

Overpaid and Under Worked

The Plight of the Canadian Senate

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November 6th 2007
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When an architect designs a structure, one of the important questions that are posed before all others is “How useful is the structure?” An effective design is one that is efficient and which every design and every structure carries with it, as a sense of purpose. The founding fathers of Canada’s political structure mimicked the parliamentary system with that specific purpose in mind, but what was written on the constitution and what is practiced today are complete polar opposites. The current day Canadian Senate operates with a minimal amount of practical power and serves as a symbolic rubber stamp to all the policies that are initialized by the Cabinet and the House of Commons. In order to explore the need for Senate reform in Canada, it is relevant to compare its utility with the neighboring Senate of the United States on three interrelated dimensions: the powers they wield, the principles or statutes by which they are selected and the means they represent their constituencies. The comparison drawn between the two Senates should serve to note the need by Canadians who call for the Triple-E Senate reform.

Effective

When the Canadian founding fathers structured the design of Canada’s national institution, they could not foresee the current lack of power held by the Senate. By principal and on paper, the US and Canadian Senate are almost identical in their role within the legislative procedure, but practically the two Senates are as polar as north and south. One of the fundamental roles mandated by the American Senate is to initiate and incorporate legislations. A common analogy notes, when a US Senator looks at the mirror in the morning, they could see the reflection of the next President. It goes to show

how much power and influence a Senator in the United States harnesses. Through the U.S. system of checks and balances, the Senates inherit the power to impeach the President through a two-thirds majority vote. By contrast, the Canadian Senate is the exact opposite. Rather than embracing it's power as a formidable source of policy making, the Senate abdicates its power to the cabinet and the House of Commons. It is often concluded that the Senate serves as a rubber stamp of approval for legislations passed by the House of Commons. However, it is unjust to assume the Canadian Senate are perennial softies, there have been isolated incidents in which the Senate has refused to issue its approval. During Mulroney's reign as the Conservative Prime Minister of Canada, the Liberal dominated Senate stalled legislation regarding GST implemented by the conservative government. After a stalemate between Senate and House of Commons, Mulroney simply issued the unprecedented use of appointing additional Senators to break the deadlock¹. As we look back in history, the efforts made by Senate to speak up for what they believed in was rejected and opposed without any democratic rationale. In addition to the inability for the Senatorial structure to voice their opinion, they also lack the financial foundation to exert their power. The Canadian Senate is given an annual budget hovering 50 million dollars. The same 50 millions dollars would only fund a handful of American Senators², which controls vast amount of government capital which could be utilized by his or her support staff. Without practical power, and adequate financial support, Canadian Senators are also

¹ Gibbins, Roger, and Peter McCormick. "Tale of Two Senates." Canada and United States: the Differences That Count. Ed. David M. Thomas. Peterborough: Broadview P, 2000. 250.

²Each American senator's funding averages from 3-4 million dollars. Mary M, Shaffrey., and Melanie Fonder. American Government. New York: Alpha, 2005. 147.

lamed by the fact that the architects of Canadian Constitution thought of the Senate as a branch of sober second thought³. The purpose is to serve as a moral compass free from elections and the need to repeat terms, as well as the architect's fear of over-representative power wielded by the House of Commons. But in reality the Senate is just that, a "second" thought, which serves for nothing more than a reminder, rather than a branch of government with the power to veto.

Elected

By stating the effectiveness of our Senate, or lack there of, one could easily conclude that our Senators are much like overpaid and under worked figureheads. The entrance into the Senate is a very different experience for American and Canadian Senators. The key difference between the two Senates is that Prime Minister appoints the Canadian Senators while American who wishes to be Senators must be elected via popular vote by their respective states. This fundamental contrast in similarity ventriculates into various reasons why the Canadian Senate is ultimately inadequate to be politically effective. Having a Senate appointed by the Prime Minister greatly diminishes the creditability of the Canadian bicameral system. The notion that the Senate is a summation of individuals that are pleasing to the prime minister will no doubts raise a few brows in the general public in terms of partisanship. The appointments could easily be rationalized if the Canadian Senators were appointed based on merit rather than through patronage, but reality

³ Jackson, Robert J., and Doreen Jackson. Introduction to Political Science: Comparative and World Politics. Toronto: Prentice Hall, 2003.

is far from rationality. The fact that hockey players were asked to join the Senate is indicative that the standards for education and experience are not key criteria.⁴ Considered in the upper echelon of political experience and merit, there is no position apart from the President with as much power and prestige as the American Senator. The elections held for American Senators guarantees the candidate a six year term in the Senate, with one third of the Senate up for election every 2 years⁵. American procedure for electing senators provides a stem of democratic choice. The citizens of each respective state are able select federal representatives, but at the same time, not having to completely overhaul the entire Senate. To have an elected Senate, in theory means the Senate members must be responsible to his/her constituency, or face the grime nature of replacement by the end of his/her tenure. This sense of responsibility for one's own state's well-being keeps the American Senators in check when proposing legislations for the represented state. With the presence of an appointed Senate, one does not have to answer to the people thus causing the Canadian Senate members to be free from the fear of removal. In fact, this aspect lack of responsibility that we see Senators in Canada as people at the end of their careers opting for a more eventful and time occupying retirement. Whereas than US Senators who in many instances have gone on to become Presidents.⁶

⁴ "Frank W. Mahovlich - Liberal Party of Canada. Former hockey player.
<http://www.parl.gc.ca/common/senmemb/senate/isenator_det.asp?senator_id=137&sortord=N&Language=E&M=M>.

⁵ Mahler, Gregory S., and Donald J. Macinnis. Comparative Politics: an Institutional and Cross-National Approach. Toronto: Prentice Hall, 2002.

⁶ Mary M Shaffrey,, and Melanie Fonder. American Government. New York: Alpha, 2005. 124.

Equal

The American Constitution penned through the hands of Thomas Jefferson among other founding fathers stated, “We hold these truth to be self-evident, all men are created equal...” This notion of equality was realized through the formation of the US bicameral system. The House of Senate was designed to offer equality for every state with the emergence of the rule of 2 Senators per state. No matter how small Rhode Island is compared to the vast bounds of Texas, all states share an equal voice. Meanwhile in the upper regions known as Canada, the Canadian founding fathers constitutionized the notion of representation by region instead of provincial representation. In theory, it sounds relatively similar to the American creation, with the exception that Quebec and Ontario were both awarded with identical number of representation, while the three Maritimes provinces together shared the exact number of representatives as Quebec or Ontario⁷. The fact that two provinces were identified as regions already contributes to the bizarre and rather ambiguous nature in which Canadian Senate is comprised. Today, it isn't the Maritime Provinces that are up in arms about the disproportioned Senate representation, but the western provinces, regarded as “Western Alienation” because of the lack of representation, adhering the call for a “Triple-E Senate.”

By the principles of American Senate equality, it should be concluded that the most populated provinces would naturally have the most under represented senate. Coincidentally by the illogical nature of the Canadian Senate system, the most populated provinces like Quebec and Ontario is proportioned so there is a Senator for each 306 000 to

⁷ Ronald G Landes,. The Canadian Polity. 6th ed. Toronto: Prentice Hall, 2002. 176.

480 000 citizens respectively, while western provinces like BC and Alberta are represented 671 000 to 494 000 respectively. At first glance, the numbers seem confusing, but through analysis, it essentially states the provinces with substantial population like Ontario has more representation per capita than a less populated province like BC, and yet at the same time provinces like P.E.I with a minute population has the proportion of one Senator for every 34000 people⁸. The confusing nature of the previous statement summarizes the discombobulated state of Senate division. It is interesting to note that the Canadian system is not only confusing to explain, but also just as frustrating to implement. Contrasting the American system of two Senators for each state voted in by the respective state, is not only logical, but also easy to understand and implement as shown when younger states like Alaska joined the United States.

The most widely accept model of Senate reform in the last few years has been the “Triple-E Senate,” identifying a Senate that is Effective, Elected and Equal. Senate reformist around Canada argue that while the current Canadian Senate lacks in all three aspects, our southern neighbors owns a Senate with all the bells and whistles of the “Triple-E” ideal. The key questions for most Senate reformist is, is it possible to adopt, and how would we adopt the US Senate? One of the main arguments against the “triple-E” Senate by individuals who believe in upholding the status quo adheres to the notion that change on all three fronts of representation, selection and power would be far too progressive and

⁸ "Provincial and Territorial Representation in the Senate." Parliament of Canada. Canadian Government. 6 Nov. 2007
<<http://www2.parl.gc.ca/Parlinfo/lists/ProvincialTerritorialRepresentation.aspx?Language=E&Menu=SEN&Section=b571082f-7b2d-4d6a-b30a-b6025a9cbb98&ChangeDates=1999>>.

radical to implement simultaneously. Canadians must realize, if Senate reform was to occur, the only way is to proceed on all fronts. If Senate reform were to occur “One E at a Time,” the outcome would be far worse than current state of Senate. For example, by endowing the Senate more power, the western provinces would still suffer the same as they do now, because of overrepresentation of Central Canada. If the Senate were to gain power and elections, they could potentially cause a threat to Cabinet and House of Commons because of the fact the Senate is still not equally represented across Canada. One aspect that must be taken into account is the strength of the “Triple-E” senate comes with substantial compromises to the Parliamentary system. The guiding principle of responsible government is almost completely absent within the American political arena. Votes would not be able to hold specific parties responsible for bad policy. Essentially, through the Presidential system, all institutions of government must unanimously agree for a policy to be passed, thus if there was failure in the application of the policy all institutions could point their fingers at one another. The previous impression of a rubber stamp of approval would also be revoked under Senate reform. An elected Senators’ onus is to his/her constituency, with complete disregard to party discipline. All these matters might place the Senate at a political stalemate with the House of Commons, which is widespread in the American political system.

While it is ideal and noble to dream about a Senate that is equal, elected and effective. Does Canada really need such a radical change? People have often say, “if it ain’t broke, don’t fix it.” Yes, the Canadian Senate may seem like the remnants of an

antiquated past of our birth of federalism, but has it caused Canadians any drastic problems? It could be concluded that the Senate for most part of steered clear of the scrutiny of Canadian mass media, only coming under criticism for isolated cases. I'm sure as the years progress, the call for Senate reform will come up again and again, but until the majority party in the House of Commons were threatened by retaliation from the Senate, or unless another Senate takes a long extend sabbatical⁹, this call will ceased to be answered. And while it is glamorous to speak of Senate reforms, and cleaning up the dusty upper house, people would argue there are more important issues that concern Canadians. The threat of a partisan Senate collecting monthly salary for doing a minimal amount of work will always be there. It will take more than brokers of votes selling Senate reform every upcoming election to garner the steady footing Senate reform needs to succeed.

⁹ Gibbins, Roger, and Peter McCormick. "Tale of Two Senates." Canada and United States: the Differences That Count. Ed. David M. Thomas. Peterbrough: Broadview P, 2000. 253.

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