregoing features, the parliamentary ideal of independence or balance is compromised throughout all the provinces. When to these features of government are added such legislative disabilities as short sessions, rudimentary support services for members, and underdeveloped committee structures, then executive dominance is inevitable.

All-pervasive parties promote cohesion within provinces but scant identification between them. The fact that the Liberals, say, govern in several provinces in any one period (in 1992, in Newfoundland, Quebec,

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[3]Manitoba is the exception. Between the mid-20s and mid-50s, an "ever-broadening all party, no-name coalition" governed. For a brief account see, Rand Dyck, *Provincial Politics in Canada* (Scarborough: Prentice-Hall Canada, 1986), Ch. 7 (Manitoba). Since 1958, Manitobans have been as partisan as the rest of Canadians. Following the election in May 1988, where no party won a majority of seats (New Democratic Party 12, Progressive Conservative 26, Liberal 20), coalition was ruled out as a possibility for all three leaders.

New Brunswick, and Prince Edward Island) is of slight explanatory value when it comes to studying the politics of any one of them. In this regard Canadian provincial politics are different from American state politics, where knowledge of partisan control patterns within and between states is deemed important. There are several reasons for the contrast. First, the provinces have no direct representation in national governmental institutions and therefore no reason to see the effect of political choices made within the province extending beyond their boundaries. Second, even if they adopted a wider perspective, the deliberate separation of federal and provincial election campaigns would render meaningless any strategy they might adopt. Third, different parties are active in different provinces (in 1992 third parties formed governments in two western provinces and in Ontario); thus partisan alliances are not easy to construct. Fourth, the extraordinary tenure of many premiers who personify their province's politics (some of them for up to 20 years) vitiates any idea of a political pattern adaptable to change; Canadian provincial politics might more accurately be said to be cast in a mould that must periodically be broken before change can occur. And, finally, as Ron Watts discusses in his chapter in this volume, executive federalism depreciates the importance of partisan allegiances in the search for agreement among 11 first ministers or their representatives. Thus, the paradox exists in Canada of party as a strong force for organization within provinces but as a weak predictor for action either within or between them.

It is commonplace to say that the Fathers of Confederation intended to create a highly centralized federal system, with a general government possessing broad power over appointments, taxes, provincial legislation (through disallowance), property (through Parliament's power to declare "works . . . to be of general Advantage to Canada" (s. 92:10(c)), and the residual power, and then to note that events and the courts turned that intent on its head by enlarging the ambit of provincial legislation. Even without the intervention of the courts and the broad interpretation they gave to provincial control over matters coming within the class of subject property and civil rights (s. 92:13)—for instance, finding against federal labour legislation because it dealt "directly with the civil rights of both employers and employed in the Provinces"[4]—the distribution of powers

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[4]*Toronto Electric Commissioners v. Snider* (1925) A.C. 396, in which a federal statute regulating industrial disputes was found to be "an interference with civil rights in pith and substance."

placed responsibility for social legislation in the hands of the provinces. In the twentieth century that responsibility has grown enormously along with public demand for welfare and health programmes.

Of course, because the provinces were limited to raising revenue through direct taxation or through the sale or lease of natural resources, some adjustment in revenue to match responsibilities was inevitable. What was not predictable was the evolution of Canada's fiscal federalism; not only are equalization payments paid to "have-not" provinces but, as Thomas J. Courchene has argued, "a rather thorough decentralization of taxing powers" has occurred, with the result that "the Canadian provinces have more autonomy than the states of most federations." Courchene proceeds to note the crucially significant feature of Canada's fiscal arrangements: in addition to transfer of cash there has been a transfer of "tax-room." "Comprehensive equalization," he says, "[means] provinces do have roughly equivalent access to revenue," and thus it is possible for Ottawa to do less and the provinces do more (Courchene, Conklin, and Cook 1985, 87-88). Fiscal federalism has forced the provinces to use their legislative armoury.

If time has favoured the provinces in their long-term relationship with the federal government, from the outset and to the present they have maintained a commanding presence over the third level of government: the municipalities. This hierarchical structure with the provinces on top has influenced the development of Canadian federalism in two direct respects. First, because each province has pursued an independent course in dealing with its municipalities, local government is as richly varied in its organization and operation across the country as is provincial government. Thus, municipalities and their voters find local government functions and the fiscal base needed to fulfill them subject to alteration with minimal consultation by or institutionalized restraint on provincial authorities. Cities may have a ward system imposed or scrapped according to the design of the current party in power in the province; regional or county governments may be created, reorganized, or abolished with or without popular sanction; metropolitan governments like those of Montreal or Toronto (who serve populations larger than six of the 10 provinces) are no more independent in their pursuits than the country's smallest hamlet. Provincial governments claim they are being bled by the demands of burgeoning municipalities (75 percent of Canada's population was classified as urban in 1981, 63 percent in 1951), but command of municipal government empowers the provinces in their relations with

Ottawa. At first ministers' conferences it is the premiers who speak on behalf of Canada's third level of government.

A second direct impact of a constitutional dichotomy that assigns municipalities to the province is lack of access to them by the federal government except through the provinces. Federal-provincial agreements to aid specific local government projects are rare; more typical are fiscal transfers to the provinces who then determine their own spending priorities.

The thrust of municipal government organization in Canada is to enhance the power of the provinces. Similarly, the thrust of fiscal federalism and the division of powers is to reinforce the concentration of power the monarchical system has conferred on the provinces. Canadian federalism is less a depiction of hierarchy than it is of coordinate kingdoms whose autonomies derive only in part from the federating act. In the detailed examination of provincial governments that follows the federal structure found in the Constitution Act 1867 is at best a blueprint of the system's potential; it is the institutions described below that have translated that potential into political reality.

LEGISLATURES

The study of provincial institutions begins with legislatures not because in the scheme of provincial politics they are determinative bodies (the executives through their disciplined party majorities accomplish that), still less because they are microcosms of the societies they serve or of the political preferences of their respective provincial electorates (candidate selection and the single-member-district-simple-plurality-vote system distort such a pure translation), but because at one and the same time legislatures legitimate government decisions while their activities reveal most faithfully the multiple considerations that enter into those matters of concern to this chapter: representation and policy formation. The literature on provincial legislatures in Canada is sparse but such as exists agrees that legislatures fall short of the parliamentary ideal. Notwithstanding the ambiguity of this standard, it is customary to lament the loss of independence of the private member and at the same time to decry the impotence of legislatures to hold governments accountable.

From both of these complaints may be inferred a lost golden age when the legislators' categorical imperative was to make government responsive to constituency pressure. Nostalgia is a sterile pastime; it may also play loose with fact. As a recent student of the Quebec legislature

has argued, the "independent" party member of that body in the nineteenth century who broke party lines, helped to defeat governments, and carried private members' bills produced a considerable quantity of inferior and contradictory legislation that could not be tolerated in the face of the demands of a complex modern state (Massicotte 1987, 29; Levy and White 1989).[5] He notes as well the growth of political careerism, as Members of the National Assembly (MNAs) in the last part of this century have come to look on a seat in cabinet as their desired object: "La Chambre c'est l'antichambre du Conseil executif." The evolution of an integrated career path, which has spawned a self-imposed discipline as effective as any threatened penalty imposed by party whips, is a vital feature of the nexus of party-in-government-in-the-legislature. Whether it is venial or even regrettable is open to question. In any case, if provincial legislatures fail the Westminster test, they nonetheless approximate the ideal today more than they did 20 years ago, a fact summarily illustrated through seven editions of the invaluable *Canadian Legislatures*, whose general editor is Robert J. Fleming.[6]

The measures he uses fall into three broad categories: Administrative Structures; Members' Indemnities, Salaries, Allowances and Benefits; and Support Services for Private Members. It is clear from Fleming's research and from that of others who have recently studied provincial legislatures that movement has occurred (though at different speeds) in every province to give these bodies and their members greater control over their daily business. All legislatures now provide for a management body with the speaker as chairman and (except for Newfoundland) with representatives from all parties. While the details of their activities and the frequency of their meetings may vary considerably, the principle of independence they embody (reinforced by each legislature's control of its estimates review, by growing legislative budgets and staffs composed of employees in the Clerk's office, the Legislative Library, Hansard reporters, and others) is of signal importance for provincial government. Equally significant as the change is its source. According to the Clerk of the Legislative Assembly of Saskatchewan: "One major trend [in that province] has been developing. The role, rights, and responsibilities of

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[5]An English version of this paper is found in Gary Levy and Graham White, eds., 1989.

[6]The most recent edition is for 1987-88 (Ottawa: Ampersand Communications Services Ltd., 1988). Unless otherwise noted, the next three paragraphs are based on information contained in this publication.

the Private Members have been slowly improving and increasing—not because they were given but because the Private Members began to work as a group to improve their lot" (Barnhart 1982, 85). That initiative has been spurred partly by the example of reforms in Ottawa (Massicotte notes, for instance, that abolition of appeals in 1969 to the rulings of the Quebec speaker (Le President) imitated the same changes in Parliament in 1965, although on this particular matter it is worth remembering that appeals are still permitted in Ontario) and partly from "an unusual confluence of circumstances" within specific provinces—the juxtaposition of minority government in Ontario (1975-81) and the appearance of the five-volume report (1973-75) of the Ontario Commission on the Legislature (the Camp Commission) (White 1980, 1989a, 34, 1989b).

A second block of reforms has dealt with the remuneration of members. In Canada that takes the form of a sessional indemnity plus a tax-free allowance that together ranged in 1989, for instance, from $27,600 in PEI to $62,000 in Quebec (although only in three other provinces—Alberta, New Brunswick, and Ontario—did the amount exceed $45,000). In seven of the 10 provinces more than half the members receive additional remuneration either because they hold a portfolio, or some leadership position in the chamber or on one of its committees. To this figure must be added pension benefits and allowances (in most cases) for committee work out of session, for accommodation, and for travel between the capital and the constituencies (with extra payments in some jurisdictions for those representing the remote northern seats found in every province but the Maritimes). The exact amounts are easily accessible thanks to Fleming's compilation, but the figures today compared to earlier years (as recently as 1969 Ontario members received between $10,000 and $12,000) are worth emphasizing since they compensate for the increased time required of legislators whose work has come to be seen as full-time (Schindeler 1969).

Support services, which comprise the third block of reforms, include allowances for legislative and constituency offices, mailing and telephone privileges, caucus research support either directly or indirectly, and the Legislative Library, which in some provinces also has a research branch. Again, the details here reflect the myriad peculiarities one would expect in 10 different legislative systems. More striking, however, is that change in each is always in the same direction: to grant more support to the member. The change in 20 years is remarkable:

As recently as 1969, Manitoba MLAs did not even have access
to a caucus room or government telephone lines when the House

was not in session. . . . Opposition leaders did not have offices or staff . . . MLAs were clearly part-time (Anstett and Thomas 1989, 97).

When to these are added procedural reforms that increase the positions of influence for opposition members on legislative committees, give those committees greater freedom to set their agenda, and offer private members more opportunity to introduce subjects into public policy debate, then a legislative renaissance would appear to be imminent, one that might lead to a less government-centred style of representation. Yet those who expect this to happen will find themselves waiting for a political Godot. Representative government in the provinces (as at the national level) has always had more to do with government than with representation. Majority government remains the ideal though minority government (the Canadian term for the situation where the party in power does not control a majority of the legislative seats) is frequently acknowledged to be both more sensitive to public opinion and perhaps, as a consequence, more legislatively productive (Meisel 1972, 59-60; Lyon 1984). Majority government means control of the legislature by a single party, and that is achievable only by the exercise of party discipline. It is, of course, feasible to have majority party government and still have lapses in discipline leading to defeats on legislation, provided that there is agreement on which defeats constitute matters of nonconfidence.[7] While feasible, that option is abhorred in modern provincial and national politics, and it is more than an interesting point to speculate why all Canadian parties look with horror on an occasional loosening of party loyalty.

Clearly the answer lies somewhere in the Canadian commitment to partisanism, one that the experience of half a century or more of third

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[7]In other words, a majority government equivalent of the Liberal-NDP Accord in Ontario that followed the 1985 election when no party received a majority. For two years, it was agreed that: "The leader of the Liberal Party will not request a dissolution of the Legislature during the term of this agreement, except following defeat on a specifically framed motion of non-confidence; The New Democratic Party will neither move nor vote non-confidence during the term of this agreement; While individual bills, including budget bills, will not be treated or designated as matters of confidence, the over-all budgetary policy of the government, including the votes on supply, will be treated as a matter of confidence." The full text of the agreement appears in Dyck, *op. cit.*, 325-27.

parties might have been expected to moderate but did not. Instead of legislatures moderating partisanism, they have institutionalized parties. Consider, for instance, some of the different legislative practices that recognize parties: in Ontario, the two opposition parties are of equal status in debate and question period (though the Official Opposition goes first), while in terms of funding for caucus research, there is a 30-member minimum for all recognized parties even where a party has fewer than 30 members in the House. In Quebec, after the 1970 election, when 12 Créditistes and seven PQ members entered the legislature along with 72 Liberals and 17 Union Nationalists, the rules were changed to recognize as a party any group with at least 12 members whose candidates had received at least 20 percent of the vote in the last election (the Créditistes received 11 percent and the PQ 20 percent). "Third party" definitions in legislatures vary among the provinces: in Saskatchewan the requisite number is two, in Manitoba four, in Nova Scotia two plus 10 percent of the vote and candidates in three-quarters of the seats. Parties are electoral organizations but since they control virtually all the legislative seats in Canada (in the provinces the number of independents can usually be counted on one hand), it has been necessary to recognize them corporately. And for good reason: House leaders decide on the legislative timetable, party representatives until recently drew electoral boundaries, agents of parties negotiate change, such as the introduction of televised proceedings. The examples could be multiplied, but the point is clear: the legislature is a partisan arena where parties facilitate or obstruct the business of the House.

If legislative representation means the communication of specific interests in the larger society through the activity of individual legislators, then provincial legislators drastically fail in this role. The reforms discussed above have been instituted only partly to improve the representative capacity of members. Enhanced constituency services are used by members as much or more to aid them in their role as ombudsmen as to help them become tribunes; when policy enters the picture, it is more frequently with the member explaining party positions to the electorate than it is the voter pressing the member to take a policy initiative. Traditionally, the route for constituency influence is through local party structures. In any case, reforms that affect the member's performance in the legislature only marginally improve his ability to promote specific interests; what they have done is to add to the opportunities, of opposition members at least, to call the government to account. As a general conclusion and notwithstanding the excellent work legislators may

accomplish, on a Public Accounts Committee for instance, procedural changes have not transformed the atmosphere of the legislatures. In part this is because the procedures of parliamentary systems, whose composition suffer swift and dramatic change due to the vagaries of the electoral system, are subtle and complex: "They have to be workable whether you have a landslide government majority . . . or a minority government. . . . The rules must apply evenly for all concerned under extreme circumstances" (Report of the Commonwealth Parliamentary Association 1974, 39). But it is also the case that the temper and vigour of adversarial politics in the legislature invariably supplant the measured consideration of business; according to Graham White few Ontario legislators see the relevance of procedural matters, while many find them "technical and boring" (White 1989a).

The size of the provincial chambers conspires to exaggerate partisanism. Since colonial days membership in Canada's legislatures has tended to be small in number (in 1990, Quebec had 130 members, Ontario 125, Alberta 83, six other provinces between 52 and 69, and PEI had 32). Long ago Lord Elgin remarked upon the effect this had for accentuating division, and one of the few modern commentators on the subject agrees, saying small numbers promote rigidity and suppress the representation of minority interests (Elgin 1937, 46; Courtney 1985; Irvine 1985, 89-91; White 1990).[8] The first consequence results from the combined effect of small overall numbers, extraordinarily large cabinets (outside of Ontario and Quebec where cabinet members usually comprise around 20 percent of their respective legislatures, the percentages range from about 30 to 40 percent) (Dyck 1986, 575) and a chronic imbalance in house membership between government and opposition (at its most recent extreme, in mid-1988, ranging from 100 percent government members in New Brunswick to 57 percent in Saskatchewan; between 1988 and 1990 Manitoba's minority but ruling Tories controlled 44   percent of that legislature's seats). Small oppositions (the largest in absolute numbers in 1988 was Ontario's with 35 members while the rest, excluding Manitoba with 32, ranged from 10 to 25) must fill all the positions that institutionalized opposition requires, an obligation that increases as procedural reforms open up new avenues for holding government

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[8]In the same volume as Courtney (1985), political scientist William Irvine takes issue with the Courtney proposal, noting that it is inherently antiparty in its effect since an enlarged House of Commons would do nothing to strengthen the voice of minorities within parties.

accountable. Small groups tightly organized around provincial party standards have little inclination or opportunity to break ranks. An informed, foreign observer has noted the combative atmosphere that results:

> Few of the influences which tend to bring members of different parties together at Westminster are effective out there. There are few parliamentary delegations on which they can get to know each other personally; select committees on the Westminster pattern, which tend to develop the "consensus" view, are in their infancy; "pairing" is rare; Members sit by party in the cafeteria . . . and outside the building there appeared to be little fraternisation (Bradshaw 1966, 37).

In this atmosphere can any interests other than party prevail? The customary categories into which legislative membership is usually divided —sex, religion, ethnicity, and occupation—offer scant evidence that provincial legislatures are institutions of sociological as well as political representation. Four variables times 10 provinces produces 40 variations of a single theme: women or Catholics, East Asians or dentists (or any other demographic group) generally go underrepresented in provincial legislatures composed largely of males with European, middle-class backgrounds. When it is recalled that as late as 1986 there were 714 seats in the combined provincial legislatures and only 67 female members, the underrepresentation of women is marked indeed. On the subject of religion, the crucial legislative balance in Canada is that between Protestants and Roman Catholics, particularly in the Assemblies of the Atlantic provinces where the Catholic proportion of the population ranges between 36 percent in Newfoundland and 54 percent in New Brunswick. Until 1974 New Brunswick had multimember seats to allow parties to balance the ticket in constituencies of varied linguistic and religious combinations; dual-member seats still obtain in PEI. Other practices and understandings, which continue to operate in New Brunswick and which will be discussed further in the chapter, moderate this cleavage and make the province Canada's leading example of successful elite accommodation (Aunger 1981; Dyck 1986, Ch. IV).

Outside of the Atlantic region, the need for members of a particular religious group in a legislature no longer seems to matter; in the event such representation in the political system might be considered desirable as, for example, in a public inquiry into extending state support to religious-based schools or liberalization of the Lord's Day Act, it is more likely to be secured through the appointment of individuals identified

with religious organizations. Similarly, where ethnic representation is required in the context of a particular issue, it is secured via appointments. The difference between the two is that while religion has dissipated as a politically potent question, ethnicity has yet to exert its weight in the electoral system. Persons from other than Canada's English or French "Charter" groups have won elections for years but it is doubtful their success can be labelled "ethnic" representation. Occupational representation is no more evident than ethnic. In provinces with a strong agricultural base, like the wheat-growing Prairies, farmers once dominated legislative benches and held governments of those provinces in thrall. This is no longer true there, or anywhere else for any occupational group. Law, business, and teaching are the common pursuits individuals temporarily abandon to assume a seat in a legislature today. A caveat may be entered to the general statement about occupational representation, because a recent example exists in Canada where a change in the character of the legislators' work was taken to indicate a societal transformation. Massicotte (1987, 21) has argued that the electoral success of the Parti Québécois represented the political triumph of a new class. The important distinction to note about the returns, he says, is not the jobs members held but "le milieu de travail d'origine qui distingue à l'heure actuelle les deux partis." In this instance 35 percent of the PQ members came from the private sector compared to 70 percent of the Liberal. The statism that marked the Quiet Revolution had now reached the National Assembly.

This particular example is less important than the premise it embodies: that legislatures have a symbolic role to play. In their daily capacity they are exclusively concerned with partisan political rather than sociological values but on exceptional occasions they may break free of this pattern. Then, they speak and act on behalf of the larger community they represent. For the promotion of specific interests legislators may be weak allies; for the corporate interest of the province they are potent advocates. Significantly, this happens on rare occasions when the subject of debate might also be considered a national (as opposed to a federal) issue; in Canada that means one touching upon education and religion, language, federal-provincial relations, or the Constitution. Nonetheless each of these subjects is a sensitive matter for the provinces.

Massicotte notes the use Quebeckers have made of their legislature to assert their status as a distinctive people: following confederation French-Canadian leaders exulted in the panoply of the British Parliament —"la transposition de cérémonies solennelles soulignait l'importance de

l'ordre provincial de gouvernement"—while during the Quiet Revolution, they stripped away these trappings laying almost bare the "republicanism" that Bagehot thought the British Constitution had "disguised (Massicotte 1987, 10, 12)." Although the other provinces have left the procedures and terminology entrenched, they have statutorily altered constitutional rights: guarantees for the French language and denominational schools removed in Manitoba (1890), extension of denominational schools in Ontario (1987), repeal of French language rights in Saskatchewan (1988), declaration of official bilingualism in New Brunswick (1969). The debate in the legislatures on each occasion is a striking example of a province seeking to reconcile its definition of provincial existence with the symbols of Canada. The same conscious wrestling with definitions of province-hood pervades debates on constitutional reform, whether occasioned by a series of proposals for an amending formula or by the fundamental revisions embodied in the agreement of 1982 and, again, in the aborted Meech Lake Accord of 1987.

One final example of the provincial legislature acting in what might be called a corporate representative capacity is the promotion of the provincial interest against the federal government. For good reason, most literature on intrastate federalism concentrates on executives. There is, however, a legislative dimension to this subject. Part of the parliamentary tradition in Saskatchewan, for instance, is to use the provincial legislature to petition or attack the federal government. On occasion this may be no more than the conduct of executive federalism by other means through the use of the provincial government's party majority. But unanimous legislative resolutions decrying federal government action or inaction on a matter of provincial concern is less unlikely than might be supposed. And, as remarkable as it might seem in light of all that has been said about the pervasiveness of partisanism in Canadian politics, such resolutions may unite provincial party adversaries at the same time they lead to a division between the federal and provincial branches of the same party in power in Ottawa and the provincial capital (Smith 1989, 53-5).

The legislature is a deceptive institution in the provincial political system. Sovereignty rests here but the fell hand of party discipline denies independence to its members. Because these members eschew the intricacies of government and the tedium of bureaucracy in favour of soft rhetoric, it is tempting to see a between-elections campaign platform and no further. And yet if Canadian experience teaches any lesson it is that "antiparty sentiment" leads to worse results. In Manitoba, the one

province to experience nonpartisan and coalition governments over an extended period, the legislature suffered as a consequence: "Debate in the legislature almost ceased and the cabinet became a kind of regulating board, a shadow of what such a body should be (Donnelly 1963, 67). For good or ill in the Canadian provinces, legislatures are the creatures of the executives, and it is to that subject that the discussion now turns.

EXECUTIVES

Enough has already been said to indicate the centrality of the executive in the provinces. Everywhere and for every period in provincial life, the cabinet has been *the* government, a fact recognized in British and Canadian political usage by limiting this term to the executive. Because of party government and because a party in power without a majority is rare (in the last 50 years only in Newfoundland in 1971, Ontario in 1975, 1978, and 1985, and Manitoba in 1988), the cabinet is as close to being an all-powerful instrument as any democratic system can offer. Institutionalized limits on its actions rest with the courts who uphold the common law and the criminal code and, more recently, the Canadian Charter of Rights and Freedoms whose terms limit all governments. It is still too early to say with certainty but on the limited evidence available not unreasonable to suggest that the charter has opened a wide door to the previous sanctum of executive decision making and that a parade of citizens is about to pass through (Beatty 1987). In 1988 alone the Federal Court of Canada and the Federal Court of Appeal respectively ruled so as to require in executive action adherence to procedural rules of justice and the doctrine of ministerial responsibility.[9]

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[9]In the first case, where the federal cabinet, under authority delegated by the National Telecommunications Powers and Procedures Act, had overturned a decision of the Canadian Radio-Television and Telecommunications Commission in a dispute involving contending parties, the Court said "there is almost no confinement to the conflagration of powers vested by Parliament in the Governor-in-Council," and it described the powers used as "arbitrary, despotic and autocratic." Further the Court stated that the charter had changed the nature of the country: "Canadian legislators effectively added to the written definitions of what manner of country Canada is. . . . The Charter sets its face against treating people unfairly, unequally and arbitrarily." *Globe and Mail*, June 28, 1988, A1, A4. In the second case, two federal cabinet ministers were found guilty of contempt of court for the actions of departmental officials who

The potential for courts to modify previously accepted mechanisms of public policy formation, by curbing the executive's use of its delegated or prerogative powers or by interpreting newly entrenched rights more liberally than lawmakers anticipated, injects an unknown factor in the political process. In a land of legislative majoritarianism institutional restraints are still a foreign concept.

Excluding the powers of reservation and disallowance, held by the lieutenant governor and governor-in-council respectively, which if not moribund are in desuetude, the effective checks on modern provincial executives lie in the requirements of periodic election, party unity (expressed most directly through support of caucus), and favourable public opinion. A fourth possible constraint, the dependence of most provinces in one form or another on the federal government, will be discussed below in the section on "relations with the national level." The efficacy of these restraints is not inconsiderable though difficult to substantiate beyond those instances that become public. Nonetheless, at this level, ministers do resign for reasons other than "health," premiers do change course after intense pressure from the media and the party (e.g., the *mea culpa* of William Vander Zalm, former premier of British Columbia: "There's been tremendous pressure . . . suggesting it was time to make changes," after two ministers resigned in protest at his failure to consult colleagues on policy), and governments do abandon policies when opposition outside the legislature becomes intense (for example, the Ontario Police Act amendments that allowed *in camera* inquiries by the Ontario Police Commission and detention of witnesses for failure to give information were revised by John Robarts' Tory government in 1964) (*Globe and Mail*, July 6, 1988; McDougall 1986). These are exceptional instances, and it would be a peculiar system of cabinet government if they were more common. For Canadians respect what Aneurin Bevan once described as the morality of the ballot box and

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disobeyed court orders regarding the production of documents in an immigration case. The plaintiff's lawyer, Clayton Ruby, said: "This judgement takes the parliamentary fiction of ministerial responsibility and makes it real" *Globe and Mail*, January 9, 1988, A1, A3. On appeal, The Supreme Court unanimously ruled that the ministers could not be held criminally liable. See, S. L. Sutherland, "Responsible Government and Ministerial Responsibility: Every Reform Is Its Own Problem," *Canadian Journal of Political Science*, vol. 25, no.1 (March 1991): 91-120 at 107.

expect governments to govern; the label "weak" is to be shunned more than the charge of being "arbitrary."

Although provincial cabinets are large (in 1988 PEI's was the smallest with 11 members, for a ratio of 8.3 ministers per 100,000 population; Ontario's the largest with 30, or 0.3 ministers per 100,000) (Dyck 1986, 575), and although the theory of cabinet government talks of the collegial principle, the premier dominates for the reasons customarily given for modern prime ministerial government: it is he who selects and dismisses ministers, sets the cabinet agenda, decides when to seek dissolution, distributes legislative patronage, etc. But the premier's authority derives as well from his control of the party he leads. The same holds for the Canadian prime minister, except at the national level political parties comprise a conglomeration of interests not always harmonious and not always equally submissive to the leader. In most provinces most of the time the power of the leader when in government is nearly absolute. Because the province is only a fraction of the nation, all premiers have fewer disparate interests to accommodate as party leaders than does their federal counterpart. But it is also the case that a number of provincial parties have a shorter history than do the old national parties. Liberals and Conservatives in national politics extend back to confederation, and their evolution has paralleled, even fostered, the country's development. In the provinces uninterrupted development is the exception not just because new parties like Social Credit or the CCF or the Parti Québécois have appeared but also because the story of Liberals and Conservatives in the provinces is more about renewal than it is of continuity. Peter Lougheed's Progressive Conservatives, who came to power in Alberta in 1971, Grant Devine's Progressive Conservatives, who came to power in Saskatchewan in 1982, even David Peterson's Liberals, who came to power in Ontario in 1985, owed nothing to their predecessors of the same name. The list is much longer than these examples, but they make the point that in the provinces leaders have fashioned the parties and this fact, which they, their ministers and caucuses, and the voters recognize, gives them immense power and authority. As long as a party leader remains first minister in the province, he will not be unseated by the party.

In the Canadian provinces it is exceptional to find a party in power with an articulated set of policy objectives and a ministry composed of individuals of high competence as well as led by a strong and able premier. Governments like the CCF in Saskatchewan after 1944 or the Liberals and PQ in Quebec after 1960 and 1976 are therefore atypical.

In place of programmatic coherence, provincial political stability is normally the product of the personal qualities of a single leader. The coalition of interests that secures success for a candidate at a provincial leadership convention (and with the exception of the PQ's procedure for a mail-in ballot all party leaders have until very recently been chosen by delegate conventions) continues to have access to the leader once he or she has won a general election and formed a government. This relatively new phenomenon, evident in the mushrooming of the staff of premiers' offices, reflects the fragmentation of party structures that were once expected to manage political success. The controversy that surrounded Vander Zalm's leadership centred in part on the "door-keeper" role of his principal secretary and deputy minister (that is, chief political advisor and chief provincial civil servant) whose own prominence followed Vander Zalm's successful leadership bid in 1986 (*Globe and Mail* 1988; Mitchell 1987). The same type of criticism, though more muted, has been directed at staff in the premier's office of other provinces.[10] Premiers themselves often come to office with minimal legislative experience (for example, Grant Devine of Saskatchewan had none and Peter Lougheed of Alberta only three years) and their newly minted leadership coalitions contain few party notables of the sort that once populated cabinet seats and to whom the leader can turn as a counterweight for their own lack of experience. Nor does constituency organization, the traditional sounding board of party sentiment, prosper as a result of these dramatic leadership changes. Being neither a man of the party (in the old sense) nor a man of the legislature, premiers increasingly adopt plebiscitarian practices to maintain contact with the voters. Opinion surveys to indicate general public support for programmes may be seen as one substitute for the decrepit party (as opposed to electoral) organization; so might recent enthusiasm among politicians for referenda and plebiscites.

The foregoing description suggests one reason for the singular leadership styles that mark Canadian provincial politics. But countervailing thrusts, toward coherence and rationality, also exist in the structural reforms to executive decision making that have appeared in the last quarter-century. Today, all provinces have secretariats that organize cabinet business, all have committees for direction (priorities and

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[10]In *Out of the Blue: The Fall of the Tory Dynasty in Ontario* (Toronto: Macmillan of Canada, 1986) Rosemary Speirs attributes part of the Progressive Conservative debacle in Ontario in 1985 to jealousy of the party's Big Blue Machine on the part of those Tories excluded from it.

planning) and for development (human and economic resources), and all have sought to control spending through a Treasury Board. Where once cabinet procedure was based on an oral tradition of conventions and understandings, it is now becoming routinized and codified and, in the process, more centralized in its decision making.[11] Centralization, however, has not limited the executive's long practice of consulting external interest groups on public policy; in fact, it seems to have accelerated the contact, as ministers and their deputies regularly seek out opinion from the private sector on government's proposed changes to the economic rules. Recent literature notes this development and suggests as well the reason for it: the more government decisions touch private economic interests or the more dependent government becomes on the cooperation of the private sector, then the greater the need for consultation and the internal structural adjustments needed to achieve it. That is the argument Howard Leeson (1987) presents for the creation of an executive body (Intergovernmental Affairs) in Saskatchewan, which began life as a unit within the premier's office but eventually emerged for a time as a full-fledged department of government (Jones 1986).

Government consultation with interest groups has taken a number of forms. In the Prairie provinces the organized farmers earlier in the century constituted what was called the Farmers' Parliament, whose meetings, one observer said, "rivalled the legislature in serious debate" (Hopkins 1911). Their importance was officially recognized through a deliberate policy to bring officers of the farmers' associations into government ranks, by solicitation of their opinion on proposed legislation and, even, by the adjournment of the legislature during the farmers' annual meetings so that the elected members, many of whom were farmers, could attend. While governments seldom go *en masse* to interest groups, they may grant annual audiences to representatives of such groups as the organized churches, organized labour, cultural groups, and others. Again, it is customary for individual ministers to establish a working relationship with sectoral constituencies: the municipal affairs minister with the province's association of local governments, or the agricultural minister with the province's principal agricultural groups, or

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[11]"The most complete sweeping organizational reform occurred [in Ontario] in 1972 on the recommendations of the Committee on Government Productivity." George G. Bell and Andrew D. Pascoe, *The Ontario Government: Structures and Functions* (Toronto: Wall and Thompson, 1988). The Report of the COGP appeared in 10 volumes. See *Report Number Ten: A Summary* (Toronto, 1973).

the health minister with the provincial College of Physicians and Surgeons or nurses association. Such meetings are extremely useful to ministers; not only do they hear of the immediate concerns of their "affected" public but also they can look to these bodies to help explain government policy to the wider constituency. A minister who loses contact with his interested public is politically vulnerable in his relations with his cabinet colleagues and premier.

The foregoing illustrations of government-interest group contact might be termed "regularized"; they occur as part of a continuing relationship that is mutually beneficial. It is also the case that executives may be drawn into unusual negotiations, "face to face," as it were, with an organized interest. In 1983, for example, the government of Manitoba encountered a situation where all of the province's laws and regulations were in danger of being declared invalid because of the failure of that province to enact them in French as well as English (in 1979 the Supreme Court of Canada had overturned Manitoba's legislation of 1890, which made English the sole language of government). To avoid the possibility of being left "lawless" as a result of a second challenge before the Supreme Court, the government entered into negotiations with the Société Franco-Manitobaine to secure time to complete the translation of all unilingual legislation and regulations. In exchange for this reprieve, financial considerations and the extension of French to certain public services, the Société agreed to seek an adjournment of the case before the Court. In fact, due to vehement opposition in and out of the legislature the agreement never came into effect; the challenge thus proceeded with the Court finding all laws passed by the province between 1890 and 1979 invalid. From that date until the present Manitoba lives under laws temporarily validated by the Court while it proceeds with judicially imposed bilingualism.[12]

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[12]The court cases are *A.G. Manitoba v. Forest* (1979) 2 SCR 1032 and Reference Re Manitoba Language Rights (1985) 1 SCR 721. See, too, *Ministerial Statement, Federal-Provincial Agreement to Amend the Manitoba Act*, May 28, 1983, in Manitoba Legislative Assembly; as well, "Court clarifies bilingualism in Manitoba," *Star Phoenix* (Saskatoon), January 24, 1992, A8. For a very different approach to the same question see Government of New Brunswick, Provincial Advisory Committee on Official Languages, *Report: "Towards Equality of Official Languages in New Brunswick," A Summary*, "You Will Make It Happen."

The Manitoba case is an example of government-interest group negotiation on a matter that continental law would call of organic significance. Not organic but only slightly less dramatic were the negotiations, which ultimately took place through a mediator, between the government of Saskatchewan and that province's College of Physicians and Surgeons over the government's decision in 1962 to introduce publicly funded medical care. When the majority of doctors withdrew their services (popularly known as the "doctors' strike"), the government was forced into direct discussions with the college to find a solution to the conflict. Before the crisis consultation with the doctors and public generally had proceeded for two years through the more usual channel of an appointed commission of inquiry into the provision of medical care. Normally, that traditional avenue of public policy formulation on a controversial issue would have been sufficient, but medicare represented a fundamental change in the rules of health care delivery; so much so that the medical profession outside the province also became involved. The details of this particular case have been well documented (Taylor 1978). In general, it can be said that the political executive was drawn directly into a discussion of policy details only when normal consultation procedures failed. It should be added that the government secured its policy with minimal amendments, while during the crisis it recruited doctors in the United Kingdom (immigration being one of two concurrent powers in the Constitution Act 1867) to establish community clinics to maintain medical service in the principal cities.

These two instances of direct government involvement share in common a quasi-national dimension: entrenched language rights in the one case and the decisive battle in what was to become national medicare in the other. Though not unique examples of policy development, they are exceptional. Normally the process is less confrontational because the executive is usually more successful at maintaining its autonomy in policymaking. One means by which it seeks to secure control is through the use of its appointment power. The labyrinth of advisory and regulatory boards and councils in every province composed of representatives of groups directly affected by these bodies is scarcely studied or noted beyond periodic cries of patronage abuse. Yet, as structures that promote access to policy participation, they assume major importance. One scholar who has studied the intricacies of these structures as they affect agricultural policy in the Maritimes has discovered that "semi-autonomous agencies . . . can capitalize upon the steering opportunities afforded by geographically small traditional societies [because of the

agencies'] superior communications with the producers" (Skogstad 1987, 520). Similarly, another author, studying human rights commissions, has noted the imperative toward expansion and power that such agencies demonstrate in a federal system where "to professionals in other jurisdictions, each addition to a human rights code [in another province] is an advance to be incorporated as soon as possible in their own code." Conversely, as the last author notes, some provincial governments "have often held commissions in check by tactics such as appointment of less activist commissioners or even leaving appointments vacant, refusing to appoint tribunals to hear complaints and rejected proposed amendments" (Flanagan 1985, 119-20, 122). If the executive has a role in promoting representation, it is more evident today through the use of appointments to such bodies as these than it is in the composition of the cabinet itself.

A final dimension of the provincial executive in the field of policymaking lies in its capacity for coherent policy initiatives on a grand scale. Historically, provincial crown corporations have acted as signal agents of resource development; Ontario Hydro, founded in 1906, is the best known example. But public ownership of utilities was only a beginning; nor was it everywhere seen, as in Ontario, to be a handmaiden of private industry. The CCF in Saskatchewan after 1944, established 11 crown corporations in an attempt to create an industrial base where none existed before. Regional political pressure was the motivation here, as it was in Quebec's economic nationalism after 1960, where "instruments of economic emancipation," in the form for example of the Société générale de financement (SGF) and the Caisse de dépôt et placement, to promote entrepreneurial innovation and to reduce Quebec's dependence on outside capital respectively, sought to make Quebeckers "maîtres chez nous."[13] In both of these instances the capacity of new political leaders to innovate was as striking a feature of the new regimes as the particular policies they pursued. Each government saw in the provincial constitution sufficient scope to realize its objectives; each viewed itself as empowered

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[13]Three representative articles on public corporations in general, in Saskatchewan and in Quebec are the following: Aidan R. Vining, "Provincial Hydro Utilities," *Public Corporations and Public Policy in Canada* (Montreal: Institute for Research on Public Policy, 1981), 149-88; Jeanne Kirk Laux and Maureen Appel Molot, "The Potash Corporation in Saskatchewan," in *ibid.*, 189-219; and Stephen Brooks and A. Brian Tanguay, "Quebec's Caisse de dépôt et placement: tool of nationalism?" *Canadian Public Administration* 28, no. 1 (Spring 1985): 99-119.

to act on behalf of the collectivity; and each created administrative bodies to initiate, supervise, and coordinate the explosion in planning and development necessary to implement its programme.

The Canadian electoral system operates so as to magnify profound shifts in voter sentiment, while party-in-government allows the beneficiaries of that system to translate electoral success into programmatic change. On occasion, the obstacle to realizing basic reform may be the bureaucracy, the subject to which this chapter now turns.

BUREAUCRACY

Provincial bureaucracies tend to share the attributes of the political elites who were instrumental in their appointment. Where concern for linguistic or religious balance obtains, as in New Brunswick, or where a province promotes services to an official language minority, as in Ontario, public service recruitment policies reflect this fact. More recently, to these considerations have been added others; for example, the representation of women, particularly at executive levels and, in some provinces, the representation of native people. Representative bureaucracy as it affects these groups may also take the form of structural recognition through the creation of directorates, secretariats, branches of departments, or advisory councils, whose mandate is to deal with women's or native issues. Sutherland and Doern (1985) in their study for the Macdonald Commission, *Bureaucracy in Canada: Control and Reform* list seven councils, one directorate, one secretariat, and one office for women, reporting in different instances to the premier or his deputy, the Minister of Labour, or to a "designated minister." For native questions a similar variety of structures exists that constantly changes according to changes in regime or to the degree of ministerial interest or commitment to the subject. As well, representation of these interests may be functionally allocated with, for example, native child welfare questions falling under a social service portfolio. In 1988 in Alberta, the Métis Affairs Branch was transferred to the Department of Municipal Affairs following criticisms by that province's ombudsman of the handling of this programme by Social Services. The office of ombudsman (first established in Alberta in 1967 and now in all provinces but Newfoundland and PEI) is itself a bureaucratic agency that acts in a representative capacity; Sutherland and Doern (1985, 11-13, 43-53) assign such officials to "the new 'control' bureaucracy," which includes "watchdog" or

"advocacy" bodies like language and human rights commissioners, legal aid lawyers, rentalsmen, and comprehensive auditors.

Earlier in this century before the development of a nonpartisan civil service and at a time when hundreds of thousands of immigrants from continental Europe arrived on the prairies, the bureaucracy offered a first entry for ethnics into Canada's governmental structure; the Liberal party in particular was adept at co-opting young, male representatives of these ethnic groups into government employment as inspectors and clerks. The interpenetration of party and bureaucracy at this level of the public service did not begin to disappear in the provinces until the CCF in Saskatchewan after 1944 introduced the principles of entry through competition and promotion on merit. However, contrary to the critics' depiction of an inefficient, patronage-based civil service in this period, there were in each province what J. Iain Gow calls "pockets of competence," which, in Quebec, he says, included agronomists, forestry engineers, and sanitary engineers. In Saskatchewan during 40 years of so-called "machine" politics, the tenure of deputy-ministers in many instances extended over three decades (Gow 1985, 257; Reid 1936; Sask. Archives 1971, 33-37). On those occasions when the provincial public service was found deficient in talent to explore public policy options, governments used their appointment power to create royal commissions possessing the expertise the bureaucracy lacked (Fowke 1948). The truly revolutionary change in provincial bureaucracies arrived less when government abandoned their patronage practices than when, as Gow says, they "turned to civil servants on a large scale to run the central administrative machinery."

The magnitude of the revolution is evident in the statistics of provincial government employment. According to J. E. Hodgetts and O. P. Dwivedi, provincial civil service employment increased by 446.6 percent between 1946 and 1971 (38,370 to 209,760), while federal civil service employment increased in the same period by only 79.6 percent (120,557 to 216,488) (Hodgetts 1974). The bald figures can be misleading, however, as the findings of another pair of researchers suggest:

"If one considers everything that is not in the federal government's jurisdiction to be in the provincial sphere, it is seen that the federal to provincial ratio dropped from 29 percent federal versus 71 percent provincial in 1960, to about 23 percent federal versus more than 77 percent provincial in 1982. The margin of change is therefore about 6 percent of the whole public sector pie" (Sutherland and Doern 1985, 136).

Provincial government employees continue to be found active in the traditional policy fields of transportation, public works, health, social welfare, and education, a finding that some observers cite as contrary evidence for the thesis of expansionist provinces in the modern period (Young, Faucher, and Blais 1984, 790-94).

When discussing the activities of provincial bureaucracies, it is useful to recall that with the exception of the four Atlantic provinces, the Canadian provinces are vast territories ranging from Quebec at 650,000 square miles to Manitoba at 251,000 square miles; by way of contrast the state of Texas covers 267,000 square miles. Moreover, while all parts of Texas are traversed by roads, the major part of each province's territory, the north, is accessible only by air, although each province east of Newfoundland/Labrador except Saskatchewan has at some time built a northern development railroad. The southern settled areas, too, are comparatively large and, with generally low density of population outside of a few large cities (the country's largest 10 cities in 1981 had held that distinction for half a century), have had a direct influence on the quantity and quality of public services required and on the functional allocation of the bureaucracies that provide them.

With the exception of the Trans-Canada Highway, built as a federal-provincial shared cost project, highways, for instance, are a costly responsibility whose priority, standards, and, in some cases, actual construction is the job of the provinces. Again, provincial governments play a determinative role in moulding the structure of local government, at one time establishing county and municipal authorities and since the Second World War influencing the structure of metropolitan government. As well, such demographic changes in different parts of the country in the last quarter century as rural depopulation and urban decentralization have pressed provincial governments into a variety of schemes of municipal reorganization. These extend from the New Brunswick government's Equal Opportunity programme, which led to the abolition of county government and to the assumption by the province of general services formerly provided by local authorities, to "comprehensive reforms of provincial-municipal finance" in Saskatchewan, Newfoundland, Nova Scotia, and Quebec and to different degrees of provincial responsibility for property tax assessment in all provinces but Quebec (Frisken 1986, 364-65). Although these reforms have led to bureaucratic changes, all of which allow for greater centralization of power in the hands of the provincial government, analytical discussion in the published literature remains scarce. There is no reason, however, to doubt the

comment of one observer of the New Brunswick scene that the reforms shook the whole political system:

> A special group of officials, the Office of Government Organization (OGO) was formed to implement the [royal commission] proposals [leading to the Equal Opportunity program]. It supported a cabinet committee with background papers, and drafted legislation in accord with policy guidelines approved by the government. For the first time in New Brunswick a central body of officials laid out policies, enumerated decisions for cabinet to take, and packaged them as bills. The Law Amendments Committee of the Legislature, into which the bills were introduced in the autumn of 1965, was a further innovation. It provided a forum for public representations, and demonstrated the government's receptivity to public opinion, for —excepting the Assessment Act, keystone of the package—the EO measures were to be withdrawn and reintroduced in the next session, amended as necessary. (Young 1987, 94).

Provincial governments are capable of implementing such sweeping reforms when they have at their head a charismatic, competent, and resourceful leader (as New Brunswick had after 1960 with its first Acadian premier). It had happened before, in Saskatchewan under the CCF, only there the ideological objective was to institute socialistic programmes. And it happened again, in Quebec, in the Quiet Revolution whose most long lasting effect was to create a modern provincial state in place of an apparatus known hitherto, says Gow, for its "folkloric qualities" (Gow 1985, 261). Quebec was unique in that so many of its instruments of public policy rested in the hands of the Roman Catholic church. The Lesage government wrested control over education and welfare from the church and "laicized" them, by making policy determination in these areas and others the responsibility of a new generation of technocrats. According to some students of recent Quebec history, this was only one part of the revolution, for the technocrats were more than a bureaucratic innovation; they represented "the emergence of a new middle class with a definite stake in the expansion of the state apparatus and the latter's legitimacy in society" (Renaud 1984, 154). This is the bureaucratic equivalent of Massicotte's claim that the arrival of the PQ members in the National Assembly, with their distinctive occupational provenance, symbolized a shift in the bases of state authority. The accuracy of these claims is less important than that they are made about institutions of provincial government. In Quebec, these institutions are

perceived to perform a representative function distinct from that attributed to them elsewhere in Canada.

It is the nationalist dimension that sets Quebec apart from its sister provinces in this matter of bureaucratic representation, but in other "symbolic" respects, Quebec is a province like the others. According to Sutherland and Doern: "Beginning in the 1960s public service bureaucracies were endowed with a newer genre of social obligations." Included among these obligations were the establishment of collective bargaining, the right to strike, linguistic equality between French and English (at the federal level most certainly but also in a province like New Brunswick, in areas of Ontario's administration and, abortively, in Manitoba), and sexual equality. "In a sense," according to these authors, "the bureaucracy assumed a burden for the whole society." If in this capacity Quebec differed from the other provinces, the difference lay in the premise that the object of the policies there was to secure "collective justice" for Francophones who encountered "language barriers in the English-dominated private sector in Quebec." Elsewhere, the motivation was to establish government as a "progressive employer" (Sutherland and Doern 1985, 141-44).

In addition to treating the bureaucracy as a laboratory for social policy, governments have begun to look upon it as a proper object for economic management. At both the federal and provincial levels in the 1980s, governments implemented restraint programmes most vigorously against their own employees: British Columbia actually seeking to eliminate jobs, programmes, and agencies, and Quebec reducing public sector salaries. The details of these policies varied among the provinces, but in each the intent was the same: to curtail the public service. Where once the interpenetration of party and bureaucracy had assured compliance and quiescence, now greater autonomy and functional complexity in the public service set government against bureaucracy. There are many explanations for the change, all of which reveal a significant evolution in societal and political attitudes: because governments are involved more than before in the development of their provincial economies, they feel obliged to demonstrate to the private sector their commitment to discipline and control the public sector for which they are responsible. Relatedly, governments see themselves as setting an example to private sector employers in the achievement of a general pattern of settlements that government believes benefits the public interest. The growth of interest groups other than those of business has made private sector economic interests suspicious of bureaucracy's willingness to treat

business equitably, a suspicion some provincial political leaders share and act upon. Moreover, the rise of a new cadre of personal advisors to political leaders, advisors having neither bureaucratic nor traditional partisan roots, sharpens executive sensitivity on this last point (Sutherland and Doern 1985, 145-48; Jones 1986; Thompson 1985; Calvert 1987; Atkinson and Coleman 1987).

The increase in the conflictual temperature of executive-bureaucratic relations is revealed in renewed attempts to partisanize the civil service, or part of it. It is the thesis of this paper that the partisan executive dominates provincial politics to an extraordinary degree. The development of nonpartisan provincial bureaucracies after 1945, more hesitant in some provinces (the Maritime Provinces for example) than others, constituted a countervailing force to this perennial observation of executive authority. Today, it is increasingly undermined by that executive, covertly through the proliferation of exempt staff (in the form of executive and special assistants), as well as through the use of order-in-council appointments and, overtly, through executive claims that bureaucracy has grown elitist and remote and, therefore, "unrepresentative" of the society it is supposed to serve (Michelmann and Steeves 1985). On the other hand, it is undermined by the public service itself as its leaders seek to overturn existing laws that restrict political activity by government employees, successfully in the case of the Public Service Alliance of Canada before the Federal Court of Canada in July 1988, a ruling upheld by the Supreme Court of Canada in June 1991 (*Globe and Mail*, July 28, 1988, June 7, 1991).

INTEREST GROUPS

This section of the chapter may assume something of a footnote to the preceding discussion. It is commonly acknowledged that in the Canadian scheme of politics interest groups do not generally work through the legislature; party discipline renders ineffective any such campaign to influence members. This generalization requires qualification in a situation of minority government when "all parties become more influential. . . . In these circumstances, interest group lobbying becomes more diffuse, with such groups not only having easier access to the governing party but also to the opposition parties whose support now becomes vital. . . . Minority governments appear to be more responsive to the concerns of interest groups" (Eichmanis 1985, 10). Other codicils apply as well: interest groups may seek to defeat the election of a

candidate. For instance, in the recently strained atmosphere of B.C. labour relations, it was not an unknown strategy for labour unions to work against the election of a Social Credit candidate. It is less the case that particular interest groups in a province organize to promote the election of a representative of their interests; the control of nominations by political parties closes that avenue unless the interest group itself wishes to campaign as a party. The Criminal Code being federal removes most of the "moral" issues from provincial politics, such as the albatross of abortion, and thus removes the incentive to "target" candidates. (In 1988, the Supreme Court struck down Canada's existing abortion law on the grounds that it violated the procedural requirements of the criminal law. With the failure to date of Parliament to respond with an amended abortion law, some provinces have attempted to restrict access to abortion under cover of regulating provincial health care services.) It is not impossible to find individual members who seek to cultivate a constituency defined by an interest (for example, minority spokesmen), but it is so rare as to defy the enunciation of any pattern of legislative representation of interest groups.

It is to the executive and the bureaucracy that interest groups direct their energies, a fact of life to which every study of interest group behaviour and every political reminiscence (of which there are disappointingly few in provincial politics) attests. As already indicated above, agencies of government—advisory councils, ombudsmen, regulatory bodies, and others—exist at least in part to promote the welfare of their clients. Premiers can and do go further, seeking out as ministers those who are perceived to speak for certain interests or at least whose presence will be interpreted as a check on the advocacy of other interests (for example, the necessity of urban as well as rural ministers or ministers from historic regions like Cape Breton, the Gaspé, or Northern Ontario as well as from each province's dominant centre). Moreover, once appointed, ministers and their bureaucratic advisors maintain continuous contact with their natural client groups, consulting them about proposed legislation and spending plans or seeking their advice and evaluation on existing programmes. In their study of federal government-business relations, Atkinson and Coleman note that the "intensity, mode and importance" of contact varies according to whether the public official is a member of a department or a central agency (1987, 330). Whether the same conclusion applies in the provincial context is unknown because the

literature on the subject has yet to be written. (Morley et al. 1983).[14] That harmony in these relations is sedulously sought on the part of government is clear (it not being uncommon for cabinet committees to go on circuit around a province to receive delegations); that it is not always won is also true, as Skogstad's work on the potato industry in New Brunswick and P.E.I. illustrates. In these provinces government ministers found their ambitions to promote organized farmers' interests thwarted, in the first case by the National Farmers' Union and in the second by the government's own regulatory agency, the Potato Marketing Board (McCorquodale 1987, 21-22).

It is often said that in imitation of the political system Canadian interest groups "adopt federal structures and operate largely as confederations." In some cases this is true, as Alan Cairns has argued with regard to Canadian Indian policy:

> [This is] a classic case of state-sponsored fragmentation of the Canadian community. Indian policy, based on the constitutional allocation of "Indians, and lands reserved for Indians" to the federal government, singled out some members of one aboriginal ethnic group for distinctive treatment apart from other Canadians. It then created divisions among aboriginal peoples themselves by the criteria defining status Indians and their rights and disabilities. Additional distinctions developed within the legal-status Indian community between those with and without treaties and . . . between the entitlements of off- and on-reserve Indians (Williams 1988).

The fragmentation continues apace today in the provinces where there are not only Inuit, Treaty Indians, Non-Status Indians, and Métis but where fission is evident within these categories as different leaders lay claim to speak on behalf of these groups in the continuing negotiation of native grievances with the political authorities.

But the imitation thesis has been pressed too far, according to recent research, which has revealed that "over two-thirds of [business associations] do not have federal structures at all, but unitary arrangements" (Coleman 1988, 619). That intriguing finding raises the unanswered question about the relationship of these associations to provincial governments: to what degree, and how, do they address the territorial

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[14]The most ambitious scholarly treatment to date of British Columbia's politics does not discuss interest groups.

interests they are customarily credited with representing? The emphatic relationship between the petrochemical industry and the government of Alberta may be even more singular than previous literature has suggested (Richards and Pratt 1979).

Interest groups, it would appear, transcend the boundaries of the federal system more than previously suspected and in this respect are different from other institutions discussed above.   Nonetheless, the provinces are components of a federal system that has a pervasive and persistent impact on their operation, as will be evident in the last section of this chapter.

RELATIONS WITH THE NATIONAL LEVEL

Notwithstanding the wording of the Constitution Act as it concerns the composition of the Senate or the legion of proposals since confederation to transform that wording into reality by making the Upper Chamber a true House of the Provinces, provincial representation in national politics takes place in the House of Commons. And while seats there are distributed among the provinces, according to an increasingly arcane formula of which representation-by-population is only one element, the cabinet has always been the practical forum for the expression of provincial concerns. This compression of representation coupled with the institution of party-in-government has traditionally made political parties the principal ligament of national unity.   On this subject there is a substantial literature of which Reginald Whitaker's *The Government Party: Organizing and Financing the Liberal Party of Canada, 1930-58* is the most complete account (1977).

The capacity of political parties to bridge the two levels of government has declined in the period since the Second World War. Friction between federal and provincial wings of the same party was not unknown before 1945 (witness the fratricidal feud between Ontario's Liberal premier, Mitch Hepburn, and Mackenzie King), nor is intraparty harmony impossible still (as demonstrated in the close ties through much of the 1980s between Saskatchewan and Alberta Tory governments and the federal Progressive Conservatives), but political parties seem no longer sufficient for the integrative task once assigned them. The reason lies in the greater complexity of issues facing both levels of government, in the increased policy activity of the provinces, on whom the incidence for the expanded delivery of services has fallen most heavily, and in the enhanced fiscal capacity of the provinces to perform their new tasks as

a result of the massive transfer of cash and tax points achieved through equalization and Established Programmes Financing (EPF) since the early 1960s.

It would be misleading to suggest that political parties have abdicated the unifying role they once played. Indeed, the Mulroney government (and the Trudeau government in its final year) actively sought to rehabilitate the position of politically powerful regional ministers that had atrophied during the 1970s as Ottawa enthusiastically embraced rational decision-making machinery (Aucoin and Bakvis 1985, 92-97; Bakvis 1991). Yet the old telescoped party of federal and provincial parts, joined through the movement of personnel between levels of government or by a common electorate who could be counted upon to support the party in federal and provincial elections, is less evident today. Except in the Maritime provinces provincial legislators are less inclined than they once were to see federal elected office as the next rung on the political ladder, and voters are more willing to switch their partisan allegiance between levels of election (Stewart 1987, 12-13; Smiley 1980).[15]

To their disadvantage, parties today share the job of advocating the provincial interest in national politics with a relatively new set of practices and structures, grouped for convenience under the rubric executive federalism but whose most visible manifestation is the first ministers' conference. From 19 conferences in 59 years (1900-59), they have proliferated to 39 in 24 years (1960-84). The details and subtleties of executive federalism are discussed elsewhere in this volume; for this chapter the concern lies in their impact on provincial politics and, in particular, on the subjects of policy formation and representation.

Taking the general effects first, first ministers' conferences accentuate the characteristics of provincial governmental institutions already noted. They elevate the status of the premier while they depreciate that of his cabinet colleagues and of the legislature. First ministers' conferences give him a national stage and with national media coverage, this may give him a national reputation (for example, Saskatchewan's Allan Blakeney as the "thinking man's" premier during the constitutional conferences of the late 1970s and early 1980s). It assuredly provides him

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[15]Donald V. Smiley (1980) states that only "13.3 percent [of the 264 House of Commons seats in 1974] were held by those who had contested provincial elections successfully or unsuccessfully." Conversely, he notes that "only 5.3 percent [of 565 members of provincial legislatives] had contested federal elections, successfully or otherwise."

a visible forum that few premiers can duplicate in their home provinces where television coverage of provincial politics is fragmentary outside of election campaigns or televised Hansard, both occasions when the spotlight must be shared with opposition spokesmen. Again, agreements reached by premiers are not going to be rejected by provincial cabinets, and where they require ratification by the legislature, their passage is equally assured because of the operation of party discipline. Paradoxically, this assertion remains valid despite the Meech Lake debate. The provinces that raised the greatest objections to the Accord were those where governments had changed between conclusion of the Accord and elapse of the three-year period for legislative ratification. Moreover, Manitoba's failure to ratify the agreement stemmed from its own legislature's procedural rules and from the government's minority position in the chamber. Newfoundland, which once had ratified the Accord and then, under a new government, revoked its ratification, failed to ratify it a second time despite pressure from federal and provincial first ministers. It was the three-year period allowed for ratification *combined with* party discipline in the recalcitrant provinces that undermined the implementation of the first ministers' agreement.

At the present time (1992), executive federalism in the form of first ministers' meetings is indeed unpopular, and unworkable, as long as Quebec premiers refuse to participate, as Robert Bourassa has done since the Accord's failure. Notwithstanding this boycott and a public mood across the country that rejects decision making by "11 men" in favour of greater popular participation, first ministers' conferences, or what currently passes for them (for example, a series of meetings of the prime minister and premiers on the economy in 1991 and 1992), continue to elevate the premiers and heighten their control over the provincial political system.

First ministers' conferences are the tip, the mass of the executive federalism iceberg embraces an array of intergovernmental relations at the ministerial and bureaucratic level. This web of relations has elicited in turn structural changes in the form of intergovernmental affairs departments and secretariats in all provinces whose task is to prepare provincial negotiators for their "quasi-diplomatic" activity. These same offices also help coordinate the extraterritorial relations of the provinces, a phenomenon extending back to colonial days when, for instance, the Province of Canada (1840-67) maintained an agent in London to oversee its immigration and agricultural interests. Foreign contacts have multiplied, so that today

Alberta alone, with a population base of 2.5 million (20% less than Oregon), has opened as many offices overseas (5) as the thirteen western states combined. British Columbia, with three-quarters the population of neighboring Washington, will open 5 new offices abroad before March of 1987. Saskatchewan, with approximately one million people (20% less than Utah), maintains four overseas bureaus. The Alberta government sponsors 100 to 120 trade missions, 85 investment missions, and 100 tourism missions *per year*. This is four times the number of missions sponsored by all 13 western states over the past eight years. The provincial governments in Manitoba and Saskatchewan each arrange approximately 25 missions per year, only a few fewer than the combined annual total of the 13 western states. British Columbia annually sponsors approximately 40 trade and investment missions abroad (Fry 1986, 307).

The domestic side of intergovernmental relations mirrors an external assertiveness the provinces have long cultivated. Neither should be read as evidence of separatist tendencies but as the product of concentrated political power, distinctive economic interests, jurisdictional capacity, and, not least, huge territory.

Any discussion of provincial relations with the national level that left the impression that the provinces acted in supreme independence would be grossly inaccurate. On the contrary, a repeated theme of modern provincial politics is the pervasive influence of federal policy on the provinces' own policy capabilities. Gow acknowledges Ottawa in the 1960s as "a major influence in weakening the church's hold . . . through its conditional grants in the field of social policy, [thus] hasten[ing] the introduction of public and lay regulation before many in Quebec were ready for it" (Gow 1985, 264). Young says of the Equal Opportunity programme in New Brunswick that "the efficient causes of this internal reorganization lay beyond the boundaries of the province. One very important one was the federal shared-cost programs introduced in fields of provincial and municipal responsibility" (Young 1987, 99). And if federal policy could precipitate change it could also channel it in unexpected directions. Donald D. Savoie has conclusively demonstrated how federally inspired and financed regional development policies hobble provincial legislators and cabinets while they empower provincial bureaucrats who, in concert with their opposite numbers in Ottawa, negotiate and implement a variety of agreements falling within provincial jurisdiction (Savoie 1981). The policy effects are not necessarily

unidirectional, nor always from the national capital, as Leslie Bella's study of the Canada Assistance Plan of 1966 testifies: "The federal legislation was broadened to extend cost-sharing to programs that had already been introduced by provincial governments" (Bella 1979). In this instance, and presumably in other parallel situations, the provinces' influence was enhanced by two principal factors: first, because welfare was a matter of a provincial jurisdiction the provinces had accumulated expertise that strengthened their bargaining position with Ottawa and second, the federal government in a minority position in Parliament, tactically wanted the provinces on-side before seeking parliamentary approval of the legislation.

Examples of the reciprocal effect of federal and provincial policy could be multiplied almost infinitely, and for all provinces: rich, poor, large, or small.

Although it is commonly said that Canada's distinctiveness as a federal system rests in the degree to which exclusive jurisdiction on nearly all matters has been assigned to one order of government or the other, a remarkable growth in the overlap of government activity has occurred nonetheless; recent examples take the form of federal intervention in the delivery of provincial medical care (Canada Health Act) or provincial incursions into territory assumed to be federal, such as broadcasting and banking. Another source of contention is federal regulatory agencies, over the selection of whose personnel the provinces have no institutionalized influence but whose activities directly impinge on provincial government policies; here examples are legion, among the most frequently cited being the National Energy Board's regulation of the petrochemical industry centred in Alberta and the National Transportation Agency's power to permit closure of branch railways, which is of particular concern in the Maritimes and on the Prairies. Few subjects of federal-provincial relations are as incendiary or as intractable of resolution, for regulatory activity rests at the margin of the partisan political world that both federal and provincial politicians seek to dominate.

Provincial relations with the national level are characterized by increasing demands from the provinces for greater involvement in federal policymaking. This is the root of the enthusiasm for Senate reform and for constitutional reform generally. Equally prominent though contradictory in effect are demands from the same sources for greater transfers of federal funds so as to allow the provinces to pursue more directly their own policy goals. Relations with the federal level thus alternate between

demands for participation and a desire for status. While it is true that most interaction between governments occurs at the first-ministers' level, one long-time student of the subject has observed that "examples of accommodation [in recent years] have been more difficult to find." Part of the reason, he suggests, is "a lack of commitment [among elites] to resolv[e] major issues," but perhaps of longer term significance is a change in the atmosphere of inter-governmental relations: "The bargaining process has become much more open to public scrutiny and elites have become much more sensitive to what their electorates might think" (Bakvis 1987, 283). The old problem of the Canadian federal system—integration—has reappeared, this time for a new reason—the growth in popular political sensitivity. That development, which threatens the inordinate concentration of power in the hands of the political executive at both levels of government, must be addressed by federal and provincial politicians as the century that Sir Wilfrid Laurier said belonged to Canada draws to a close.

CONCLUSION

The phenomenon of party-in-government has concentrated power in the hands of the executive in all systems based on the British parliamentary model. Its debilitating effect on legislatures is widely observed, but in federal systems that effect is even more pronounced, for the fierce resistance to sharing power that all partisan executives display infects relations between levels of government as well. The imposition of federalism on a parliamentary system such as Canada's has contributed to the perpetuation of coordinate centres of power not hierarchy; between and within the levels of government created in 1867 political not administrative concerns dominate. If the federal principle is centrifugal in its effect, that of parliamentary government is centripetal. Balance between these contradictory forces is achieved through a concentration of power in the respective executives whose monopoly of statutory and prerogative powers has been total, at least until the institution of the charter in 1982. Political parties control access to provincial and federal political systems, a reality recognized by interest groups, the public, and bureaucrats. Historically, parties also bridged the division of powers that federalism created. That is far less true today than for most of the period since confederation, with the result that the label "two solitudes" once employed to describe Canada's cultural cleavage assumes in a different context political meaning as well.

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Representation and Policymaking in the American States

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In a federal system the states or regional governments play a dual role. They are both the policymaking body for state policy as well as an interest group or groups pressing the state's interests on the central government to enact national policies that are favorable to the state. With our three-branch form of government for both state and national government, all actors can interact with each other. This volume is concerned with representation in its broadest definition, including the four types of responsiveness most often cited:

1. Policy responsiveness (or the degree to which policy reflects public opinion);

2. Service responsiveness (whether the legislator provides nonlegislative but governmental services satisfying to constituents);

3. Allocation responsiveness (whether the legislator brings capital investments to the district, otherwise called "pork"); and

4. Symbolic responsiveness (whether the legislator gives sufficient symbols of being responsive to encourage public satisfaction) (Eulau and Karps 1977; Tucker and Zeigler 1978).

A further complication is the fact that each of the above actors has a somewhat different constituency, and a present officeholder with an ambition for yet higher public office may seek to respond to the next higher constituency rather than the present one.

The task we have assumed in this chapter is to provide the best available information about the states as the unit of representation. We are focusing almost exclusively on policy responsiveness—the policies

that the various institutions, both formal and informal, enact as policy, and whether these enacted policies reflect the preferences of 50 publics affected. We will, out of necessity, divide our still quite broad subject into manageable portions; first the three branches of state government and their involvement in representing the public; second, the branch most expected to give representation, the legislature; third, the representativeness of the bureaucracies that administer public policies; and fourth, an informal institution of government policymaking, interest groups.

FORMAL INSTITUTIONS OF REPRESENTATION

The state governments, with few exceptions, share a very similar format—three branches with all elected directly by the public. The executive branch, usually a plural executive with six officials, other than the governor, elected statewide, can be divided into two strata, an elected or appointed top echelon agency leadership and a primarily civil service clerical bureaucracy. The governor is not only expected to provide leadership for the state in coping with its problems but also is expected to be a representative of the total state to the outside world. The office is expected to provide leadership both within and outside the state.

Certainly many governors have lost reelection efforts because a majority felt his or her programs to provide leadership in resolving the state's problems were at odds with what the public, or a majority of it, preferred. However, the public and officials seldom consider the inherent contradictions in these dual expectations of leadership and responsiveness to public preferences. Can a governor who complies with public preferences be acclaimed as a leader? Furthermore, the public continues to demand that many statewide executives be elected, such as for the utilities board, thereby diluting the governor's authority despite the fact that they insist that a governor lead the state in coping with pressing statewide problems.

The Governor: Representation and Leadership

Strengthening the governor's hand in the policymaking process remains central to calls by "reformers" for change. Certainly, the pattern of institutional change since the Second World War has been to strengthen the governor in the process of checking and balancing the legislative branch. But there is little definitive research to suggest either that policy leadership or a change in representation is the result.

Comparing the institutional strength of governors in the 50 states is common even in introductory textbooks. States with stronger governors commonly have more extensive government, higher service levels, and more laws passed each session. This is but one instance where the uniqueness of the American South results in relationships that fail to hold once the South is excluded from the analysis. As illustrated in Figure 5.1, southern states occupy a single quadrant, meaning that their exclusion would sharply dampen the relationships. At least with respect to innovations in the institution of the governors of the states, we may not be able to say what difference they make as the South seems little interested in such innovations and remains unique in making little governmental effort to cope with the problems of modern complex economies.

Research on the representative role of the governor has focused on reelection success and the impact of one particular policy innovation, raising taxes. Such fiscal performance by governors may be unimportant (Pomper 1980), or important to their reelection (Jewell and Olson 1982; Sabato 1983). Notably, if tax increases hurt reelection success, it would be assumed that it was public displeasure with all tax increases.

Political party strength has proven a "fairly powerful" explanation of governors' reelection success (Piereson 1977; Patterson 1982), although adding campaign spending to the equation cuts its effect in half (Jacobson 1975). Other election characteristics, such as achieving political party cohesion by avoiding divisive primaries, despite Hacker's (1965) contrary findings, seem to have little effect (Piereson and Smith 1975; Comer 1981). But Jewell and Olson (1982) and Sabato (1983) find intraparty conflict is a leading reason for incumbent defeat. Party organizational strength proves important (Cotter et al. 1984; Patterson and Caldiera 1984). Incumbency, too, has an advantage, at least since the 1960s (Piereson 1977; Tompkins 1984), although expenditures and party strength may be more important (Jacobson 1975; Patterson 1982). Scandals, poor administration and management, and advocacy of unpopular issues can lead to defeat (Jewell and Olson 1982; Sabato 1983).

Electoral success by gubernatorial candidates follows patterns familiar to those studying other candidates for public office. Telecast expenditures seem quite important to success (Patterson 1982; following up on Jacobson 1975; Jewell 1983; Beyle 1983). Higher turnouts hurt incumbents and Democrats (Tompkins 1984). National election swings effect election chances (Key 1956, Piereson 1977). But many states have

Figure 5.1.   *Governor's Institutional Strength by Expenditures Per Capita*

$y = 1035 + 49x \quad R = .43$

□ = Southern States

Governor's Strength

State Expenditures Per Capita, 1983
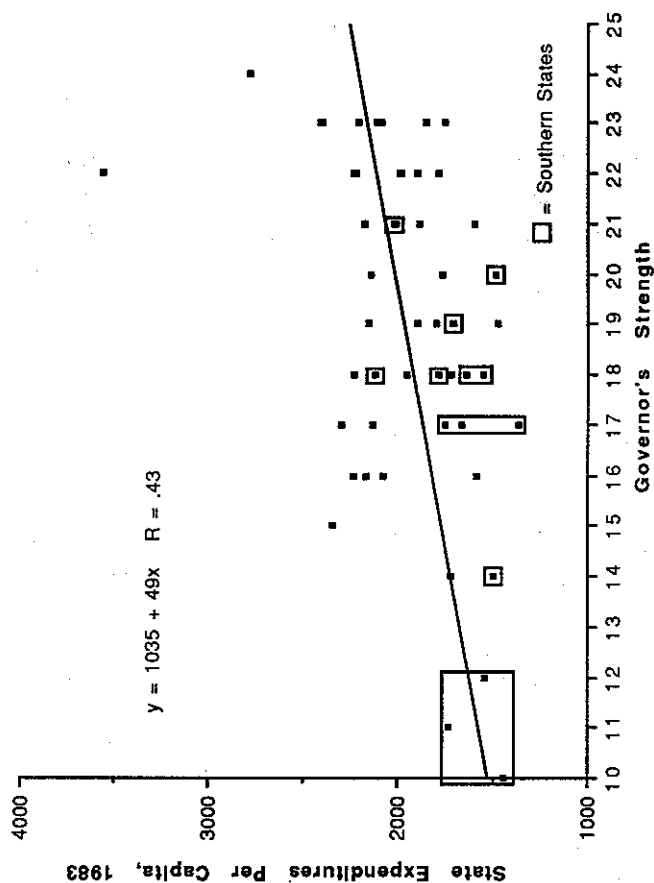
dropped two-year terms for governors in preference for off-year elections for a four-year gubernatorial term, a trend that might be expected to lessen the impact of national election swings. Finally, the state's economy may or may not be important (Kenney 1983; Tompkins 1984).

Our overall conclusion despite this wealth of research is that there is little or no study of whether governors vary in representing their constituency, whether they vary in the quality of public policy they were, in part, responsible for passing, whether institutional strength improves such performance, or whether gubernatorial leadership is at the expense of best representing constituents. Of course, one of the major problems with researching governors is the small numbers with which we must deal. Case studies might deal with individual successes or failures of governors in coping with the adverse impact of events on their states, but we cannot say much about whether the governor's personality, his or her institutional powers, or just luck lead to reelection successes. Research in this area suggests that the institutional differences among governors are not centrally important to the individuals performing in that office (Sabato 1983; Sigelman and Smith 1981).

Representation and the Courts

The "supremacy clause" of the federal Constitution and judicial review, of course, give the central government in American federalism its superior position when dealing with the states. But since most adjudication of both civil and criminal cases is done in state court systems, justice is greatly decentralized and has the possibility of being responsive to community and state norms. Indeed, this concept is central to discussions in many areas of social and legal controversy, such as pornography and abortion. Certainly, where the federal courts have either not made a statement yet or have chosen to allow local or state resolution, we expect more local standards to rule, such as banning pornography or abortion. Whether this implies a more accurate reflection of local or state public opinion or rather the reflection of unrepresentative local or state elites has not been demonstrated in our research literature. Certainly, state and local judges would seem to be held more accountable than their federal counterparts, as most serve limited terms and must seek reelection.

Only a handful of state judges are appointed without some final recourse to an election. Even under the merit system of judicial selection, the appointed judge must stand for election after a probationary period. Not unexpectedly, gubernatorial or legislative appointment of

judges tends to be found in states that established their courts when appointment rather than election was constitutionally in vogue. Given the common practice of electing judges, surprisingly little consideration is given to whether judges represent their constituents. It is uncommon to even hear such appeals in election campaigns. Nevertheless, there is clear evidence that judges are not without the desire to reflect constituent opinions or the capacity to learn those opinions (Pruet and Glick 1986; Kuklinski and Stanga 1979). Despite these asides into representation by other branches of state government, it is the legislature that is normally considered the center of representation and political linkage.

THE LEGISLATIVE INSTITUTION— REPRESENTATION AND POLICY

Representation was once a function primarily expected of the legislative branch. It was sufficient to have public representation in the legislative branch for government to be legitimate. Contemporary state legislatures no longer have such exclusive responsibility. Eighteenth century ideas and formats thought to encourage representation still make most American state and national legislative bodies look alike. Such ideas include: (1) geographic selection of representatives from districts on the basis of winner-take-all; (2) balancing one house against the other in the bicameral format; (3) using the governor to check both; (4) having small legislative bodies to encourage debate; (5) limiting lower house terms to two years and upper house to four years with unlimited re-election; and (6) requiring citizenship, minimum age, and residency for eligibility.

Geographic Based Representative Districts

Perhaps there is no more fundamental aspect of representation in legislative bodies than the continued use of geographic districts for the purpose of apportioning representatives. Such a selection process might have been both imperative and workable in the eighteenth century. Given an illiterate public at the time, face-to-face communication was necessary for candidates to appeal for votes, and with no electronic communication, physically casting one's ballot was the only way to gather the vote. Relative homogeneity across districts in an agrarian economy also made the task of representation easy.

However, with modern complex economies, much changes. Constituents in a district may share few economic or political interests, making representation more difficult. Representatives could alternatively be selected by occupation, sex, age, race, industry type, or any number of other attributes that would seemingly be more accurately used to aggregate persons of similar views for representation than does geography. For example, women could vote for women's candidates appealing to them on women's and other issues on which women take positions unlike men. This would facilitate representation of shared views but also encourage tighter accountability.

Also, with a literate nation, with many channels of communication and devices such as mail-in ballots or even voice identification by telephone, physical gathering of constituents to cast their votes is no longer needed. Multimember geographic districts have been under close federal court scrutiny as they can be used to preclude representation of racial minorities. With winner-take-all elections, minorities can elect no one, being outvoted by the majority. Nongeographic representation of minorities would resolve this problem.

Size of the Legislature and Number of Constituents

While there is a range in the size of the legislative houses from 25 to 400 members, as well as in the size of the constituency of each representative, ranging from 10,000 to 500,000 or more people, the variation may be again insufficient to make a difference; especially the size of the house. While we still lack agreement on how to measure representation, there is no conclusive evidence that anyone can give better representation to 10,000 people than to 500,000 or that a representative body of 400 gives worse representation or less opportunity to have one's vote informed by debate than one of 25. The point here is merely that neither the consideration of the quality of representation nor the question of feasibility of debate weighed heavily in state constitutional conventions when they considered how large to make their legislative bodies.

Directly Assessing Representativeness of State Legislatures

The simplest form of linkage between public opinion and the policy decisions of political leaders would be the sharing of common opinions by leaders and followers. Consider, for example, the result if we were to select members of congress by lottery. Just as a randomly selected

sample of survey respondents is representative of the population within a certain margin of error, so would an assembly of 435 randomly selected people acting as a U.S. House of Representatives be representative of the population. A 1,500-member House of Representatives, however, would give us a closer approximation of the population's opinions. If such an assembly could act without being distracted by the demands of powerful interest groups or the actual rules of Congress that impede change, then—for better or worse—its decisions would reflect public opinion.

In actuality, legislators are substantially less representative in age, gender, wealth, education, and race than a random sample. Reasons for this are many. Legislators are supposedly chosen for their superior capabilities, better ideas, the familiarity of their names to voters in the voting booth, or even for their superior use of the media in elections. None of these is random or even an approximation of random selection. This is only to suggest that the representativeness of these institutions can be thought of as analogous to the representativeness of a sample in an opinion poll.

How do legislators and other political leaders differ from the general population? To answer this question we must find the traits that motivate some but not others to pursue a political career and the traits that favor success in achieving this goal. When people who are active in politics, such as a local party official or an elected legislator, are interviewed, they often report that a spur to their political career was a very politically active family. The consensus based on several studies is that about 40 percent of the people who are presently politically active grew up in politically active homes (Prewitt 1970). Thus, assuming 10 percent of the public, at the most, are very active in politics themselves, almost half of our public leaders come from the 10 percent of the nation's families that are most politically active.

Officeholders also differ from the public in that they are often recruited to run for office. Intense political interest alone cannot push a person into a political leadership role.   To contest most elections seriously, a candidate must attract sufficient voters to win. Some are "self-starters" who, because of political interest and ambition, announce their candidacies and then are able to gain voter support. Others are selected by the local business or party elite to seek public office. Sometimes the community or party leaders can choose from among many active aspirants for the role. At least in some cities, previously nonpolitical people end up as officeholders through the urging of friends or

business associates and the lack of both competition and turnout in local elections. Prewitt (1970) finds such "lateral entrants" to politics among members of the nonpartisan city councils he studies. He finds they respond to the urging of others to run because their success in another career leads them to think that they owe their community; it is their civic duty. Barber (1965), similarly, finds them among members of the highly partisan Connecticut legislature. Many are what he calls "reluctants," serving not because of their raw ambition or political interest, but because of the insistence of others.

Attribute Representativeness

The most wealthy and best educated people are most likely to be politically interested and articulate, and they have the visibility to be tapped for a leadership role. Put simply, there is an upper-status, or at least middle-class, bias to the political-leadership opportunity structure, both in this country and all other societies, probably including communist nations. Lawyers and businessmen are particularly overrepresented both in Congress and state legislatures. Additionally, greater percentages of legislators are white, male, Protestant, and over 30 years old than are found in the general adult population (Jewell and Patterson 1986; Keller 1963; and Davidson 1969).

There may not be anything inherently sinister about the status difference between political leaders and the general public, since the disproportionate concentration of political leadership skills, articulateness, and interpersonal skills among the better educated and prosperous may make it all but inevitable. For example, even delegates to the "reformed" Democratic National Convention of 1972 were still far better educated and more affluent than the general population, although they were representative on the basis of race, sex, and age (Johnson 1972). Even movements of economic protest draw their leaders from the most affluent strata within the protest group. For example, Lipset (1950) finds this to be the pattern within agricultural protest movements: "The battle for higher prices and a better economic return for their labor has been conducted by the farmers who need it least."

The "bias" to the leadership structure that we have noted does not necessarily mean that the political views of political leaders typify their class. For example, the 1972 delegates to the Democratic National Convention obviously did not express the prevailing views of the economically comfortable. To be sure, there are potential sources of

misrepresentation in the social backgrounds of political leaders. One might suspect that state legislatures would be more eager to pass "no fault" insurance laws if they contained fewer lawyers (Dyer 1976). Or, the city council that is overstocked with local businessmen might well be suspected of reflecting the prevailing norms of the local business community rather than what the public supports. A more general consideration is that whatever their individual ideologies, the generally affluent leaders might resist wealth-redistribution legislation that would work against their self-interest. For example, a study of the attitudes of national convention delegates (in 1956) found that one of the few issues on which delegates of both parties were clearly more conservative than the public was that of making the rich pay a greater share of the taxes (McClosky et al. 1960). Of course, one could argue that virtually all political viewpoints found in the general population are also shared by some of the prosperous and better educated, and that these individuals might be leaders. Moreover, even among the affluent, few are sufficiently politically motivated to run for public office, so that political representatives from such backgrounds accurately representing even the opinions of their economic group are unlikely (Luttbeg 1969).

It is equally true that this middle-class bias hardly demonstrates that the less educated, blue-collar segment of society is being well represented by our legislative institutions. Furthermore, the bias of state legislatures is not limited to their being occupationally atypical. While no state even approaches being representative in terms of gender, New Hampshire, Colorado, Maine, and Washington standout as having better than one quarter female legislators. The American South clusters at the bottom of this distribution with the range being 2.3 percent to 32.5 percent. The range for the percentage of black legislators varies from 0 percent for Hawaii, Idaho, Maine, Montana, New Hampshire, New Mexico, North and South Dakota, and Utah to a high of 17.1 percent in Alabama. Not surprisingly the American South leads in this regard given the substantial percentage of their total population that is black, but Illinois, Michigan, and Maryland are included among legislatures with a substantial percentage of black legislators. The nonnative-born legislator percentage varies greatly from 83 percent in Nevada to 11.6 percent in Oklahoma. Not surprisingly the growth states of the Sunbelt tend to reflect their substantial nonnative born populations in the composition of their legislature.

States could be ranked on the basis of how accurately their state legislature typifies the demographic composition of the state public.

Doing so would allow assessing the impact of this bias on public policy. We have sought to begin this as shown in Table 5.1. The table shows the bias of the legislature of each state for seven attributes of legislators. In each case, the percentage of legislators in a given state with that demographic character is divided by the comparable percentage for the state population; thus the Alabama legislature has 5.7 percent female legislators and the state has 51.9 percent female residents, giving a representation ratio of .11. As can be seen, attorneys are highly overrepresented and labor unions are highly underrepresented.

It is possible to sum these over- and underrepresentativeness measures across the seven measures to identify the most representative and least representative states. The most representative are: Illinois, Pennsylvania, New Jersey, Ohio, Connecticut, New York, Rhode Island, Wisconsin, Arizona, and Washington. It is not difficult to characterize these states. They tend to be industrialized and urbanized states with more professional legislatures. The least representative states are: Utah, North Dakota, Mississippi, Montana, Louisiana, Kentucky, Idaho, Georgia, South Carolina, and Oregon, a mix of southern and nonsouthern, largely yet to be industrialized, states. Thus it may be that the biases of the least representative states date from a much earlier time when these attributes represented less of a bias. Industrialized economies may result in constituents having more problems for which they turn to the legislature for resolution, resulting in higher expectations on those bodies to better reflect the characteristics of their publics. It is certainly plausible that these demographic biases result in public policies not preferred by the public, a concern to which we now turn (see Luttbeg 1992a).

Opinion Representativeness

We can also try a more direct approach to the question of whether political leaders and the general public share the same opinions by comparing the political attitudes of the two groups. V. O. Key (1961, 547) states, ". . . if a democracy is to exist, the belief must be widespread that public opinion, at least in the long-run, affects the course of public action." Key is referring here to the opinions on specific programs and issues before government, and we presume that the belief that public opinion counts rests on its actually having an impact.

Table 5.1. Representation Ratios of Various Groups in State Legislatures in the United States

	Women a	Blacks b	Attrn'ys c	Agric d	Labor e	Education f	Govm't g
AL	.11	.67	47.29	2.40	.00	10.14	.13
AK	.39	.50	34.48	2.43	.00	1.77	.00
AZ	.46	1.18	13.32	2.09	.00	4.78	.14
AR	.13	.27	102.63	2.68	.00	2.05	.05
CA	.26	.87	55.16	3.29	.00	3.39	.00
CO	.58	1.14	51.43	5.79	.00	6.51	.20
CT	.42	.76	43.78	1.33	.00	3.71	.10
DE	.31	.30	.00	2.38	.00	8.73	.38
FL	.40	.54	89.29	.46	.00	4.43	.04
GA	.21	.44	74.00	5.22	.00	2.47	.00
HA	.40	.00	77.41	.91	.05	6.20	.00
ID	.41	.00	42.00	3.75	.00	2.67	.05
IL	.35	.81	71.91	1.67	.00	1.52	.26
IN	.25	.70	103.35	2.38	.00	6.76	.17
IA	.29	.50	29.76	2.82	.00	3.18	.09
KS	.37	.45	61.30	3.88	.00	1.24	.04
KY	.10	.20	124.74	2.16	.07	4.45	.05
LA	.08	.45	125.00	4.18	.00	3.84	.04

ME	.55	.00	20.41	1.67	.00	2.55	.16
MD	.40	.63	92.47	3.22	.03	6.52	.23
MA	.35	.90	46.37	.00	.05	3.56	.08
MI	.29	.84	57.96	4.76	.02	8.10	.68
MN	.30	.38	39.07	2.45	.04	6.11	.14
MS	.04	.33	156.25	5.64	.00	3.61	.10
MO	.30	.72	43.28	2.78	.02	4.05	.00
MT	.31	.00	36.33	3.13	.00	3.49	.00
NE	.36	.65	37.78	2.76	.00	2.47	.00
NV	.32	.75	38.08	6.30	.00	1.84	.36
NH	.63	.00	9.14	1.82	.09	1.88	.09
NJ	.19	.53	83.32	.67	.00	4.22	.67
NM	.19	.00	83.41	2.30	.00	.69	.12
NY	.19	.69	62.41	1.17	.00	1.98	.03
NC	.27	.42	162.67	2.50	.00	2.85	.00
ND	.25	.00	39.95	2.72	.00	4.41	.03
OH	.21	.98	81.80	2.37	.00	1.54	.06
OK	.16	.50	88.88	2.06	.00	3.26	.19
OR	.35	2.36	44.14	3.56	.04	6.34	.00
PA	.12	.81	63.83	1.40	.00	.72	.07
RI	.31	1.38	98.81	1.00	.07	13.28	.10
SC	.14	.39	213.00	4.15	.00	2.23	.04
SD	.34	.00	50.88	2.22	.00	2.42	.13
TN	.18	.62	103.63	1.80	.00	4.01	.17
TX	.19	.69	145.04	1.92	.00	.68	.00
UT	.15	.00	60.10	3.55	.00	5.41	.00
VT	.48	3.00	28.08	3.29	.00	3.50	.00

	a	b	c	d	e	f	g
VA	.14	.34	193.00	1.00	.00	4.50	.00
WA	.50	.77	38.15	2.60	.02	3.44	.23
WV	.30	.21	129.33	1.57	.08	5.55	.08
WI	.40	.77	73.32	2.58	.00	1.49	.00
WY	.48	1.57	45.95	4.84	.00	4.49	.05

a   Percentage of women in the legislature divided by percentage of women in the state.

b   Percentage of blacks in the legislature divided by percentage of blacks in the state

c   Percentage of attorneys in legislature divided by the percent attorneys in the population.

d   Percentage of legislators whose major occupation is agriculture divided by the percent of the agriculture in civilian population of the state

e   Percentage of legislators whose major occupation is covered by a union divided by the state's union membership as a percentage of non-agriculture employment.

f   Percentage of legislators whose major occupation is education divided by public employment per 10,000 population.

g   Percentage of legislators whose major occupation is by government divided by percent of civil employment in government

Source: State Legislator's Occupations: A Decade of Change. State Legislative Report (Denver: National Conference of State Legislators, December 1986, 7).

Our inquiry turns now to the opinions of representatives and the represented on specific issues. Surprisingly, given the centrality of this assessment to a democracy, there is little data to present, and worse, there is no such assessment for a large number of governments. Having the latter permits a comparison of the attributes leading to more representative legislatures and the resulting representative policies.

One instance in which leadership and public opinion can be compared is a 1972 Harris survey (for a congressional subcommittee) of both the general public and a broad spectrum of elected officials, including governors, locally elected officials, and activists within the political parties. Each sample was asked which of a series of hypothetical governmental actions they would oppose. Except for the responses to a question about "demonstrations" and air pollution, the public and leader responses are very similar. A comparison of public and state legislators' opinions is shown in Table 5.2.

Once again, collectively, these state legislators closely parallel the opinions of the public, even on these controversial issues. Parochial school aid is in this instance the only policy where it could be said that the unrepresentativeness of legislators would result in a policy contrary to public opinion.

Considering the status or class bias noted earlier, these data come somewhat as a surprise. While the bias may have been presented as evidence that political linkage between public opinion and public policy was not to be found, these findings suggest just the opposite. Difficult questions of further concern are: how is this correspondence between leader and follower opinion achieved; and do leaders carry these fairly representative opinions into public policy or is there a further bias to the making of public policy? Unfortunately, we must report that there is little research that directly confronts these important questions.

Variations of Significance

We now turn to research based on using variations among the states that might or should affect the representation afforded to their publics. Certainly, the tasks faced by today's state legislatures are substantially different than was the case even in the late 1800s and early 1900s in less industrialized states. Complex economies, interstate competition, federal government dominance, and substantial state government involvement in our lives have resulted in changing state legislatures, with some states leading the way.

Table 5.2. *Policy Preferences of the Public and of State Legislators on State Policies, 1968-1974*

	Percentage Favoring "Liberal" Policy Position	
Policy	Public	Legislators
Capital punishment opposition	36	35
Abortion in first three months	51	53
Firearm permits	74	51
Teacher unionization	68	59
Teacher strikes	37	26
Police and firemen unionization	65	60
Police and firemen strikes	31	16
Marijuana legalization	17	17
No-fault auto insurance	76	76
Parochial school aid	57	45

Source: Eric M. Uslaner and Ronald E. Weber, "Policy and Congruence and American State Elites: Descriptive Representation versus Electoral Accountability," *Journal of Politics* 45 (February 1983): 188.

Professional Legislatures

Perhaps the most common distinction among the states and their legislatures is that of the amateur versus the professional legislature. Actually, this is a continuum with the present Congress (or perhaps the New York state legislature) serving as one extreme, and limited, biennial session legislatures at the other extreme (Grumm 1971; Zeigler 1983; Squire 1992). Salary, staff, career potential, and the degree to which being a legislator is full-time define a "professional" legislator. Such legislators might be expected to develop law-drafting and debating skills that would result in "better" legislation. They might also be expected to develop the constituent services and reelection skills that might make them less responsive to constituents but more secure in office. All of these may have been the result of the "professionalization" of Congress.

Perhaps, not surprisingly, the same factors that changed Congress have been at work in professionalizing state legislatures. An increasingly dependent urban population and the increasingly complex economy