



Institutionalizing Independence: What works and how to move forward

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Summary

The Canadian Senate is likely the one government institution that has faced the most serious scrutiny of late. Despite talks of abolition and proposals for reform, Canada's institution of sober second thought still remains, although the team jerseys worn by many of its members have changed.

The shift for some Senators, away from the clutches of party caucus and discipline, toward greater independence, leads to more general questions regarding the extent to which independence can and should exist both inside and outside the Senate. For instance, what about members of the House of Commons? What role do political parties currently play in restricting the independence of elected members? What role does the caucus play in maintaining party discipline? And what is the extent of the leader's disciplinary power when it comes to members that fall out of line?

In this one-day workshop, the former Senate Liberal Leader, James Cowan, will explore the very important question of individual member independence from the political party. He will examine some of the recent events that have taken place, including the forced expulsion of all Liberal Senators from caucus and the latest ousting of two prominent former Cabinet members from the Liberal party.

What should we make of all that has transpired of late? Is the increased independence of some Senators good for the functionality of the institution? More broadly, can democracy function effectively if members, either elected or appointed, are under threat of being kicked off the team when they disagree with the party line? And has the Reform Act helped in any way, or does more still need to be done?





Outline

History: the roles of the Senate vis a vis the House of Commons

- Westminster-style Parliament
- Role and organization of the Senate: as originally conceived and as evolved
- Legislative review (independent “sober second thought”)
- Representation of the regions and of minorities
- Policy studies
- Relationship to the House of Commons: “complementary” not rival

The Role of Political Parties

- In the Senate – how has this relationship changed?
- In the House of Commons
- What is party discipline and what are its limits?
- What is the extent of the leader’s disciplinary power?

The Future of Independence

- The benefits and limits of an independent Senate
- The consequences of independence in the House
- The Reform Act and its consequences
- Other Proposals for change to the party system

Required Readings*

- Ajzenstat, Janet. 2003. “Bicameralism and Canada’s Founders: The Origins of the Canadian Senate,” in Serge Joyal, ed., *Protecting Canadian Democracy: The Senate You Never Knew*. Montréal Kingston: McGill-Queen’s University Press, p. 3-30. http://encore.concordia.ca/iii/encore/record/C__Rb2352269?lang=eng
- Flavelle, Lucinda and Philip Kaye. 1986. “Party Discipline and Legislative Voting”. *Canadian Parliamentary Review*. 9 (2): 6-9. <http://www.revparl.ca/english/issue.asp?param=117&art=665>
- Furey, George. 2017. “The New Senate: Still in Transition”. *Canadian Parliamentary Review*. 40 (1): 2-5. <http://www.revparl.ca/english/issue.asp?param=230&art=1730>
- Reform Act*, SC 2015, c 37. “An Act to amend the Canada Elections Act and the Parliament of Canada Act (candidacy and caucus reforms)”. https://laws-lois.justice.gc.ca/eng/annualstatutes/2015_37/FullText.html
- Reference re-Senate Reform*. 2014, SCC 32. <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13614/index.do>

Additional Resources

- Smith, Jennifer (ed.). 2009. *The Democratic Dilemma: Reforming the Canadian Senate*. Montréal: McGill-Queen’s University Press.
- MacKay, Robert A. 1963. *The Unreformed Senate of Canada*. Toronto: McLelland and Stewart.

*If you are registered for non-credit and are unable to locate the required readings, please contact us at wssr@concordia.ca

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