

MAINTAINING MOMENTUM

A Democratic Rationale for Senate Reform

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Presentation Notes for
“Whither the Senate? Reform, Abolition or the Status Quo?”

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Let me begin with some essential historical perspectives on today’s discussion, for the contemporary movement for Senate reform and the Triple E model came out of a very particular time and place.

- The specific ignition point came with the election of the Pierre Trudeau Liberal government in 1980, a government all but devoid of elected western Canadian representation. This election was part of a long period of Liberal parliamentary dominance at a time when most of western Canada was solidly in the (Progressive) Conservative camp. It is not surprising, therefore, that *regional* access to parliamentary power and influence was a matter of acute concern.
- During this period the first-past-the-post electoral system exaggerated regional divisions in the House of Commons; our political system worked to *deepen rather than moderate* regional conflict. Alberta, for example, was solidly Conservative in terms of seats, but not votes, just as metro-Toronto and Montreal were solidly Liberal in terms of seats but not votes. Nowhere were Canadians more regionally divided than in the House.
- It was also during this period that the Senate began to be described as *wasted institutional space*. The argument was not that the Senate did no good – it was always possible to find a Senate report on something or

other – but rather that it could potentially do so much more. Specifically, it could provide the effective regional representation that the House of Commons seemed incapable of providing.

- Finally, and by no means least, the challenge of accommodating the nationalist movement in Quebec opened the door for constitutional change, a door that Senate reformers could never have opened by themselves. The argument was: “While we’re at it, let’s also address the chronic problem of an unequal, un-elected and ineffective Senate.” In short, Senate reformers positioned themselves to ride the wave of constitutional unrest, a wave generated by the nationalist movement.

Given all of this, the case for Senate reform was reasonably easy to make. At the same time, and for the same reasons, the Senate reform movement was primarily a **regional** crusade (a western Canadian issue) and a partisan crusade (Reform Party, and then Stephen Harper). It was not coincidental that the Triple E Senate movement found its organizational and spiritual home within the Canada West Foundation, and that the Foundation provided and orchestrated much of the intellectual muscle behind the movement.

Well, that was then, and this is now. The Triple E Senate reform movement was a product of its time, and the times have changed in ways that have eroded the initial arguments for reform. Despite the lack of Senate reform, the West is doing just fine as Canada’s economic, demographic and political centres of gravity shift west. Although the regional argument for Senate reform, for institutionalized forms of regional representation, has not evaporated in theory, it certainly has in practical terms. To draw from the Monty Python parrot sketch – the western-led case for Senate reform is dead, has departed, has expired, has kicked the bucket, is pushing up the daisies, has shuffled off this mortal coil.

In practical political terms, nobody is going to buy into institutional reform designed to strengthen further Alberta’s influence within the national government. Even the hint that Senate reform would do this would be the kiss of death outside the West, and perhaps even within the region. Environmentalists, for example, would be quick to condemn “old fashioned” Senate reform as a Trojan horse for the oilsands. To me, all of this means that the historical baggage of Senate reform -- Senate reform as a western and conservative agenda -- must be shed if the movement is to have any chance of moving forward.

What, then, can be done to sustain some reform momentum? If I’m right that the regional rationale for Senate reform no longer has traction, then we must shift gears; to maintain momentum; a new rationale for Senate reform must be found. We must build a *democratic constituency* rather than a *regional constituency* for reform. To mix metaphors, if the regional case for Senate reform is now running on empty, we must find an alternative fuel, a democratic fuel.

If we want to understand the nub of the democratic argument for Senate reform, we can do no better than to turn to Senator Mike Duffy who, speaking last week in his own defence, said that Senators had the responsibility to “restrain the unaccountability of the PMO.” Exactly. The core reform constituency could come from those who are concerned about the extent to which the institutional status quo concentrates power in a few hands. And, if Canadian parliamentary institutions as presently constituted concentrate too much power in too few hands, the alternative is a moderate dispersion of power, and a greater capacity for sober second thought. In these respects, a reformed Senate provides the best option.

In the past, we assumed that checks and balances would come through provincial governments; this is less certain today as the heydays of executive federalism fade into the past. The courts have become much more effective checks on executive power, but we may already have gone too far down that path.

Admittedly, there is a problem here in that, not surprisingly, much of the opposition to the concentration of power comes from those who are not in power. For example, Liberals who condemn the concentration of power in the hands of Stephen Harper may be less likely to see a problem if that power is concentrated in the hands of Justin Trudeau. Indeed, a new Liberal or NDP government will inevitably lament any power lodged in the Conservative-dominated Senate. At this point, however, there is a democratic argument that can be made for checks and balances.

Before wrapping up, let me say a few words about *electoral* reform. The Senate debate was always entangled with arguments for electoral reform, although the relationship was not fully acknowledged. Because of our fixation with more effective regional representation, we did not devote enough attention in the early years of debate to the democratic character of a reformed Senate. More specifically, we gave far too little thought as to how Senators might be elected. Going forward, however, an important part of the Senate reform constituency could come from the supporters of electoral reform, from those who seek to replace the single member, first-past-the-post electoral system in the House of Commons, and for that matter in provincial legislatures. The crusaders for electoral reform have been banging their heads against a stump for decades now, and it must be beginning to hurt. If the supporters of Senate reform are thoughtful they could provide a more optimistic path for electoral reform; start with the Senate, and then consider the House.

There is an opportunity, therefore, to urge to this group to apply their creativity to Senate elections. I say this not only for strategic reasons, but because replicating the single-member, first-past-the-post system in a reformed Senate would be a tragic mistake. The last thing we need is an electoral system for the Senate that would result in a solid block of Conservative Senators from Alberta, or Liberals from metro Toronto. We need a Senate that is better able than the House of Commons to capture the country’s growing diversity *beyond regional diversity*. If we don’t get the electoral system right, we could make a bad situation even worse.

Regional representation, of course, is not precluded; provinces would still be the primary containers for Senate elections. Nevertheless, if more effective regional representation ceases to be the primary reason for Senate reform, if more democratic government becomes the primary reason, then electoral reform *must* be part of the Senate reform package.

I would also argue that we should approach Senate reform as a nation-building process, and this means Senate elections that are national rather than provincial. My own intuitive understanding of social and demographic change in Canada is that institutional reforms that accentuate the provincial will have limited public appeal, that elections to national office taking place within the context of provincial elections speak to a regionalized view of Canada that has less and less appeal.

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Let me conclude by arguing that the present Senate crisis presents a window of opportunity if we can channel growing public support for abolition into public support for reform. To exploit this window of opportunity we must construct a **democratic rationale for Senate reform**, building a non-regional argument for a reformed Senate that would *in passing* address regional imbalances in Canada's parliamentary democracy.

Here, the Harper governments provides two potentially useful reform levers. The first is a commitment to Senate reform, coupled with incomplete institutional designs when it comes to the processes by which Senators might be elected. Second, for many Canadians, although perhaps not for most in this room, the very style of Harper's leadership illustrates the democratic rationale for Senate reform. Many would argue that if there was ever a time for more effective constraints on executive power, it is now. We face an almost amusing irony: it is the image of Stephen Harper as tyrant that might provide the most compelling argument for Senate reform.

As noted above, however, this opening is time-limited as many of those who decry the concentration of power in Harper's hands may feel quite differently about the concentration of power in the hands of Thomas Mulcair or Justin Trudeau.

In any case, to move forward we have to cast off the previous baggage of regional grievance and partisanship. We need a new rationale for Senate reform, and a new model. Both are to be found in democratic values rather than regional complaints. Yes, in the long term we need greater institutional protection for regional interests, but this can best be achieved by stealth, by throwing our weight behind a *democratic* reform argument. If we cannot do this, then think again of Monty Python's parrot.

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