

# An Agenda for Democratic Reform in Canada

---



# ABOUT CANADA 2020

Canada 2020 is Canada's leading, independent, progressive think-tank working to redefine the role of the federal government for a modern Canada. We produce research (like this paper), host events, and start conversations about Canada's future. Canada 2020's goal is to build a progressive community of people and ideas that will move and shape governments. Visit us online at [www.canada2020.ca](http://www.canada2020.ca).

## About the paper series

Canada's marketplace for new ideas is about to rapidly expand.

And as we head into an election year, our federal government will be required to make smart, strategic choices about the ideas that will carry Canada's social and economic prosperity to 2020 and beyond.


This policy paper series – published spring and summer 2014 – is about those choices.

Canada 2020 believes the federal government can be a force for significant and positive change. But for that to happen, it requires a serious public policy strategy for the country that does less of some things, while focusing decisively and aggressively on a few important things. This requires in-depth analysis of the really big challenges and opportunities facing the country.

These papers, and our authors, do just that.

To follow the series, and for extra content like video interviews and other commentary, visit [www.canada2020.ca/publications](http://www.canada2020.ca/publications). And to stay up to date with all our work, sign-up for our mailing list, and connect with us on social media:

 **Follow us on Twitter:** @Canada2020 | #Can2020

 **Like us on Facebook:** [facebook.com/Canada2020](https://facebook.com/Canada2020)

## About the Author

Robert Asselin is the Associate Director of the Graduate School of Public and International Affairs at the University of Ottawa. Last February, he was appointed Public Policy Scholar at the Woodrow Wilson International Center for Scholars in Washington, where he was a scholar in residence from April to June. Robert served as Advisor and Speechwriter to the Prime Minister of Canada and to the Leader of the Official Opposition.

## Special Thanks

I would like to thank Matthew Mendelsohn, Mark Jarvis, Tim Barber and my colleague David Zussman for their comments and suggestions. I also want to express my gratitude to Laura Pinkham, graduate student at GSPIA, for her time and work, as well as Siya Hegde, summer intern at the Woodrow Wilson Center in Washington.

# TABLE OF CONTENTS

<b>INTRODUCTION</b>	<b>4</b>
<b>1. WHAT'S WRONG WITH OUR DEMOCRACY?</b>	<b>5</b>
<b>2. ELECTORAL REFORM: PREFERENTIAL BALLOT AND MANDATORY VOTING</b>	<b>8</b>
<b>3. CARRYING ON ELECTORAL MANDATES</b>	<b>10</b>
<b>4. INSTITUTIONAL REFORM</b>	<b>11</b>
<b>5. THE ROLE OF DEMOS IN A REPRESENTATIVE DEMOCRACY</b>	<b>15</b>
<b>SUMMARY OF RECOMMENDATIONS</b>	<b>17</b>

# INTRODUCTION

“The history of the idea of democracy is curious; the history of democracies is puzzling.”

PROFESSOR DAVID HELD, LONDON SCHOOL OF ECONOMICS

More than two thousand and three hundred years ago, Aristotle spoke about the virtues of *demos* – he stated in *Politics* that in a democracy *everyone* has a share in everything. It’s a powerful statement to begin with, and also one that would be challenged by many of his contemporaries.

From Ancient Greece to the present day the *practice* of democracy has been heavily criticized. When the great liberal thinkers of the eighteenth and nineteenth century – Montesquieu, Rousseau, de Tocqueville, Locke, Mill – thought and wrote about emerging liberal and representative democracy, they had a few clear imperatives in mind: ending absolutism and asserting the principles of liberty, equality and the rule of law as founding and inviolable principles of modern constitutional democracies. At the core of it, they thought that individuals should be free to pursue their self-interest without control or excessive restraint by society. None of them thought liberal democracies would be perfect in their design, nor in their implementation. They were pursuing the establishment of key universal normative principles. Execution would vary and constitutional design would matter greatly as well.

In the Federalist papers (1787), Jay, Madison and Hamilton wrote eloquently on the challenges of designing constitutions and institutions. In 1866-1867, our own fathers of Confederation, inspired by the British parliamentary system, made two important implicit determinations:

1. A strong executive branch was a necessary feature of our parliamentary system, and as such would bring considerable amount of stability in our political system; and,
2. Our constitutional conventions (the non-written part of our Constitution) would be tributaries of key normative pillars of our democracy: the rule of law, constitutional monarchy, judicial independence, federalism, minority rights and parliamentary sovereignty, and as such would provide necessary checks and balances on the executive.

# 1

## WHAT'S WRONG WITH OUR DEMOCRACY?

Today, many participants and observers of democracies—journalists, pollsters, political scientists, citizens, even politicians themselves—have concluded that most western countries (including our own) are experiencing a real malaise about the practice of representative democracy in modern polities.

As Pipa Norris observes in her much acclaimed *book Democratic Deficit: Critical Citizens Revisited*: “A host of scholars of American politics have detected signs of a rising tide of popular discontent and vote anger (Dionne, Craig, Tolchin, Wood), as well as deep mistrust of government (Nye, Zelikow and King, Hetherington)...”. In Canada, two recent books, *Democratizing the Constitution* (Aucoin, Jarvis and Turnbull) and *The Tragedy of the Commons* (Loat and McMillan) have focused on the shortcomings of our constitutional conventions and institutions, as well as the diminished role of our elected legislators. Countless columns and op-eds have also been written on the perceived decline of our democracy.

So, what is the *nature* of the malaise exactly? And what are the symptoms?

For the sake of this paper and brevity, I will suggest that there are three fundamental problems we ought to address in Canada. I accept that this characterisation is subjective and may be contested, but I believe it provides a fair conceptual framework to work with.

1. The first is the issue of *political* legitimacy. The most common symptom cited amongst those who believe we have a democratic deficit issue is the declining electoral participation rate.
2. The second is *institutional* – mainly how our institutions allow power to be exercised and checked in our political system.

3. The third problem is *trust*. It is caused mostly by behavioural issues - on one hand modern politics and the political tactics used by political parties to win elections (negative advertising, wedge politics and personal attacks) and on the other hand the lack of interest and engagement from the citizenry.

These criticisms are certainly not new. But have they gotten worse?

I am arguing in this paper that they have.

Our democratic deficit or malaise is not just a theoretical or an intellectual issue. It matters on a daily basis. We get worse decisions when people do not engage or inform themselves. Sound policy decisions matter for Canadians on a daily basis for issues that affect their lives. We will have less prosperity tomorrow if we make stupid decisions today.

Lately, political scientists have theorized about democratic deficits and what they mean and imply for the future of democracy. The word deficit is an important one. It implies that there is an imbalance between the perceived democratic performance of the state and public expectations. Are those expectations reasonable? Or attainable? And sustainable? This is not an easy determination.

Given everything that is involved here –public opinion, political culture, political behavior, democratic governance, political psychology, political communications, public policymaking – even agreeing on the normative conceptualization of democratic deficit isn't a foregone conclusion.

Let's start with an obvious observation: there is no silver bullet here. Institutional reform has many limitations. Most of our politics is dictated through behaviors and political culture. I will offer some thoughts on those at the end of the paper.

In any democracy, governments don't (nor should they) have carte blanche. They operate within constitutional, legal, political and financial and other constraints. Citizens are naturally critical of their elected representatives. As people get more and more educated, this only gets exacerbated.

The objective of any democratic reform should be to get to a level of trust that ensures the degree of disaffection amongst citizens could not jeopardize democratic institutions legitimacy. How does one know when this is the case? It is mostly a qualitative question, and any answer can be critically second-guessed.

Trust isn't a sole product of institutional or constitutional design either. There is no evidence to suggest for example that presidential systems are more inclined to gather more trust in the citizenry than parliamentary systems. Americans are as critical of their elected representatives as Canadians are. In fact, although the American system is often cited as an ideal of representative democracy, Americans have become almost completely disillusioned with the kind of politics it has produced. Congress approval rate has been below 20% for years.

It would be wrong to suggest that institutions can't or shouldn't be reformed to advance a robust democratic reform agenda. But we shouldn't be naïve about this. Political incentives will always be there for reprehensible behaviors. It isn't a Socratic contest about who is the most virtuous amongst political actors. The end goal of politics is not to be virtuous, but to win power.

Therefore, our aims should be to focus on specific achievable goals.

Let's begin with the issue of political legitimacy. Since 2000, the electoral participation rate for federal elections has been consistently below 62%, except in 2006.

## FEDERAL ELECTIONS (CANADA)

Table 1: Parliamentary

YEAR	VOTER TURNOUT	TOTAL VOTE	REGISTRATION	VAP TURNOUT	VOTING AGE POPULATION	POPULATION	INVALID VOTES	COMPULSORY VOTING
2011	61.41%	14,720,580	23,971,740	53.79%	27,368,468	34,030,589	-	NO
2008	59.52%	13,929,093	23,401,064	53.59%	25,993,117	33,212,696	0.70%	NO
2006	64.94%	14,815,680	22,812,683	58.39%	25,374,410	32,805,041	0.60%	NO
2004	60.91%	13,683,570	22,466,621	55.28%	24,751,763	32,207,113	0.90%	NO
2000	61.18%	12,997,185	21,243,473	54.64%	23,786,167	31,213,580	1.10%	NO
1997	67.00%	13,174,698	19,663,478	57.06%	23,088,803	30,785,070	1.44%	NO
1993	69.64%	13,863,135	19,960,796	63.87%	21,705,750	28,941,000	1.44%	NO

Source: International Institute for Democracy and Electoral Assistance (IDEA).

In the last Ontario election, less than half of the eligible voters cast their ballot.

For the last decade, election after election, two out of five Canadians have not bothered to vote. There is an unprecedented degree of cynicism and disengagement amongst the citizenry.

As Postmedia Columnist Andrew Coyne observed recently “Majority governments are now formed in this country with the support of barely one in five adult citizens — about the same as elected governments a century ago, when women were not allowed to vote. We are, in short, facing a crisis of democratic legitimacy.” (National Post, May 15 2014)

Like many other western countries, there is a huge disconnect between elected officials and the people. The incarnation of our collective sovereignty – our Parliament – has lost much of its relevance and has become a theater for partisan bickering.

The media coverage of politics has turned into a perpetual horserace, animated by pollsters, with many talented journalists looking for the eight second clips for their stories and doing less and less substantive analysis.

Integrity and corruption are an ongoing problem, as they are in all countries. Canada is certainly not the worst but there have been scandals in the recent years that have affected public confidence.

But the reality is this: citizens have become too easily cynical and dismissive of politics and governments. And politicians have become too comfortable with the status quo and have no strong incentives to address these criticisms.

This isn't an easy fix.

Many critics of our electoral system have argued that our first past the post system has contributed to discouraging people from voting. The two most common refrains are that 1) singular votes won't change outcomes when it is obvious who will win in a particular riding or region 2) governments – even large majority governments – get elected with much less than 50% of ballots cast (often around 35% in Canada), which isn't democratic.



# 2

## ELECTORAL REFORM: PREFERENTIAL BALLOT AND MANDATORY VOTING

Although I am skeptical of the efficiency of a PR system in Canada, I agree that our first past the post system poses a problem of political legitimacy. An acceptable compromise would be to institute a *preferential ballot*, wherein voters would rank their choices and the winner in each riding would need to capture more than 50 per cent of the vote.

The thrust of it is quite straightforward: if no candidate is the first choice of more than half of the voters, ballots assigned to the eliminated candidate are recounted and assigned to those of the remaining candidates who rank next in order of preference on each ballot. If this does not result in any candidate receiving a majority, further rounds of redistribution occur.

This system would ensure that the winning candidate in each riding would get 50% plus one of the votes. It would reinforce the democratic legitimacy of the government.

Preferential ballot systems have been in effect in many countries in Western Europe.

### WHAT ABOUT MANDATORY VOTING?

Changing our electoral system could lead to enhanced political legitimacy but we have no guarantee it would lead to higher voter turnout.

Many countries – in fact thirty of them including Brazil, Belgium and Argentina – have mandatory voting in effect. Australia implemented it in... 1924!

In all these countries, but most notably in Australia, the evidence shows that mandatory voting has led to very high voter turnout and a positive change in the political culture.

### VOTER TURNOUT FOR AUSTRALIA

Table 2: Parliamentary

YEAR	VOTER TURNOUT	TOTAL VOTE	REGISTRATION	VAP TURNOUT	VOTING AGE POPULATION	POPULATION	INVALID VOTES	COMPULSORY VOTING
2013	93.23%	13,726,070	14,722,754	79.67%	17,048,864	22,262,501	5.91%	YES
2010	93.22%	13,131,667	14,086,869	81.02%	16,208,479	21,515,754	5.60%	YES
2007	94.76%	12,931,460	13,646,539	82.38%	15,696,515	20,434,176	3.95%	YES
2004	94.32%	12,354,983	13,098,461	82.37%	14,999,498	19,931,144	5.18%	YES
2001	94.85%	12,054,664	12,708,837	84.20%	14,316,998	19,294,257	4.82%	YES
1998	94.99%	11,545,132	12,154,050	82.24%	14,039,112	18,750,982	3.78%	YES
1996	95.77%	11,243,941	11,740,568	82.99%	13,547,920	18,308,000	3.20%	YES
1993	95.75%	10,900,861	11,384,638	83.43%	13,065,440	17,656,000	2.97%	YES
1990	95.31%	10,225,800	10,728,435	82.09%	12,457,450	17,065,000	3.19%	YES
1987	93.84%	9,715,428	10,353,213	84.14%	11,546,730	16,263,000	4.94%	YES
1984	94.19%	9,293,021	9,866,266	84.20%	11,036,240	15,544,000	6.34%	YES
1983	94.64%	8,870,174	9,372,064	81.24%	10,919,090	15,379,000	2.09%	YES

Source: International Institute for Democracy and Electoral Assistance (IDEA).



There is no reason to conclude that what has been successful in other countries wouldn't be in Canada. Again, there is no need to reinvent the wheel in terms of the mechanics. It has been done by others.

Like similar electoral authorities in other countries, Elections Canada would carry the responsibility of making sure citizens exercise their legal obligation to vote and would be authorized to impose a symbolic sanction (20\$ in Australia) for those who do not. There are generally universal provisions (travel, illness, and religious objections for example) under which citizens are justified not to vote.

Under most mandatory voting systems, citizens' obligation is attendance at a polling station. They still have the right to abstain or to choose none of the above candidates. They can even drop a blank ballot into the box if they choose to.

So, why mandatory voting?

It really comes down to how one sees the role of the state in a society and the kind of political culture one wants to live in. On one side, there is the Hobbesian view where the state is there to protect citizens against abuses of infringing on individual rights. On the other hand, there is a more idealist vision of the state where it becomes a facilitator for achieving a democratic community.

If – as Aristotle stated that in a democracy *everyone* has a share in everything - then we have an obligation as fellow citizens to fulfill that promise, to step up and make our democracy a real social contract amongst ourselves. Simply put, it ought to be an act of common citizenship that bonds us together. Voting every four years is the least we could do to achieve this.

I won't pretend that there are no philosophical challenges to mandatory voting.

Is it morally acceptable to force a citizen to vote? Does it infringe on his individual right as a citizen? Is it compatible with our Charter of rights and freedoms?

For liberals, individual rights are not easily reconcilable with the idea of a duty to a political community.

If we see voting as a right, and as an individual right only, then it is unlikely one can support mandatory voting. I personally believe it ought to be more than a right, but in fact a collective commitment – a duty of citizenship. This is what Australians and other nations have agreed to.

There is most likely a Charter test to be added as a consideration before moving on such a policy at the federal level. Furthermore, the implementation of such a bill would require that more resources be devoted to Elections Canada to ensure people who are ill or have disabilities, homeless, hospitalized, living abroad, have literacy and numeracy problems can vote. Again, Australia is quite a model in that regard and has shown it can be done.

There are probably other considerations as well, and they have to be looked into. But mandatory voting is a policy we ought to consider seriously if we are serious about democratic reform in our country.

# 3

## CARRYING ON ELECTORAL MANDATES

Political legitimacy isn't the sole result of getting more democratic participation. It has to be accompanied by *better* accountability while governments are in office - in other words by improving how electoral mandates are carried.

Accountability is a core principle of our democracy. We expect our elected representatives to be accountable for their actions and decisions while they're in office.

The non-written part of our constitution is made of important conventions in this regard. The most important one is that our system function under the doctrine of "responsible government" which requires that to keep governing the government has to retain the confidence of the House of Commons. For this doctrine to work, the Ministry has to respect another convention - ministerial responsibility - that calls for ministers to accept responsibility and be accountable when things go wrong.

This means amongst other things answering questions in the Commons (as well as in parliamentary committees). The problem these days is that these conventions are being somewhat ignored or looked over by the executive branch of government - namely the Prime Minister and his Cabinet - as we have seen by the prorogation crisis of 2008 or many recent examples where ministers aren't even allowed to speak in the House to justify or explain what went wrong in contentious files.

Contrary to what many have been led to believe in recent years, the Prime Minister is not directly elected by citizens but appointed after he or she can demonstrate he or she has the confidence of the House of Commons. In other words, only the House is elected, and as such, is the unique beneficiary of our collective sovereignty. Our system only works if this is well understood.

In their latest and excellent book "Democratizing our Constitution" the late Peter Aucoin, Mark Jarvis and Lori Turnbull have suggested that in order to restore accountability in our system of government we need to codify our constitutional conventions. It would certainly be worthwhile to do so but is embarking on constitutional reform the best way to proceed? Is it the only way to achieve better accountability? Would the courts really be able to enforce these written conventions? How's so? At the end, isn't a matter for the public to render a judgement on elected officials?

To be sure, I share the purpose: we need (much) better legislative oversight on the executive branch of government. My own view is that institutional reform is the way to go to ensure this happens.

# 4

## INSTITUTIONAL REFORM

People often forget how fairly young representative democracy is in mankind history. Human beings started writing more than three thousands year ago. Representative democracy is only a few centuries old.

Some will argue that the birth of parliamentary democracy happened in 1215, when King John was forced to agree to Magna Carta, the “great charter” of legal rights which insisted that he listen to and follow the advice of the barons. The first known official use of the term Parliament was in 1236. It described the consultative meetings of the English monarch with a large group of his nobles (the earls and barons), and prelates (the bishops and abbots). The word Parliament means an event arranged to talk and discuss things, from the French word “parler”.

Our House of Commons has three important functions:

- Examining and challenging the work of the government (scrutiny)
- Debating and passing all laws (legislation)
- Enabling the government to raise taxes and spend monies

The problem is not that our legislative branch is powerless – it is that it doesn’t perform these functions very well.

Why not? There are no easy answers. Part of the explanation is that they are failing to adequately and effectively use the mechanisms at their disposal. There is no doubt that in recent years legislators have let the executive steamroll them more than ever before.

There are ways for backbenchers and opposition MPs to play a more meaningful role in our polity. I believe we can reinforce the legislative oversight on the executive in four meaningful ways:

### Providing parliamentary committees the means to do their work

There are several reasons why house committees have not been used effectively.

First, many MP’s perceived committee’ work to be somewhat secondary to their constituency functions. It very rarely provides them any visibility. The political incentives to perform well in that role aren’t overwhelming. Because of this and real time constraints, their role as legislators is frankly overlooked.

Second, they too often lack the technical knowledge and expertise to effectively challenge senior officials who come testify in front of them. Most importantly, they mostly rely on one researcher from the Library of Parliament to provide them substantive analysis and briefing notes on complex bills and issues. MPs offices are terribly understaffed, and because of budget limitations, MP’s staffs (often very young staffers) are doing what they can to assist in committee preparation but they do it under very challenging circumstances.

Third, house committees lack independence. In essence, government MP's allow themselves to be controlled by the PMO. And opposition MPs let their House Leader (or Leader's office) tell them what position they should take - or even worse - what they should say and how they should behave in committees.

This is where I believe we have much to learn from the US system. Of course, one has to proceed with caution here. The American system is fundamentally different from ours - the legislative branch is completely separate and independent from the executive branch. But I believe there are two pillars of the US system we can draw upon.

The first is establishing some form of legislative independence. In our parliamentary system, individual MP's aren't free agents. They are elected under their party's banner and as such they owe to be loyal to their party's positions, values, etc. But that shouldn't mean a total abdication of their prerogatives as individual legislators. If MP's are only there to be relays of their party's leadership in the house, why bother to have elected MP's? But of course to establish some independence, one needs to establish their own credibility as a legislator. This requires an important personal time investment: understanding the issues, meeting with policy experts, engaging vigorously with stakeholders, etc.

The second is resources and expertise. If we want MP's to fulfill their role and hold executives to account, we need to provide them to means to do so. If Parliament matters and ministers are allowed to hire more than twenty staffers, why are we accepting that MPs can only hire one legislative assistant under their current budget? Most importantly, why aren't we giving more resources to committees to really fulfill their mandate? In the US, most congressional and senatorial committees can count on more than twenty five paid non-partisan researchers/professionals to help them carry their work, most of them being Ph.D. and experts in their field. I'm not arguing we need twenty-five researchers per committee. But surely we can do better than one.

## Easing the party line

As I wrote previously, there is undeniable logic for observing and carrying on party discipline in our democratic system. In order to carry their electoral mandate, governments need the confidence of the House. On budget bills and matters of confidence, it would make little sense to let MPs loose. There would be no party coherence and therefore no stability in our political system. Governments would fall all the time.

The problem we are facing is that we have gone to the extreme of that logic. Individual MPs feel powerless because their voice - and the voice of their constituents - is not being heard in the House. Votes are being whipped for all matters, the notable exception being Private Members Bills (even then actual practice isn't consistent). On matters of non-confidence, individual MP's should be allowed to vote freely.

The very own essence of Parliament - *parler* - is being lost. Our democratic debate can't be strong in this country if somehow we don't allow our representatives to speak their mind on issues of national relevance. At the same time, MP's need to step up their game and stop being overly partisan. They need to bring substance to the debate, not just recite their party talking points. Otherwise, they will look silly and don't make good use of the influence they can have in the debates of the day.

In the recent years, many commentators have observed that our politics has become too "partisan". I am worried that there has been a bit of misrepresentation in that characterisation. We need to properly define partisanship in order to have an informed debate on the role of MP's in Parliament.

Partisanship is an obvious and essential feature of our politics and democratic institutions. It is probably the most normal thing about belonging in a Parliament. You are elected under the banner of a political party that believes in certain things and oppose others. When the House of Commons in Britain was destructed after a raid in the Second World War (1941), Churchill insisted that it had to be rebuilt in an oblong form - having the two sides of the House in front of each other. He thought a semi-circle (hemicycle in French) would not provide full justice to the nature of parliamentary debate. He believed a semi-circular chamber would give rise to “political theorists” and kill party politics. He wanted the Leader of the Official Opposition to face the Prime Minister in the Commons.

We expect the opposition to *oppose* the government. We even called it Her Majesty’s Loyal Opposition. We provide an official residence (Stornoway) to the Leader of the Official Opposition. So the whole system is based on the premise of partisanship.

The real issue of course is the extent to which partisanship in its modern manifestation has become detrimental to the quality of our democratic debate.

## Reforming Question Period

There are no better examples of this phenomenon than observing what is going in Question Period (QP) these days. It’s an appalling spectacle.

Ministers are allowed not to answer questions directly addressed to them. Point persons are chosen on the government’s side to handle the controversial questions and most of the time, they provide no answer and use their time to launch nasty attacks on their adversaries. The opposition is no better. They use their 45 seconds questions to try desperately to make the news at night and QP becomes a daily bad TV show. In one of his books Maclean’s columnist Paul Wells wrote that when Stephen Harper was Leader of the Official Opposition, his MP’s would come in his office all morning to formulate and practice their questions in front of him.

There is rarely any statesmanship. It’s a gong show. What is sad is that this daily exercise takes away more or less two hours of the Prime Minister’s time every day when the House sits. It serves very limited accountability purposes.

No institutional reform will disallow juvenile and childish behavior in the House. But we ought to try to bring substance and decorum. QP should be about real accountability.

I am proposing a reform in three points:

1. Extending questions and answers to 90 seconds (from the current 45 seconds) so that it is less of a television show but a forum where more meaningful answers from the PM and Ministers can be provided.
2. Instituting a Prime Minister’s Question period once a week based on the UK Model. This would allow the PM to answer more questions from MPs from all parties (not just the leaders).
3. A more forceful Speaker’s role. For example, the Speaker could refuse to recognize MPs (including Ministers) who behave inappropriately. More importantly, the Speaker could ensure Ministers answer questions and could sanction MPs and Ministers that interfere with proper questions and answers either by not recognizing them or kicking them out (as it is the case in the UK).

I am not suggesting that these propositions alone will fix QP. They all have their own shortcomings, and no reform would be perfect. But it seems to me the status quo is untenable.

## Senate Reform

There has been much debate about what we should do about the Senate. An institution of the 19<sup>th</sup> century, the upper chamber has been at the forefront of public discussions recently.

The central question we ought to be asking in light of any democratic reform exercise is this: does the senate still serve a legitimate and useful purpose in our political system?

Many will answer no. They will argue that because it is an unelected body, it doesn’t meet the democratic legitimacy test of the twenty first century.

Others will say that it can but only if there is meaningful reform. There have been many reform proposals to that effect over the years, from triple E Senate to provincial nominees, most of them focussing on electing senators instead of appointing them.

As the Supreme Court recently ruled in a much anticipated decision last May, there is no shortcut to Senate abolition or changing how senators are appointed. The only route is a formal constitutional amendment that requires the support of at least a majority of provinces representing 50% of the Canadian population (depending on what reforms were being attempted).

In short, Senate reform or abolition is not impossible, but it would require long and substantial constitutional negotiations with the provinces and would only serve to open old constitutional wounds the country has no appetite for. Remember the Meech and Charlottetown Accord saga?

If anyone is under the illusion that provinces would just be happy to raise their hands in assent and ask for nothing in exchange for senate reform or abolition they should think again. Quebec Premier Philippe Couillard has already stated publicly he won't even consider discussing Senate reform before the Québec issue would be discussed and resolved.

So what then?

There are ways to address some of the issues without going through the constitutional route.

One of the problems is that the Senate has been an easy way for Prime Ministers to reward party loyalists. Of course, there have excellent appointments and there are very qualified Canadians serving in the Senate, from both parties represented in the upper chamber.

But it is fair to say merit-based appointments have not been the golden rule and that has led to a more partisan chamber. In order for the Senate to perform his second-thought sober function properly, the nomination process has to change to effectively result in merit-based appointments, and not be based on party loyalty.

Here is a proposition. A new non-partisan advisory committee could be formed and recommend Senate appointments on merit to the Prime Minister. The advisory committee would consist of one representative per province and territory (13 people) and members would come from all walks of life. A similar process has been followed in British Columbia a few years ago when a citizen assembly was created.

But instead of being selected randomly, the members of the committee would be selected by an ad hoc House of Commons committee. No partisan affiliation would be allowed. Canadians selected to sit on the committee would do so for three years, and their mandate would not be renewable. The committee would submit a list of candidates to the Prime Minister for his consideration every time there is a vacancy. As per the recent SCC decision, the PM would have the last say on appointments.

This is only a proposition. There might be other and simpler ways to proceed. The idea is to create a non-partisan process that is fair and leads to sound appointments. A criteria list could be provided to committee members and include some of the characteristics candidates should have, for example service in their community, professional and personal achievements, etc.

At the end, everybody will benefit from an improved appointment process and a less partisan Senate.

# 5

## THE ROLE OF DEMOS IN A REPRESENTATIVE DEMOCRACY

It would be wrong to put all the blame on politicians or institutions when it comes to democratic reform. We have the politicians we elect, and we have the institutions we choose. Any democracy is as good as its citizens want it to be.

Respected scholars have suggested we are already in a post-politics era. They argue that governments have become powerless in this globalized era of governance.

Others have noted that we live in an individualistic society. Institutions with different missions – from the United Nations to the Catholic Church to private banks, hospitals and schools – are all going through a confidence crisis. We are witnessing the most powerful country’s free fall. We see countries on the verge of bankruptcy.

Cynicism, fatigue, disillusion are words often used to describe the state of our politics. Every week, the newspapers and newscasts are full of stories about corruption, mismanagement and waste of taxpayers’ money.

By presenting 120-second reports that focus mostly on controversies, the media is for the most part exacerbating the negative feelings people have towards the political class. Newsrooms have become production lines. Twenty-four hour news comes with ridiculous deadlines for journalists. There are a lot of punchy headlines, but less and less rigorous analysis.

Because politics has become for too many a childish partisan game – and because it is being reported as such – less people are tuning in.

For political actors, it has become too easy to go with the nasty rhetoric and the low blows, in the process resolutely avoiding any serious debate about public policy. Attack ads work and punchy clip lines are much more effective than lengthy explanations, so there is no need to go into a substantive debate on climate change or economic policies.

All of this generates a snowball effect. Once a noble profession, politics do not attract the best our society has to offer. Although many exceptional individuals do serve as elected officials, it has become increasingly difficult to attract people at the height of their career. The ones who succeed and last are, for the most part, professional politicians.

Representative democracy was never meant to be perfect. It was never meant to reduce democracy to the simple act of voting every four years. It comes with important responsibilities for all citizens.

When our politics is ill, we delude ourselves if we fail to realize how it affects us in our daily lives. Only people who turn out to vote are taking part in the decision-making. Bad governments don’t happen by accident.

There is worrying trend: many Canadians are checking out of the political process and don’t pay much interest to what is going on. One could argue many feel disempowered or left out. The nastiness of modern politics may turn away many voters. The poor quality of the public debate may also be responsible for turning people off. The media may not help by covering politics as a perpetual horserace and not doing their homework with substantive analysis of the policy issues.

This may be all true, but it doesn’t change the fact that it diminishes our democratic life. When this happens, there is little accountability left in the system.



Elected officials are there to represent their constituents and make decisions on their behalf. It only works when politicians feel their constituents are watching them closely and expect the very best of them.

Institutional reform could help achieve meaningful democratic reform.

But it won't make our politics better. It won't produce statesmanship. It won't empower us as fellow citizens. As such, institutional reforms won't bring more civility and substance into the public discourse.

The best democratic reform we could accomplish is to try to change our political culture.

A political culture where leadership is cultivated and can flourish, where public service is valued and cherished. A political culture where being a citizen comes with important civic and political duties. A political culture that punishes the ultra-partisans and rewards the ones who are courageous enough to engage in intelligent public policy debates. A political culture where the media understands it has a responsibility to educate, not just to entertain people.

In a 2011 iPolitics column, Allison Loat from Samara wrote that "Canada needs to cultivate more political citizens". I think it captures the essence of our challenge. We can't afford to see politics as something that belongs to a few insiders. Canadians can protest – and they certainly should when it is needed – but what about occupying the vehicles that can make change happen, namely the political parties? There is nothing preventing Canadians from creating new ones if they don't like the ones they have.

If we resign as fellow citizens, then we have no one but ourselves to blame for our democratic ills.

An engaged citizenry is the most important check on governments.

Some could see this as wishful thinking. How can you engage when you're busy raising a family or working ten hours a day? How do you empower people so that they feel part of the discussion? And most importantly what is the role of the government in that regard?

There have been various propositions by different parties in the last few years that suggested the solutions lie in giving more power to citizens by instituting popular referendums, recalls, etc.

All this leans to this analysis: if we give citizens a stronger voice in our democratic institutions, the trust will come back.

Nothing could be less certain. In fact, it could undermine one of the founding principles of our political system: representative democracy.

Instantaneous direct democracies are a very bad idea. We don't like a minister anymore? Easy: we just throw him out. Bridges fall? We get rid of the government in place.

This is not democracy in action: it is populism at its worst. What we shouldn't be implying is that our elected officials no longer have the ability to fulfill the popular mandates we are giving them. It's more or less a form of abdication of the most important responsibilities of an elected official: represent the citizens who elected him, take decisions on their behalf and be accountable to them.

What is causing most of the cynicism is the way politics is being conceptualized and practiced on a day-to-day basis.

I would argue there is a supply and demand issue here.

If we are asking citizens to raise the demand line, we need the supply side to do its part so that the two can meet in the middle. This means for elected officials doing politics differently. A new generation of politicians is coming to the fore. There is an opportunity to change how politics is practised, and to raise the bar on transparency and accountability.

At the end of the day, our common objective should be to promote deliberation and compromise, mutual respect and understanding, long-term thinking and informed engagement.

# APPENDIX: SUMMARY OF RECOMMENDATIONS

## ELECTORAL REFORM

1. Implement a Preferential Voting system.
2. Give serious consideration to mandatory voting, based on the Australian model.

## INSTITUTIONAL REFORM (IMPROVING LEGISLATIVE OVERSIGHT AND ACCOUNTABILITY OF THE EXECUTIVE BRANCH)

1. Easing party discipline by instituting more free votes in the commons for matters of non-confidence
2. Reforming Question Period:
  - a) introduce a PMQP, based on the UK model
  - b) allow the Speaker to perform a challenging function to questions and answers, with appropriate sanctions
  - c) allow more time for questions and answers (45 seconds to 90 seconds)
3. Providing significant new resources to House of Commons committees and legislative functions of MPs offices.
4. Creating a new non-partisan consultative committee on Senate appointments

