

**The Substantive Representational Effects of Women Legislators in
Presence, Legislative Outputs, & Extra-Parliamentary Activity:
A Qualitative Analysis of the Canadian Senate**

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**A thesis submitted to the Faculty of Graduate Studies and Research
in partial fulfillment of the requirements for the degree of
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Abstract

Women have been traditionally under-represented in political institutions. According to the Inter-Parliamentary Union, of all the single or lower houses in the world, women only constitute 16.8% of the legislature -- 15.9% of women in the upper houses or Senates. In Canada, women make up 20.8% of the House of Commons, but constitute 35% of the Senate.

The high level of women Senators in Canada is in fact the highest level of women in any federal or provincial legislature in Canada. With such a high level of women legislators, no academic studies have been conducted to determine the substantive effects women have had on this institution. It is for this reason, that this study was undertaken.

Three hypotheses are examined to determine the effect of women on the Canadian Senate: presence, legislative activities, and extra-Parliamentary activity. The first hypothesis examines whether the atmosphere within which Senators work has changed with the presence of women Senators. In particular, this part of the study is interested in whether there were there more formal/informal support systems for women legislators and whether they employed the same adversarial style typical of politicians. The second hypothesis focuses on the legislative activities of the Senate and women Senators. Specifically, the study examines whether women introduced pro-women legislation, spoke on women's issues, and voted in a gendered manner. The committee system is also explored. The last hypothesis steps outside of Parliament Hill and examines the activities of female Senators when they are not in Chamber. These activities include helping to organize women, bringing women into Parliamentary activities, and recruiting candidates for their respective parties. Although results for some hypotheses were mixed, the vast majority held a high level of support.

This Thesis establishes baseline measures for future research and researchers to expand upon. The vast literature on women in the House of Commons demonstrates the amount of future research that can or should be expected. The most immediate research project should be an examination of shared legislative space. These are areas where women in the House of Commons and the Senate meet to conduct either party (caucus) or legislative work (Joint Standing Committees).

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Chapter One

Introduction

There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate and the House of Commons.¹

Traditionally, the House of Commons has been the central focus of academic research on Canada's parliamentary institutions. This includes gender research, the subject matter of which has been rather diverse, having included: Sylvia Bashevkin's examination of the struggle for women to break through the glass ceiling of politics and become candidates, elected representatives, and feminist activists in Parliament; Lisa Young's analysis of cross-party female co-operation in Parliament;² and Janine Brodie's analysis of public policy decision making.³ In contrast, the majority of what little research has been conducted on the Upper House has tended to focus almost exclusively on institutional reform – varying from modification or replacement of the current appointment system⁴ to the outright abolition of the institution.⁵

Although it is hoped that this thesis will contribute in some small measure to the rectification of this imbalance by providing gender research on the Senate, it is not the intention of this thesis to merely replicate a portion of the substantial body of work already developed with respect to the House of Commons on the subject of gender.

1 Constitution Act, 1867.

2 Lisa Young. "Women in the Canadian House of Commons." in Arscott and Trimble's *In the Presence of Women: Representation in Canadian Governments*. [Harcourt Brace: Toronto] 1997, pg 82.

3 Janine Brodie. *Women and Canadian Public Policy*. [Harcourt Brace : Toronto] 1996.

4 Rand Dyck. *Canadian Politics: Critical Approaches*. 3rd Edition [Nelson: Scarborough] 2000, pages 576-578.

5 *Ibid.*, pages 576-578.

Instead, it will hopefully build upon and expand that research to add another volume to the existing library of academic work on Canada's Parliament.

Most Canadians are blissfully unaware of the activities of the Senate and, of those who are aware of its activities, some are of the view that the institution is not worth preserving⁶ or examining. Such critics have argued that the Senate is simply a retirement home for political allies of the Prime Minister.⁷ It has also been suggested that the Senate as an institution is powerless in effecting legislative change and that, as a result, it is an entirely unnecessary component, a vestigial organ of the legislative branch.⁸ Of course, this line of reasoning presupposes that policy outcomes are the only measure of institutional success.

It is important to emphasize that the Senate actually wields considerable power and importance in our parliamentary system. Senators debate, amend, and vote on legislation. They can also introduce their own private member's motions and legislation, except for money bills. A powerful committee system that reviews bills and investigates a myriad of issues⁹ exists in the Senate. As Jackson and Atkinson note, this institution plays an important role in the legislative process,¹⁰ which demands academic examination from a variety of perspectives.

6 *Canadians and the Senate* Angus Reid Group May 1998 www.ipsos-reid.com/pdf/media/pr110598.pdf

7 *Supra* 2

8 *Ibid.*

9 Canada, *Making Canada's Laws*. www.parl.gc.ca/information

The first part of this chapter examines the Senate as an institution within Canada's Parliamentary system. It will then provide an overview of some of the most important historical changes that have taken place to the institution, which are of particular importance to this thesis, including the Persons Case, as well as the changes to age limits and the committee system. Finally, this chapter will introduce the hypotheses and research methods for the upcoming chapters of this thesis.¹¹

The Canadian Senate

Canada's parliamentary system is inherited from Britain, but unlike Britain, Canada is a parliamentary bicameral federation. The combination of these systems made Canada the first federation to incorporate a system of parliamentary responsible government;¹² although this model has since been adopted by other states such as Australia.

The Canadian Senate, like most second houses in a Parliamentary system, has two broad functions. According to Watts, these are legislative review and the representation of regional interests.¹³ Further to these two primary functions that Upper Houses are responsible for, there are two other functions¹⁴ that have been added since

10. Jackson and Atkinson. *The Canadian Legislative System*. 2nd edition, page 110.

11 Watts, Ronald. "Bicameralism in Federal Parliamentary Systems" chapter in Serge Joyal *Protecting Canadian Democracy: The Senate You Never Knew*. McGill-Queens University Press

12 Watts, Ronald L. *Comparing Federal Systems*. 2nd edition. McGill-Queens University Press. Pg 24.

13 Serge Joyal *Protecting Canadian Democracy: The Senate You Never Knew*. McGill-Queens University Press pg 68.

Confederation. One additional function is the representation of “special interests” in addition to regional interests while the second refers to the investigative power of Senate committee investigations in Canada.¹⁵

Examining the first function in the context of the Senate, it is clear that there is an element of “redundancy” brought into the legislative processes, which can form an important part of the checks and balances within a democratic government.¹⁶ “...[A] second chamber may look afresh at legislative proposals and uncover difficulties not noticed in the first chamber.”¹⁷ Thus, the “sober second thought” of a second chamber, as Canada’s first Prime Minister, Sir John A. Macdonald, famously put it, may provide protection against the danger of rash judgments by an unchecked Lower House.¹⁸

The second function of the Senate is representing regional interests. Representation in the lower houses of most federations is based on population, which means that the more populous states or provinces will have a preponderant influence in the Lower House through their greater proportion of representatives. As a counterbalance to this, the creators of federations have generally chosen to provide the less populous regions (e.g. states and provinces) an improved voice in deliberations at the federal level by giving them weighted or even equal representation in a federal second legislative chamber.¹⁹

The basic premise of a federal system is to have one House based on representation by population and the other House based on representation by regions or “a majoritarian first

14 The term ‘function’ has been used by Watts. Ibid 12.

15 Supra 13, pg 72

16 Ibid. pg 68

17 Ibid. pg 68

chamber and a non-majoritarian representation of regional interests in the second chamber.²⁰

Women in the Canadian Senate

The Senate has changed only slightly since Confederation, but those changes that have taken place are noteworthy. The three significant reforms related to this thesis are examined each in turn. The first reform directly affecting women is the famous Persons Case, which enabled women to sit as Senators in the Upper House commencing in 1930. The second reform is age limits, or forced retirement at age 75 introduced in 1968, which increased Senate turnover and was a reform Prime Minister Chretien used to appoint a record number of women to the Senate. Lastly, the reform of the Senate standing committees in the 1990s enabled women Senators to have a significant influence. Chapter 2 discusses the unique opportunities and challenges women Senators work in and how this federal and parliamentary system can help and hinder their work.

The “Persons” Case

Before the historic federal election of Agnes MacPhail in 1921 to the House of Commons, women were not legislative representatives in either House of Parliament. With her election, however, women’s organizations began to lobby government to have a woman in the Senate. Unfortunately, the government of the day did not agree, arguing that they could not appoint women to the Senate since it “was not legally permissible

18 Ibid. pg 68

19 Ibid. pg 69

20 Ibid. pg 26

because the British North America Act [now known as the Constitution Act, 1867] said that only “qualified persons” could be appointed to the Senate.”²¹ The government argued that since, persons was defined as “he” when used in the singular tense, logically and legally the term persons in the relevant constitutional provision above was, in fact, only referring to men and so only men could sit in the Senate.

The argument was challenged in 1927 when five women from Alberta, known collectively as the “Famous Five”, put the question directly to the Supreme Court of Canada. Specifically, the issue was whether or not the word “persons” in section 24 of the *British North America Act, 1867* included female persons. The decision from the Supreme Court of Canada was that women were not included in section 24. After this decision, the famous five took this case to the highest court of appeal for Canadians at that time - the Judicial Committee of the Privy Council of England (JCPC). The JCPC decision was favorable to the cause of women’s rights when it stated: “the exclusion of women from all public offices is a relic of days more barbarous than ours. And to those who would ask why the word 'person' should include females, the obvious answer is why it should not?” Subsequent to this, the Prime Minister of Canada appointed Canada's first woman senator, Cairine Wilson, in 1930.

Sixty-eight women have sat in the Senate since 1930. The representation of women in the Senate has grown from 1 in 1930 to 33 in the current Parliament, which is more than one-third of the Senate's membership. Furthermore, it is higher than the percentage of

²¹ http://www.abheritage.ca/famous5/timeline_text.html

women in the House of Commons (21%). It is, in fact, the highest representation of women in any legislative assembly in all of Canada and; therefore, worthy of greater attention for academic research on gender.²²

The Senate is part of Canada's Parliamentary system and as such, it has a particular purpose and responsibilities. The Senate was designed to function as the institutional house of sober second thought to the House of Commons, and to balance the Commons' populous representation by having Senators representing the different regions of Canada. The Senators' core legislative responsibilities were to review legislation and to introduce non-monetary bills. When determining what type of representation women Senators adopt in fulfilling these responsibilities, we need to keep this institutional constraint in mind – especially when engaged in a comparative analysis between women MPs and women Senators.

There are two broad types of representation that will be the subject of analysis in this paper: descriptive and substantive. Descriptive representation can be defined as examining the number of women appointed to the Senate as well as a socio-economic and political breakdown of their background and experience. Substantive representation, on the other hand, refers to women legislators actually representing a feminist ideology "...in content, or in substance."²³ Trimble's model for the legislative representation of women will be utilized for this thesis and will be explored in detail in the following section of this chapter.

²² 22 women comprise 23% of all legislatures combined. Trimble, Linda and Jane Arscott *Still Counting: Women in Politics Across Canada*. Broadview Press 2003 pg32

Hypothesis

During his tenure as Prime Minister, Jean Chrétien appointed a record number of women to the Senate.²⁴ This thesis will examine the impact of this increased female presence in Canada's Upper House. The primary research question is whether the incremental increase in the number of women being appointed to the Senate over the years has impacted its debates and policy outputs. More directly and simply stated, this thesis will attempt to answer the following question: Do women appointed to the Senate make a difference?²⁵ The hypothesis is that they do indeed make a difference, and in fact they do so in a myriad of ways.

In order to capture this diversity, the central hypothesis that women make a difference in the Senate will be broken down into three hypotheses that will be elaborated upon in the remainder of this chapter:

- (1) The presence of women in the Senate has a positive effect on the atmosphere of the Upper House;
- (2) Women in the Senate have resulted in pro-female policy outputs; and
- (3) Women in the Senate have resulted in pro-female extra parliamentary activity.

Theoretical Model

The theoretical model utilized in this thesis will be fully described in Chapter 2. The model consists of the following elements: the influence of gender and the institutional

²³ Ibid., pg 47.

²⁴ Women accounted for 44% of Prime Minister Chrétien appointments to the Senate.

²⁵ A total of 60% of the current women sitting in the Senate were interviewed for this project, a further

freedom and constraints of the Senate as compared to the House of Commons. It is expected that there is a combined effect of these two variables on a women's ability to make a difference in the Senate. It will be argued that when examining gender, the critical mass of women Senators has had a positive influence on the environment of the Senate as well as the issues discussed and the bills amended, passed, and defeated therein. One key element of the success of these women has been the institution these legislators work in. It is expected that women in the Senate are able to accomplish more for women than women in the House of Commons because of the different level of party discipline and procedural opportunities between the Upper and Lower Houses.

This model will be used to test three hypotheses and it is based on a combination of two research findings: one that is based on strategies and one based on effects from implementing these strategies that the International Institute for Democracy and Electoral Assistance (IDEA) has put forth,²⁶ (see figure 1A below). Based on her extensive research on women in the legislature of the province of Alberta, Trimble's model identified the following five strategies women legislators can use to represent women's issues and perspectives in the legislature:

- (1) By altering the style and format of political debate;
- (2) By voicing women's diverse experiences, ideas and policy needs;
- (3) By advocating on behalf of, and providing information and advice to, women and women's groups; and

50% of retired women Senators were also interviewed.
26 IDEA is an international research center headquartered in Europe that focuses on the increased representation of women in legislatures around the world.

- (4) By analyzing policy issues with women's interests and perspectives in mind;
- (5) By acting to promote women's policy demands and meet women's diverse needs.

It should be noted that Trimble, other academics in this field, as well as this thesis, will concentrate both on women's issues and women's perspectives on issues. The difference between these two terms is significant. Women's issues are "where policy consequences are likely to have a more immediate and direct impact on significantly larger numbers of women than on men,"²⁷ whereas women's perspectives involve "introducing women's views on all policy concerns."²⁸ Therefore we have opportunities to test whether women Senators actually represent women's view and not the view of their party. At the same time, we can examine other policies and areas of activity in and outside the Senate where it can be determined if women Senators represent a women's perspective on the issues.

Trimble notes that the aforementioned strategies are not mutually exclusive and indeed overlap in certain cases. However, this model will attempt to treat each individually. An examination of each of Trimble's strategies in relation to women Senators would add to the literature on women legislators, but a more thorough analysis will combine these strategies with outcomes. Accordingly, each of these strategies will be examined in combination with the changes that such strategies can produce in a legislature.

IDEA has taken Trimble's work and expanded it to identify the effect these strategies would have on Canadian women. They stated that "...employing these strategies can

²⁷ *Supra* 22 pg 127.

²⁸ *Ibid.* pg 128.

lead to four types of change, each of which can produce measurable outcomes for women.”²⁹ These four changes include:

- (1) Representational change;
- (2) Institutional change;
- (3) Discourse change; and
- (4) Impact/Outcome change.

The first and most basic type of change is Representational – which simply refers to the need to increase the number of women in legislatures. In order to accomplish this goal, measures have to be used to increase the rate of women’s electoral success, or in the case of the Senate, appointment success. For elected legislatures, these measures can include “...changes to electoral laws and regulation of political parties designed to boost the number of women candidates.”³⁰ This can be applied to the Senate by implementing rules requiring the appointment of women to important parliamentary and government positions in order to affect women’s access to power. Alternatively, a commitment on the part of the Prime Minister and Appointments Clerk to increase the number of women in the Senate would be the simplest level of measure to descriptively increase the number of females in the Senate.

The second type of change, Institutional, refers to making legislatures more accommodating to women. This can refer to structural changes (e.g., providing day care spaces, changing the number of days per week the legislature sits, and allowing parental

²⁹ Trimble, Linda and Jane Arscott *Still Counting: Women in Politics Across Canada*. Broadview Press 2003. pg 129.

leave when their child is ill) as well as attitudinal changes (e.g. less adversarial environment, less sexism, and increased focus on policy change). These changes would be "...designed to make legislatures more "woman-friendly.""³¹

The third change International IDEA discussed is Discourse change, which refers to "...promoting recognition and validation of women's perspectives and issues, in all their diversity... [so their] perspectives are regarded as valid, important, and intrinsic to political discussions." This is recognizing the fact that not all women are the same and that they might represent different parties and have different ideologies, views on feminism, and issues they wish to prioritize. The descriptive increase in the number of women in a legislature does not directly translate into an increase in one type of substantive representation. This is viewed as positive, since the goal of legislatures is to represent all the views in Canadian society and since women are diverse in Canada, this diversity should be reflected in the legislatures.³²

The final change is Impact/Outcome, which refers to producing more pro-women policies. The term "pro-women" has been debated within the House of Commons literature on several fronts. First, there is the matter of what issues should be considered women's issues or whether every issue before a legislature should be considered to have a women's perspective that should be represented. Another issue of debate within the literature is whether only a feminist perspective should be considered substantive

30 Ibid.

31 Trimble, Linda and Jane Arscott *Still Counting: Women in Politics Across Canada*. Broadview Press 2003.

32 Ibid. pg 129 –131.

representation, or whether a broader examination of all women’s perspectives should be included in an analysis of “pro-women policies”.

Figure 1A: Interrelationship Between the Thesis Hypothesis and Thesis Model

	Hypothesis	Strategy (Trimble)	IDEA’s Types of Change
1	The presence of women in the Senate has a positive effect on the atmosphere of the Upper House	By altering the style and format of political debate	Institutional change
2	Women in the Senate have resulted in pro-female policy outputs	By analyzing policy issues with women’s interests and perspectives in mind	Impact/Outcome change
3	Women in the Senate have resulted in pro-female extra parliamentary activity.	By voicing women’s diverse experiences, ideas and policy needs. By acting to promote women’s policy demands and meet women’s diverse needs.	Representational change

The Institution of the Senate

According to the International IDEA, the “actual impact women parliamentarians can make will depend on a number of variables, including the political context in which the assembly functions, the type and number of women who are in parliament, and the rules of the parliamentary game.”³³ Thus, after examining the model in some detail, the discussion will then turn to a discussion of the Canadian Senate in order to examine the uniqueness of this legislature in comparison to the House of Commons. Chapter 3 will include descriptive tables describing the status of women in the Senate compared to male Senators as well as a comparison between female and male Members of Parliament (MPs) in the House of Commons.

The first section of the chapter will examine gender differences within the Senate. It will provide an assessment of whether women have made strides at achieving a large percentage of representation or critical mass in the Senate overall and within each of the parties. This type of study is called descriptive representation or representation by women. It simply examines gender as its sole independent variable without taking into account feminist beliefs of these women Senators, institutional constraints they work in, or party politics that they must confront. When these statistics are compared with the results for women in the House of Commons, it will be possible to determine whether there is a substantive difference. With a larger percentage of women in the Senate, it is hypothesized that this will result in a more diverse institution; at least on gender lines, this latter hypothesis will be examined in a later chapter.

The debate around critical mass will be touched upon in this section, specifically the desire to have gender parity in political institutions coupled with the knowledge that the increased presence of women might not necessarily result in an increase in feminist voices within that institution. For this section of the thesis, it will be recognized that descriptive representation does not always translate into feminist representation. It will also be argued that this acknowledged limitation in the link between descriptive and substantive representation “..is not to say that numbers do not matter, but the concept of critical mass may hide more than it reveals.”³⁴ As will be discussed in chapter 5, whether a female Senator self-identifies as being pro-feminist is hypothesized to have an impact, as well as the party to which they belong and the institution which they operate.

33 Ibid. pg 131

There is a body of literature concerning how to increase the number of women elected to the House of Commons, but perhaps significantly, no corresponding literature on increasing the number of women in the Senate. Since the Senate is appointed, the opportunity structures that need to be put in place to increase the number of women in the Senate are readily apparent – the Prime Minister and the Appointments Clerk. It will be argued that although Prime Minister Mulroney and his Appointments Clerk (Senator Marjory LeBreton) did prioritize the appointment of women to the Senate, it was the team of Prime Minister Chretien and his Appointments Clerk (Penny Collenette) that set the record not only for female appointments to the Senate, but also for female appointments to every available federal government post in general. The opportunity structure created by having an appointments clerk that is consciously trying to achieve gender parity will be examined in detail in Chapter 3. In fact, this, as well as a number of descriptive statistics, will be examined before turning to the three hypotheses.

Hypothesis 1: The presence of women in the Senate has a positive effect on the atmosphere of the Upper House.

It should be noted that the level of analysis used for each hypothesis changes. The level of analysis used to study this hypothesis will be among female Senators, as well as a comparison between male and female Senators. The qualitative techniques used for each hypothesis will consistently employ interview evidence; however, other available data will be utilized for each hypothesis.³⁵ Besides primary interviews and secondary data of Senators, the first hypothesis will also specifically utilize an in-depth interview with

34 Childs, S. 2004 "A Feminized Style of Politics? Women MPs in the House of Commons." *British*

Penny Collenette, Jean Chretien's Appointments Clerk, as well as secondary data on whether there was an increase in the number of women to the Senate.

Although academic writings on gender have tended to focus on substantive representation of women, "many feminists have reclaimed descriptive representation, arguing that who our representatives are matters after all".³⁶ Research shows that women change the atmosphere of the institutions they belong to³⁷ – specifically the way they approach their job, their consensual as opposed to adversarial nature, as well as their desire to help other women operate within the institution of the Senate. All of these three facets of presence will be tested in this section of the thesis.

Therefore, the first hypothesis to be examined by this thesis is whether the presence of more women in the Senate has changed the atmosphere of the Senate. This will be tested in chapter 4 where the independent variable (IV) will be gender with three separate dependent variables (DV). The first DV will be attendance records. Qualitative questioning from interviews on how women approach their jobs in the Senate will also be examined. Furthermore, a second DV will be whether they have full-time or part-time employment outside the Senate, which will be substantiated by factual evidence on record with the Senate. It is believed that women Senators view their job as full-time and do not have other full or part-time jobs while sitting in the Senate. Furthermore, since it is believed that women Senators dedicate themselves to their jobs, it is speculated that they will attend the business of the Upper House proportionately more frequently than

Journal of Politics and International Relations, 6 (1), page 58.

35 A detailed discussion of data collection and methods will be discussed in Appendix A.

their male colleagues. The evidence from the interviews will be substantiated through the use of secondary data – in particular, five separate random observations of female Senators' behaviour in the Upper House as well as their attendance will be utilized to explore the first hypothesis. These two analyses will measure the first facet of this hypothesis: the different ways in which men and women Senators approach their job.

The second facet of this hypothesis: attitude toward other Senators -- will be measured using the following question during the interview: "Do you feel your presence in the Senate, as female Senators, has had an impact (either positive or negative) or none at all." Recent literature in Britain suggests that the arguments for gender parity in a political institution are not just about fairness. In fact, one researcher who interviewed female MPs in Britain has drawn a link between "...the identity of the representative and the representative's attitudes and behaviour." Therefore, arguments for equality in the Senate are not solely based on symbolic representation but on the basis that women politicians have a different style of politics.³⁸

This first hypothesis will also examine a third and final facet - whether the presence of women Senators has resulted in a desire to help the advancement of newly appointed women to the Senate. Although male colleagues are helpful to women appointed to the Senate, it will be argued that women seek out other women for advice, support, and institutional knowledge when appointed to the Senate. Therefore, with the increased number of women in the Senate, newly appointed women have more access points for

36 Supra 35
37 Ibid.

advice and support. It is believed that female appointments compared to male appointments are less likely to be partisan; therefore, these women have a steeper learning curve within politics, the institutional workings of the Senate, and may feel more isolated since they have fewer political connections that partisan appointments would have established prior to entering the Senate. Due to this discrepancy in learning curves, it is believed that women who partook in a newly created Senate orientation were better able to cope more quickly than those who did not. Furthermore, it is believed that female Senators rely on other female Senators for advice and support; therefore, the presence of women in the institution is necessary to pass on institutional knowledge and collegial support to the increasing number of women in the Senate.

“Although in principle women representatives may share a feminized agenda, one cannot presume that all women will agree on or that there is, a ‘women’s’ response to that agenda.”³⁹ However, it is believed that even if they do not hold feminist views, they do examine legislation and issues from a female perspective – one of inclusion of diverse actors in Parliamentary work, consensus building decision-making, as well as other characteristics that are different from men.

This thesis began with the general hypothesis that the presence of women in the Senate has changed the atmosphere of the Senate. This leads into the next hypothesis that concentrates more on substantive representation through policy output. Therefore, this

38 Ibid

39 Ibid.

thesis will examine through detailed qualitative examples the relationship between women's presence in the Senate and the substantive policy outputs.

Hypothesis 2: Women in the Senate have resulted in pro-female policy outputs

The level of analysis used to study this hypothesis will be a comparison between male and female Senators, as well as a separate comparison between female MPs and female Senators. The qualitative techniques employed will be interviews with female Senators.⁴⁰ Secondary data will be used to address issues raised during the interviews. Specifically, structural differences between the two Houses and differences in legislative roles between MPs and Senators will be explored. The analysis of the legislature will be broken into three components with case studies of each section: bills, committee and caucus. Furthermore, a general comparison between issues discussed in the Senate by gender will be examined.

The findings from this hypothesis are expected to reflect the importance of rejecting a simple deterministic relationship between women's presence in a legislature and women legislators acting for women, which has been supported by Childs' findings. Simply stated, not all female legislators seek to act for women.⁴¹ As Childs states " [this is] a statement that reflects Phillips's warning that the substantive representation of women by women representatives is not guaranteed."⁴² Leading from this hypothesis is the acknowledgement that women do not act in isolation, but are in fact part of political

40 A total of 60% of current sitting female senators were interviewed for this thesis.

41 The idea of "false consciousness" can be extended to other important types of analysis. Feminism is the one under discussion in this thesis; however, it is present in race and class analysis.

parties and members of an institution.⁴³ “[D]etermining whether they can, in practice, act for women is another....but it does not tell us anything about the environments in which women representatives seek to act for women.”⁴⁴

The literature on women in the House of Commons will be utilized here since it does recognize several constraints on women who wish to represent women in Parliament.⁴⁵

The main institutional constraint is party discipline. “Any comprehensive account of the relationship between women’s presence and the substantive representation of women in Westminster must also recognize that women MPs are party representatives.”⁴⁶ In practice, both gender and party influence substantive representation.

This section of hypothesis 2 will begin by examining a case study of a key bill on which women Senators have been thought to have made a significant difference: the 1991 Abortion Bill.⁴⁷ The Senate Committee system will also be examined through the lens of gender. The case study chosen for the committee section of this hypothesis is the Human Rights hearings and report on Aboriginal Matrimonial Property. This topic has been thoroughly studied in the Senate and is now being examined by the House of Commons Standing Committee on Aboriginal Affairs.

42 Supra 35

43 Most Senators belong to community groups or social activist groups outside the Senate.

44 Supra 35

45 Supra 2

46 Supra 35

47 Other bills where women have had an influence have been C-68 the Gun Control Bill and C-38 the bill surrounding gay marriage.

This hypothesis will also go beyond party discipline and examine the structure of the two institutions. It is expected that, in particular, bill and Senate committees are areas in which women Senators are freer to represent women's issues than female MPs. Other areas, such as, private members bills, Question Period and Members Statements and their power in caucus will also be examined.

The last hypothesis for this thesis examines the activities Senators participate in when they are not conducting official legislative business. For some Senators this involves a great deal of their time and is an avenue for them to focus in on their passions. Three aspects of their work will be examined: work organizing women, work bringing women into the Parliamentary process, and their work recruiting women to run for political office.

Hypothesis 3: Women in the Senate have resulted in pro-female extra parliamentary activity.

The level of analysis used to study this hypothesis is a comparison among female Senators. The qualitative techniques used in this section of the thesis will include interviews with female Senators, an examination of the official debate index, and case studies of the unique work these Senators conduct.

When discussing policy outputs throughout this thesis, it is important to determine the relationship different generations of women Senators have with the term "feminism" and how one measures what a women's perspective is on policy outputs. The starting point of this qualitative analysis is to determine if representing women is a generational

constraint – specifically, as it relates to women’s attitude toward the term feminism. This constraint is a two-way street – first, women Senators often do not wish to be labeled feminist for several reasons,⁴⁸ even though their actions might be feminist. Second, because some do not label themselves as feminist, female Senators are ignored as an access point for legislative change, which is a wasted opportunity for people to try to influence public policy. Quoting a past president of a feminist organization, “women have made no inroads on policy making.”⁴⁹ She states that the reason for this is quite complex, but that the under-funding of women’s groups, the inter-group dynamics within women’s groups, combined with a backlash against feminists by men and women are three causes that may have contributed to a lack of feminist input in public policy.⁵⁰ However, in the last few decades the negative opinions towards feminism may be changing. Anderson states that a survey conducted last decade found that “...90% believed [the women’s movement] had been good for women.”⁵¹ Therefore, this generation gap between those in the Senate and the women in the workforce today may be ultimately responsible for this attitudinal difference towards the term “feminism”.

The latest literature on women representatives in the House of Commons has taken an approach that can help address legislators who do not wish to be identified with a label; specifically, it examines whether women act in unison on issues that have a gender angle (such as children’s rights or abortion), as well as examining the different perspectives they raise in debate – even if they are considered anti-feminist.

48 Examples include: pigeon holed, recognize term as anti men, etc

49 Anderson, Doris *The Unfinished Revolution*. Doubleday Press. pg 213.

50 Ibid pg 221.

51 Ibid pg 224.

[T]oo often there is an unconscious elision between the substantive representation of women by women representatives and the feminist substantive representation of women by feminist women representatives. Some women representatives may reject ‘feminism’, but they may still act for women, albeit in a different way (and one which feminists might find unappealing). Recognizing this demands that gender is theorized in a more complex way than a simple feminist/non-feminist dichotomy.⁵²

Therefore, establishing the level of feminist identification in the Senate is necessary in order to determine whether feminist substantive representation occurs or whether it is only substantive representation of women (that is not necessarily feminist). A third option is that no gender representation occurs at all. It is expected that for this thesis a large group of female Senators hold a negative perception of the term feminism, but still work for the advancement of women.

This thesis will conclude by examining the diversity of women appointed to the Senate as compared to the House of Commons, especially as it relates to the effect multiple identities have on policy outputs and issues they prioritize. Specifically, Blacks’ comparative study of visible minority versus non-visible minority MPs will be applied to the Senate. Furthermore, an examination of Aboriginal inclusion in the Senate compared to the House of Commons will be conducted. As part of this analysis, an examination of their influence outside the Upper House will be conducted.

This chapter will also review their role in promoting the Senate to Canadians through special functions and speaking engagements, and more significantly their political party activities, including candidate recruitment and election work. Although these two

⁵² Supra 35

extracurricular activities are important, most of the women Senators spend time outside the Senate (i.e. extra-parliamentary activity) promoting personal issues. Case studies will highlight some examples, which include: the plight of Afghan women; the Sudanese peace process; poverty activism; human rights; and military families.

The thesis will conclude with Chapter 7, which revisits the model set out in chapter 2 and its three sub-hypotheses bringing all the findings together into a comprehensive whole. It should be noted that the research methods used for this thesis and the sources it relies on are presented below.

As the outline above evidences, this thesis intends to demonstrate that given the bicameral nature of Canada's Parliament and the growing number of female Senators, the Senate is a valuable institution for feminist research, and furthermore that women Senators do make a difference both inside and outside the Upper House.

Data Collection:

...[T]o know more about the relationship between women's descriptive, symbolic and substantive representation and whether women representatives have a different political style (between the presence of women representatives and the difference they make) it is useful, if not necessary, to study the attitudes and behaviour of women representatives in real political environments.⁵³

This thesis employs qualitative techniques due to the small *n* involved in each level of analysis and the detail of information required to establish baseline measures for future research. Therefore, as previously stated, not only will secondary data be used but

53 Ibid.

personal interviews with female Senators will also be conducted. Although interviews were only conducted with female Senators, a descriptive analysis between male and female Senators is often utilized.

Figure 1B: Hypothesis with its corresponding Level of Analysis & Qualitative Techniques

	Hypothesis	Level of Analysis	Qualitative Technique
1	The presence of women in the Senate has a positive effect on the atmosphere of the Upper House.	Male Senators vs Female Senators	Interviews
2	Women in the Senate have resulted in pro-female policy outputs.	Male Senators vs Female Senators Female Senators vs Female MPs	Interviews Case Studies Senate Debate Index
3	Women in the Senate have resulted in pro-female extra parliamentary activity.	Male Senators vs Female Senators	Interviews Case Studies Senate Debate Index

Sampling

The sample frame for this research was women Senators sitting during the 37th Parliament, 3rd Session (February 2, 2004 – May 23, 2004). Due to the small population and the concern over potentially low response rates, simple random sampling was not conducted for this qualitative research design. Instead, an invitation to participate was mailed and/or hand delivered to each female Senator. After one week, a phone call was placed to each female Senator in order to arrange a mutually convenient interview time. This established a list of those Senators who wanted to participate and those who did not want to participate. Of those support staff who did not know whether their Senator wished to be interviewed for this project or not, three more sets of phone calls were placed (one each week for the next three weeks). If this follow up procedure still did not place their female Senator into either the participate/not participate categories, one final

phone call was placed a month later. At this point, all female Senators were coded as “participant” or “declined to participate”. Those who did not have a definite response at this time marker were placed in the “declined to participate” category, since ample time was allocated to schedule in an interview if they so desired. It should be noted that none of the Senators at this time missed any sittings of the Senate due to an illness, which would have been a legitimate reason for a delay in response to the interview request.

Interview Statistics

Requests for an interview occurred between the summer of 2003 and spring 2004. Actual interviews were scheduled between fall 2003 and summer 2004. For the interview process, the list of those who have agreed to participate will remain anonymous; however, out of all the currently sitting female Senators, 61% (22 out of 36 female Senators) were interviewed; 60% (6 out of 10) of retired female Senators still alive were also interviewed to include their views from another era in the Senate. Several other interviews were conducted with those who work with Senators as well as those who were involved with the appointment process.

Of those currently sitting female Senators at the time of being interviewed (see Table 1C below), 59% of Liberals were interviewed, 62.5% of Conservatives were interviewed, and 100% of Independents were interviewed.

Table 1C: Percentage of Women Interviewed by Party

	Liberal	Conservative	Independent	Total
Percentage of Women in the Senate	100% (27)	100% (8)	100% (1)	(36)
Percentage of Women Interviewed	59% (16)	62.5% (5)	100% (1)	(22)

Table 1D examines the party statistics for those interviewed who were retired. Of those who were retired, 60% of Liberals were interviewed and 50% of Conservatives were interviewed. It should be noted that only 5 out of 9 retired Liberal Senators had forwarding addresses, whereas all retired and living Conservative women Senators had forwarding addresses deposited with the Senate clerk.

Table 1D: Percentage of Retired Women Interviewed by Party

	Liberal	Conservative	Independent	Total
Percentage of Retired Women in the Senate	100% (5)	100% (4)	100% (1)	(10)
Percentage of Retired Women Interviewed	60% (3)	50% (2)	100% (1)	(6)

When examining those who were currently sitting during the sample frame (37th Parliament 3rd Session) for this thesis, the sample interviewed were representative of the female Senator population. Table 1E details the age differences between those who were interviewed and those who were not. It was found that 66.7% of those 60 years and younger were interviewed for this thesis, and that 59.3% of female Senators older than 60 years were also interviewed. Therefore, both age cohorts were sampled approximately evenly.

Table 1E: Percentage of Sitting Women Interviewed by Age⁵⁴

	60 yrs and Younger	Older than 60 yrs	Total
Senators Interviewed	66.7% (6)	59.3% (16)	61.1% (22)
Total	100% (9)	100% (27)	100% (36)

Table 1F utilizes the social demographic variable of education to determine whether the sample of women Senators used was reflective of this variable in the population. In fact, all categories of responses to education had a majority included in the sample used for this thesis. Of those women Senators who hold a BA, 58.3% were included in our sample. As for those with Graduate degrees, 50% were interviewed, as well as 80% of female Senators who held professional degrees. It could be argued that the professional category was over sampled; however, the small *n* associated with these statistics exaggerates the differences. The goal was to have a majority of women Senators from each educational group represented in the sample.

Table 1F: Percentage of Women Interviewed by Education

	BA	Graduate	Professional	No Response	Total
Senators Interviewed	58.3% (7)	50% (4)	80% (4)	63.6% (7)	100% (22)
Total	100% (12)	100% (8)	100% (5)	100% (11)	100% (36)

The last variables used to determine the representativeness of the sample used in this thesis was length of service in the Senate. The average length of service when all Senate terms are combined is 11 years; therefore, this figure was used to establish the two columns. Table 1G demonstrates that of those who served shorter terms (11 years and

⁵⁴ Age at time of interview.

under), 70% were interviewed. For those who served longer terms (over 11 years) 57.7% were interviewed for this thesis.

Table 1G: Percentage of Women Interviewed by Length of Service in Senate

	11yrs and Under	Over 11 yrs	Total
Senators Interviewed	70% (7)	57.7% (15)	61.1% (22)
Total	100% (10)	100% (26)	100% (36)

Although other socio-demographic variables such as, region, race/ethnicity, Aboriginal status, and language could have been utilized for further analysis of the sample, they were not included since the *n* for certain cells would identify the women Senators who were interviewed, violating the agreement of anonymity and confidentiality. From the analysis that could be conducted within ethical constraints, it can be established that the women interviewed for this thesis are representative of the women Senator population.

Chapter Two

Thesis Model: Descriptive & Substantive Representation of Women within the Institutional Constraints of the Senate

This chapter applies the literature on women legislators to the model used to analyze the results in this thesis. The literature discusses both descriptive representation and substantive representation.¹ The former is concerned with the question of why it is important for women to be included in an institution, as well as the actual number of women in a legislature to determine the current presence of women, how it has changed overtime, and how to increase the numbers in the future. Substantive representation is concerned with the outputs of the institution: do women “act for women” through legislative outputs and public policy changes, for example.

One constraint when studying the effects of both descriptive and substantive representation is the institution women legislators work in. The model used to test the hypotheses recognizes that gender operates in the freedom and constraints of its institution – in this case, the Senate. This thesis will demonstrate how institutions can foster an atmosphere in which women Senators can represent women’s issues more freely than in the House of Commons, which is where more party discipline exists. It will be argued that women Senators can be more effective at substantive representation than women in the House of Commons due to these institutional differences between these two houses of Parliament.

As previously discussed in chapter 1, most of the research on women legislators is devoted to members of the House of Commons (MPs), not the Senate. This thesis hopes to take steps to rectify this oversight and redirect attention to the other house of Parliament. Therefore, existing research on the House of Commons is discussed and, wherever possible, it will be applied to the Senate, with the difference in institutional constraints noted where appropriate.

Descriptive Representation

According to the Inter-Parliamentary Union (IPU), which maintains statistics on women in parliaments, “[t]he worldwide average percentage of women in single or lower house [sic] of national parliaments is about 16 per cent.² Even if some countries are approaching parity at the federal level (notably Rwanda and Sweden) women make up a critical mass³, or some 30% of parliamentarians, in only 19 out of 185 countries in the Inter-Parliamentary Union.”⁴ Within Canada, women make up 20% of the lower legislature⁵ and 34% of the upper House.⁶ However, women are 52% of the Canadian population.⁷

1 Descriptive examines physical characteristics and Substantive Representation examines the actions of female legislators

2 That is to say, about 30 per cent; see www.ipu.org/wmn-e/world.htm; accessed July 25, 2005.

3 Trimble notes that “[t]he concept of a critical mass is borrowed from physics, where it refers to the minimum mass of a particular fissionable nuclide in a given volume required to sustain a nuclear chain reaction. Before that minimum mass is reached, nothing happens; once a certain proportion is attained the results are explosive. Translated into the political realm, critical mass theory suggests that female legislators, like nuclear particles, are unlikely or unable to instigate changes until they have more than a token presence.”

4 Manon Tremblay “Do Female MPs Substantively Represent Women?” *Canadian Journal of Political Science* 31: pg 443-444.

5 Trimble, Linda. “Assembling Women, Gendering Assemblies in Yasmeen Abu-Laban, ed., *Gendering the Nation State: Canadian and Comparative Perspectives*. UBC Press. Draft Submission

6 www.parl.gc.ca consulted on May 20, 2006.

Although a detailed analysis of the Senate's descriptive representation will be conducted in the following chapters, a summary of the statistics demonstrates that most of Canada's legislatures lag behind the world and in fact only the Senate (34%) and the Quebec legislature (30%)⁸ have a critical mass of women. Number counting on its own provides useful information about where women are currently in any given institution, as well as where they came from and speculation on their future; however, linking number counting to inferences about public policy outputs that would favour women has become problematic.

Critical Mass Theory

The most obvious theory to apply to an analysis of women in legislatures would be critical mass theory. The starting point for critical mass theory began with Kanter who discussed women in organizations. This theory was brought into political science to study legislatures. The term critical mass was not coined by her; instead, she discussed four types of groups using percentages: uniform (0% women), skewed (up to 15% women), tilted (15%-40% women), and finally balanced (50% women).⁹ She determined in her research that you need to be at the tilted level in order to affect the behavioural outcome of the organization. The percentages of women needed in a business organization associated with this level are 15% to 40%; hence, this is where these percents used in current critical mass research were developed. Therefore, if women legislators want to affect public policy, they would need to constitute at least 15% of the

7 http://www.cbc.ca/canadavotes/realitycheck/women_parliament.html

8 <http://stillcounting.athabascau.ca/inthenews.php>

9 The scenario of over representation of women above 50% is not discussed, since this has not occurred anywhere at the federal level according to IDEA statistics.

legislature; however, researchers have traditionally set the level at around 30% depending on their particular viewpoint.

Critical mass theory tries to link two types of representation (descriptive and substantive) together, as if gender were an independent variable and feminist policy outputs the dependent variable.¹⁰ Therefore, when a certain level, which fluctuates between researchers, is obtained women friendly public policies will flow from the legislature. Of course, as researchers have found as will be discussed in the next section, this simplistic bivariate relationship does not easily exist in the real world of political legislatures. Key elements, such as party, ideology, region, culture, and type of institution need to be taken into account in order to predict the level of women friendly public policies coming from a legislature. Researchers have acknowledged that there may be an effect when larger numbers of women are present in an institution, but other variables need to be taken into consideration. Critical mass theory does not allow for that, but the model used for this thesis does. It not only takes into account the gender of the legislator but also the different types of pro-female changes that can be achieved in a legislature besides public policy output. Differences may very well occur when a large number of women are present in a Senate committee or in a party caucus; however, unlike critical mass theory, gender is not the sole variable of explanation.

There is a body of literature that tries to apply the critical mass theory to practical situations. Cowley and Childs applied critical mass theory to women in the British House of Commons and found that they were “less willing to rebel, and therefore

unlikely to make a distinctive contribution to the public policy agenda.”¹¹ In Canada, a critical mass at the tilted level (15%-40%) of women actually exists in several institutions in Canada (Quebec, Ontario, Alberta, House of Commons, and the Senate). All of these legislatures have been studied with the exception of the Senate. A cursory examination of the literature, which will be discussed in more detail in the following section, consists of Burt and Lorenzin, in Ontario, who found that party not gender was a better indicator when predicting which legislators spoke on women’s issues.¹² Trimble found that party affiliation, ideological domination of the legislature, and legislative role were more important indicators than gender. Her research focused at the provincial level, specifically examining the Alberta legislature from 1972 to 1995.¹³

Although this would have been a good opportunity to test this theory within the Senate, there have been several shortcomings identified by other researchers, to the point where the theory is not as well used as it has been in the past.

The Problems with Critical Mass Theory

Several problems exist with critical mass theory. These studies have demonstrated “...that even when women are elected in numbers within the posited critical mass threshold of 15-30 per cent, their impact is considerably more gradual, indirect and

10 Supra 5

11 Norris and Lovenduski. Draft. *Blairs’s Babes*. 2001.

12 Burt, Sandra and Elizabeth Lorenzin. 1997. “Taking the Women’s Movement to Queen’s Park: Women’s Interests and the New Democratic Government of Ontario,” in Jane Arscott and Linda Trimble, ed., *In the Presence of Women: Representation in Canadian Governments*. Toronto: Harcourt, 202-227.

13 Trimble, Linda. 1998. “Who’s Represented? Gender and Diversity in the Alberta Legislature.” In Manon Tremblay and Caroline Andrew, ed., *Women and Political Representation in Canada*. Ottawa: University of Ottawa Press, 257-289.

mediated than critical mass theory suggests”¹⁴ Studlar and McAllister pointed out that “...several studies have searched in vain for threshold or critical mass effects on agenda-setting, legislative voting, legislative behaviour and policy outcomes in various countries”.¹⁵ Studlar and McAllister, for instance, found that “...a critical mass of elected women did not predict support for politics of concern to women or greater conformity in attitudes among elected women.”¹⁶ Furthermore, several Canadian researchers have found that other variables such as ideology and party were better predictors of feminist policy output than critical mass. For example, Burt and Lorenzin in their study of the Ontario legislative¹⁷ debates in the 1990s, found that “...party was a better predictor of willingness to discuss women’s issues, as there were instances when male legislators were as likely as their female counterparts to discuss daycare, employment equity and abortion rights.”¹⁸ Also, Trimble’s research on Alberta’s legislative debates¹⁹ found “...that numbers matter less than party affiliation, ideological context and legislative role.”²⁰ Therefore, the theoretical application of critical mass theory has been called into question. For example, it has been argued that since the goal is to substantially represent women in a legislature, men are just as capable as women to legislate in women’s interests. It would be logical to conclude that the priority should not be on increasing the

14 Supra 5 Trimble references Childs, S. 2004: *A Feminized Style of Politics? Women MPs in the House of Commons*. *British Journal of Politics and International Relations*, 6 (1); D. T. Studlar and I. McAllister, “Does a Critical Mass exist?” *European Journal of Political Research* 41 2002 pg 233-253

15 Ibid..

16 Ibid.

17 women comprised 22 per cent of the legislators

18 Burt, Sandra and Elizabeth Loenzin (1997) “Taking the Women’s Movement to Queen’s Park” in Jane Arscott and Linda Trimble (ed) *In the Presence of Women: Representation in Canadian Governments*.

19 debates from 1972 to 1995

20 Trimble, Linda (1997) “Feminist Politics in the Alberta Legislature, 1972-1994” in Jane Arscott and Linda Trimble (ed) *In the Presence of Women: Representation in Canadian Governments*.

number of women in Parliament, but on increasing the number of feminist men and women. As Trimble states,

[I]f electing feminist men is “better” for women than electing non-feminist or anti-feminist women, then it is acceptable for women to be numerically under-represented in political office. The electoral project for women shifts from electing more women to electing more feminists and the goal of gender parity is irrelevant.²¹

Another key problem is the disagreement over the number that constitutes a critical mass. Several thresholds exist and range between 15% and 35%. This figure is needed for this theory, because it is assumed that once women reach it, whichever threshold used, they will then start producing ‘woman-friendly’ legislation and assisting other women into entry into the legislature.²² Although the threshold number is in dispute, researchers may agree that when the percentage of women in a legislature is low women find it difficult to make changes for women. In fact, some researchers argue that in small numbers women legislators can act like their male colleagues.²³

Studies have demonstrated that the problem with critical mass theory occurs when pro-female policy outputs²⁴ happen in legislatures where there is not a critical mass of women.²⁵ For example, “...female legislators have been able to make modest changes to legislative style, discourse, and policy outcomes by engaging in “critical acts” even when

21 Supra 5 pg 152

22 Ibid pg 4.

23 Stokes, Wendy Women in *Contemporary Politics* pg 23

24 Supra 5 “The sorts of effects thought to be activated by a critical mass of female legislators read like a wish-list of feminist political outcomes, including increased representation of women in legislatures, enhanced opportunities to enact policy, greater levels of discussion of women’s issues in legislative debates, improved civility in legislative behaviour, feminization of public policy and woman-friendly policy outcomes.”

25 S. Thomas, *How Women Legislate* (New York: Oxford University Press, 1994); S. Thomas, ‘Why Gender Matters: The Perceptions of Women Officeholders’, *Women & Politics*, 17/1 (1997), 27-53; J. H.

they are not part of a critical mass.”²⁶ One such example from the Canadian literature is a study by Trimble in the 1990s with women in the Alberta legislature.²⁷ She found that “... the election of a handful of women to the opposition benches in the late 1980s had a limited but discernable effect on both the content and style of legislative discussions.”²⁸

The only jurisdiction where academic literature supports critical mass theory has been in the U.S. Thomas examined the effects of increased numbers of women in twelve American state legislatures on legislative style, process, as well as public policy outcomes. However, as Trimble points out, further research on women in U.S. legislatures found that “...when women organize into separate caucuses and mobilize resources and strategies in their party, they can have an impact on public policy even when they form less than 15 to 20 per cent of the legislators.”²⁹ Therefore, critical mass theory on women in U.S. legislatures is not substantiated, since critical acts happen when critical mass levels are not met.

One may question why, with all its problems, critical mass theory is still discussed in politics and in academia. Some academics believe that “critical mass theory has enjoyed considerable intellectual currency”³⁰ This is probably due to its simplicity in explaining the need for more women in a legislature. Therefore, it can be viewed in some ways as a

Thompson, ‘Role Perceptions of Women in the Ninety-fourth Congress, 1975-6’, *Political Science Quarterly*, 95/1 (1980), 71-81

26 Dahlerup, Drude (1988) “From a Small to a Large Minority: Women in Scandinavian Politics.” *Scandinavian Political Studies* 11(4) pg 275-298.

27 Another example could be Agnes McPhail and her leadership role in penal reform. She was the only female MP in the Canadian legislature at the time, but still made substantial differences in Canadian public policy.

28 *Supra* 5

29 *Ibid*

political tool, not a research tool. Although critical mass may be practically useful, the data just do not support the theory in most instances of research. The fact that it is still used in politics creates a problem. When women do exceed the threshold (be it 15% or 30%) and the hypothesized critical acts do not materialize, critics may use this as evidence that women in politics do not necessarily result in women-friendly policies which may in turn lead to a party not prioritizing the recruitment of women candidates. Therefore, the simple IV/DV relationship between the increased presence of more women in an institution and feminist policy outputs discounts the diverse work of women legislators. It also fails to recognize that 15 % - 35% is not parity and the drive to increase women in legislatures should be solely focused on parity for the simple reason of fairness. Once these two concepts are separated, research can focus in on each type of representation (descriptive representation and substantive representation) and determine the negative and positive aspects within an institution.

It is unfortunate that critical mass theory has merged with other theories to take on new life in research studies that is unfounded. One theory it merged with was Pitkin's research. She was the first to distinguish between descriptive and substantive representation.³¹ The former can be thought of as symbolic or mirror representation, whereas substantive representation examines how a female legislator acts. Her research actually focused on substantive acts of women legislators and did not try to link the two

30 Supra 5 pg 234.

31 H. F. Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1967).

types of representation together. For example, when discussing descriptive representation, she stated that the gender of the legislator does matter:

“...differences in perception between women and men are the result of different psycho-social development, socialization and gender roles...that, since women experience discrimination in society, they would have a more women-friendly political agenda than men and would more easily espouse an egalitarian perspective on social and political issues.”³²

Although an effect should occur, it is not guaranteed that all women will act the same, since some will have different “socialization” than other women. The important point here is that this type of link is different than the critical mass linkage between a certain percentage of women and definable action for women. This type of research is more in line with this thesis’ model – that of studying the two types of representation separately and then studying “critical acts” of women in three distinct areas of Parliamentary life: atmosphere of the Senate (presence); legislative action (bills, committee, caucus); and links with women’s groups (organizing women and acting as a bridge).

For this thesis, descriptive representation means that women should be represented proportionally as they are present in Canadian society. As the proportion increases, so too does the chance of more diverse legislatures. This means the inclusion of women from each party who hold different opinions on feminism. Therefore, “...women’s various lived experiences, interests and opinions demand representational diversity,

32 Supra 5 pg 436.

including ideological diversity.”³³ For this main reason, Chapter 3 is dedicated to the descriptive analysis of women in the Canadian Senate.³⁴

Substantive Representation

As previously discussed, descriptive representation is primarily concerned with the question of why it is important to have women in a legislature as well as examining representatives’ characteristics: “...what they are, or are like, focusing ‘on being something rather than doing something.’”³⁵ However, the second type of representation that Pitkin described is substantive representation, which focuses on the actions of the legislators³⁶ -- for example, whether women Senators act to represent women’s concerns and issues within Parliament.

The first step in research on substantive representation is to determine whether women legislators see their roles as representing women. Tremblay’s comparative analysis of women legislators in Australia, Canada, and New Zealand found “that many women elected in politics believe they have a responsibility to represent women—that is to say, to substantively represent them.”³⁷ In fact, research by the Inter-Parliamentary Union, which has 200 female parliamentary members from 65 countries, showed that 89 per cent believed they had a particular responsibility to represent women.³⁸ Specific examples

33 Supra 5 pg 1.

34 Depending on the theoretical approach, this thesis could have focused on race, ethnicity, class as well as other variables other than gender. Gender is the focus of this thesis, since it examines women in the Canadian Senate.

35 Supra 5 pg 98.

36 Supra 25.

37 Supra 5.

38 M. Waring et al., *Politics: Women’s Insight* (Geneva: Inter-Parliamentary Union, 2000), 133-41.

were compiled by Tremblay who noted that “[s]tudies undertaken in Commonwealth countries ...support the proposition that women parliamentarians represent women.”³⁹

Beyond the Commonwealth, Tremblay’s work references numerous studies in the United States that have found similar results.⁴⁰ Clearly, these studies demonstrate that many female legislators believe they have a dual representational responsibility: to their riding constituents and women from their respective countries.⁴¹

This trend extends to Canada, as Tremblay’s research⁴² notes, but does it exist in the Senate? Chapter 3 examines female Senators’ attitudes towards the substantive representation of women and whether they see one of their roles as a direct representation of women in the Chamber.

Once this has been addressed, the next step in measuring substantive representational acts is to determine where women legislators do act for women. As Table 2a demonstrates, this thesis is built around Trimble’s model for strategies that women legislators can use to

39 Supra 5

40 Supra 20 and other research includes: S. J. Carroll, ‘Representing Women. Congresswomen’s Perceptions of Their Representational Role’, in C. Simon Rosenthal (ed.), *Women Transforming Congress* (Norman: University of Oklahoma Press, 2002), 53;

41 S. Childs, *New Labour’s Women MPs. Women representing women* (London: Routledge, 2004), 98-102; J. Lovenduski, ‘Women and Politics: Minority Representation or Critical Mass?’, *Parliamentary Affairs*, 54/4 (2001), 743-58 2001; 1992; M. Sawer, ‘Challenging Politics? Seventy-Five Years of Women’s Parliamentary Representation in Australia’, *International Review of Women and Leadership*, 2/1 (1996), i-xvi; S. Sharpe, *The Gilded Ghetto. Women and Political Power in Canada* (Toronto: Harper Collins Publishers Ltd, 1994), 39.

L. Trimble and J. Arscott, *Still Counting. Women in Politics Across Canada* (Peterborough: Broadview Press, 2003), 137-46.

42 M. Tremblay, ‘Do Political Women Represent Women? Views of Discrimination and Representation Among Female and Male Mayors in Québec’, *International Review of Women and Leadership*, 2/1 (1996), 34-46; M. Tremblay, ‘Women’s Representational Role in Australia and Canada: The Impact of Political Context’, *Australian Journal of Political Science*, 38/2 (2003), 215-38. See also: M. Tremblay and R.

Table 2A: Relationship Between the Thesis Model & Measurement Indicators

	Hypothesis	Strategy (Trimble)	Measurement
1	The presence of women in the Senate has positively effected the atmosphere of the Upper House.	<ul style="list-style-type: none"> • By altering the style and format of political debate 	<ul style="list-style-type: none"> • Passing on Institutional Knowledge. • Less adversarial • Attendance and Full-time Employment
2	Women in the Senate have resulted in pro-female policy outputs.	<ul style="list-style-type: none"> • By analyzing policy issues with women's interests and perspectives in mind 	<ul style="list-style-type: none"> • Examining Bills under review in the Senate chamber. • Examining Committee issues, witnesses, and reports. • Examine caucus committee reports and witnesses.
3	Women in the Senate have resulted in pro-female extra parliamentary activity.	<ul style="list-style-type: none"> • By voicing women's diverse experiences, ideas and policy needs. • By acting to promote women's policy demands and meet women's diverse needs. 	<ul style="list-style-type: none"> • Examine Senators' activities to organize women. • Examine whether Senators' act as a bridge for women's groups to gain access to the Parliamentary process.

substantively represent women. In fact, the concept of what representation means differs between researchers. As Tremblay states "...what this responsibility to represent women actually means can vary greatly from one female official to the next, as political women belong to diverse ideological groups and their life experiences are divergent."⁴³ There have been several attempts to classify women's substantive representation and the logical outcome of their strategies. Trimble's work on women in the Alberta legislature reveals five different, but overlapping, strategies⁴⁴ for substantively representing women, as Table 2A above demonstrates. The first strategy is to alter the masculine, aggressive

Pelletier, 'More Women or More Feminists? Descriptive and Substantive Representations of Women in the 1997 Canadian Federal Election', *International Political Science Review*, 21/4 (2000), 381-405;

43 Supra 4

44 Supra 20 pgs 128-129

style of legislative politics by changing the traditional, adversarial, and conflict-ridden style of legislative debate, which will be examined in Chapter 4. Researchers such as Thomas found that a critical mass of women had an effect upon the legislative behaviour, especially their style or actions as legislators. Although 'style' is a difficult concept to measure, this research will focus on the feminization of the workplace.

Trimble describes the need to feminize the legislature that women work in; "...women are still seen as outsiders, strangers in a foreign culture, aliens in the 'testosterone tabernacles' that make political judgements and direct policy decisions."⁴⁵ These feelings stem from sexist behaviour⁴⁶, long hours of work in the chamber, to legislative rules that seem daunting to those without a political background. Trimble notes several examples in her research dealing with rules of procedure that were not tailored for single mothers,⁴⁷ the institution feeling as a men's only club⁴⁸, and the overly aggressive nature of the institution that was not consistent with most women's consensual nature for public policy making.⁴⁹ With the presence of a larger number of women in the Senate, there should be activities and actions to change this outsider feeling. "There is some evidence to suggest that electing more women can change the tone and style of legislative debate."⁵⁰

The second strategy involves women exercising their legislative voice by articulating women's diverse experiences, ideas, needs, and policy goals – a view that will be examined in Chapter 5. One way of accomplishing this is through "surrogate

45 Ibid pg 102

46 Ibid pg 117

47 See Pat Carney example on pg 113

48 Ibid pg 114

representation - representation by a legislator with whom one has no electoral relationship.”⁵¹ As Carroll observes, this type of representation implies that a legislator “acts for the interests of voters beyond the boundaries of the representative’s district.”⁵² This conception is a perfect match for female Senators who have “very loose districts”, which are mostly outside Quebec.

The inevitable question arises from a discussion of substantive representation: do they have to be only women? In fact, surrogate representatives do not have to be descriptive representatives; however, it is preferable that they are.⁵³ As previously discussed in this section of this chapter, Tremblay’s analysis on this topic quotes Mansbridge’s explanation that “...it is in this surrogate process that descriptive representation often plays its most useful role, allowing representatives who are themselves members of a subordinate group to circumvent the strong barriers to communication between dominant and subordinate groups.”⁵⁴ Furthermore, Tremblay states that “...several political theorists have argued that historically marginalized social identities should be represented by members of those groups—in other words, women should be represented by female parliamentarians because they share an identity and experiences which, for the most part, remain foreign to male politicians.”⁵⁵ Chapter 3 will determine the socio-demographic

49 Ibid pg 115-116

50 Ibid pg 121

51 J. Mansbridge, ‘Rethinking Representation’, *American Political Science Review*, 97/4 (2003), 522.

52 Supra 40.

53 J. Mansbridge, ‘Should Blacks Represent Blacks and Women Represent Women? A Contingent “Yes”’, *Journal of Politics*, 61/3 (1999), 642.

54 Supra 42

55 S. Dovi, ‘Preferable Descriptive Representatives: Will Just Any Woman, Black, or Latino Do?’, *American Political Science Review*, 96/4 (2002), 729-43; J. Mansbridge, ‘Should Blacks Represent Blacks and Women Represent Women?’; A. Phillips, *The Politics of Presence* (Oxford, Clarendon Press, 1995), 66-71, 145; Williams, *Voice, Trust, and Memory*, 6; I. M. Young, ‘Polity and Group Difference: A Critique of the Ideal of Universal Citizenship’, *Ethics*, 99/2 (1989), 250-74.

composition of the Senate to see how descriptively represented Canadian women are. At least one characteristic is similar – their gender.

Returning to Trimble’s strategies for substantively representing women listed previously in Table 2A - the third strategy is advocacy: defined for this thesis as interacting with women’s groups and organizations that provide services to women in an effort to link the women’s movement to the state. This will be discussed in Chapter 6, where examples of network analysis will be utilized.

This research recognizes the effect institutions can have on research findings; therefore, women in elected bodies of government may be unable to represent their feminist beliefs due to several types of constraints, in particular, party discipline and regionalism.

Although the Senate is appointed, party discipline and regionalism still exist to some degree. Young conceded that “...female MPs in Canada often find themselves representing gender concerns within the constraints of both partisanship and regionalism.”⁵⁶ Furthermore, Young ascertained that party ideology is a factor in determining feminist cross-party cooperation.⁵⁷ But does this constraint on cross-party cooperation exist in the Senate? In order to answer this question, this thesis needs to establish the extent to which partisanship and regionalism play a role in the legislative behaviour of female Senators.

56. *Supra* 34 pg 91.

57 Women from difference parties have to take into consideration their party’s stance on a policy or issue before working with other women in other parties to unite together on an issue.

The Legislative Context of Analysis

As we will see in the case of female Senators, Lovenduski observed that the institutional context of female legislators needs to be taken into account when measuring their level of substantive representation. For example, she stated that "...the British Parliament is submerged in a culture of masculinity that, the argument goes, inhibits female MPs' abilities to represent women."⁵⁸ Thomas concluded that electing more women did shape policy priorities and outcomes in areas related to family and children, but had little impact on U.S.A. legislative procedures. Unfortunately, as pointed out by Trimble, applying a theory which relies on low party discipline and weak legislatures to Canada's high level of party discipline and highly structured institutions is prone to failure,⁵⁹ which is why institutional constraints need to be taken into account.

The institution of the Senate in the Canadian context can affect both descriptive and substantive representation. For example, it is easier for women to be appointed to the Upper House than elected to the Lower House (descriptive representation), which will be discussed in more detail in Chapter 4. The mechanics behind entering either institution will affect women's descriptive representation; however, their ability to substantively represent women, if they so choose, is either limited or enhanced by the institution they work in. The institutional difference(s) between the two institutions therefore needs to be mapped so that the data from the following chapters can be placed in a proper context.

58 J. Lovenduski, *Feminizing Politics* (Cambridge: Polity, 2005), 47-50, 145-9. See also N. Puwar, 'Thinking about Making a Difference', *British Journal of Politics and International Relations*, 6/1 (2004), 65-80.

59 *Supra* 5 pgs 173- 175

Function of the Senate Compared to the House of Commons

As was detailed in Chapter 1, “the Senate’s original functions were to serve as a house of legislative review and to represent regional interests in the national policy process.”

Since Confederation, the Senate has added other functions which help differentiate it from the House of Commons. One added function has been public policy analysis.

Another function the Senate has taken upon itself is to represent and protect

“...minorities and other special interests within Canadian society.”⁶⁰ Therefore, the

Senate is a merger of the two traditional functions (legislative review, regional representation) with two modern functions (the investigation of public policy through its committee system and protecting minorities).

With respect to the first function of the Senate, legislative review, the Senate is viewed as making a “...limited, but important contribution to lawmaking”.⁶¹ Joyal further notes that,

...[T]he Senate brings a distinctive, complementary perspective to the review of government-sponsored bills. Through debates, hearings, delays, amendments, and rare defeats of bills, the Senate may force the Prime Minister and Cabinet to rethink their legislative plans.⁶²

Most amendments evident during the mid 1990s involved drafting and translation errors.

The House of Commons did not have the time to deal with such detail and time consuming editing, so the Senate performed a complementary legislative function to the House of Commons.

⁶⁰ Franks, C.E.S. *The Parliament of Canada*

⁶¹ Ibid

As Paul Thomas notes, “[w]hile the Senate has played a greater role in defending regional interests than is generally recognized, it has been too slow to develop formal mechanisms to fulfill this important purpose for which it was originally created.”⁶³ Therefore, although the will is present to expand this function, its role “has remained underdeveloped.”⁶⁴

At committee, which will be documented in Chapter 5, the Senate allows organizations and individuals to be heard more than the House of Commons’ committees. Moreover, “[b]ecause senators are not preoccupied with re-election, the Senate is normally less partisan and majoritarian in its procedures, culture and operations than the House of Commons.”⁶⁵ It allows for a more sober second thought to the executive dominated House of Commons.

Furthermore, the Senate committees have investigative activities. This is the area most respected by parliamentary commentators and scholars. Paul Thomas states that “[f]or a number of reasons Senate committees usually do better investigative work than their Commons counterparts.” For one reason, “Senate inquiries resemble in some ways royal commissions and task forces, but they take less time, are less expensive and often have more success in gaining adoption of their recommendations.” Although recommendations from reports are not immediately acted upon, Thomas notes that the

62 Serge Joyal *Protecting Canadian Democracy: The Senate You Never Knew*. McGill-Queens University Press

63 Ibid pgs 225-226

64 Ibid.

“...ideas in such reports became part of the discussion agenda within government. In this way, the Senate can contribute subtly and indirectly to the legislative process.” Thomas states that “there is some truth in [the] popular [negative] image of the Senate, but mainly it reflects ignorance and gross exaggeration of what actually takes place within the institution. A more balanced assessment suggests that the Canadian Senate plays a useful and complementary role to the House of Commons.”⁶⁶

As already noted, the academic research on women and politics primarily relates to the House of Commons and its legislators. This could be problematic when applying the findings to the Senate because of the institutional differences between the two Houses.

Legislative Review

The Fathers of Confederation saw the Senate as performing more than a technical revising function within the Canadian legislative process. They saw it as a check on democracy and a stabilizing force to resist rash and impetuous actions by the ‘popular’ and ‘democratic’ element within the House of Commons.⁶⁷

Discussion related to the Senate’s legislative review function usually focuses on the Senate as a legislative body of sober second thought and on the technical revisions to government bills that take up most of Senator’s legislative time. What most people do not know is “[i]n theory the Senate has an absolute veto over all bills, with the exception of constitutional amendments involving provincial legislatures, which it can only delay

65 Ibid

66 Ibid pg 226

67 Supra 60 pg 197.

for up to 180 days.”⁶⁸ Whether the Senate would ever use this veto is debatable – what is important is to recognize that the Founding Fathers wanted the Senate to have power when they reviewed government legislation. Specifically, the power to reject government bills is an important function of the Senate, and this veto is the most powerful tool given to the upper house to enable them to fulfill this function. However, scholars believe it would only be used with “highly controversial bills for which the governments lack an electoral mandate; dangerous bills that could do unpredictable and irreparable damage to the national interest; bills that violate the Constitution, including the Charter of Rights and Freedoms; and bills that violate the fundamental rights of linguistic and other minorities.”⁶⁹ The Senate has recognized the powers invested to them by the founding fathers and have rejected legislation such as the 1991 bill surrounding the limitation on abortion rights that will be discussed in chapter 5 – as rare as this is.

Researchers have shown that Senators do not tend to challenge legislation by voting against it or vetoing it. This should not be considered a negative, since the Senate’s function is legislative review not legislative rejection. As a complement to the House of Commons, better legislative review will theoretically result in better legislation. In fact, most disagreements between Senators and MPs could take place in caucus, not on the floor of the Senate. Caucus meetings are not subject to access to information requests, and the minutes are kept confidential by the party whip. Furthermore, frank discussions

68 Ibid 198.

69 Ibid 198

and disagreements are expected to be addressed in caucus where time is scheduled into the caucus agenda to allow individual legislators to provide their input. Joint legislative spaces are also explored in chapter 5 in relation to child poverty.

One of the key strengths of Senators conducting legislative review relates to institutional knowledge in the Upper Chamber.⁷⁰ In an elected body, legislators are subjected to re-election about every four years; whereas, in the Senate a legislator could be appointed for decades. In fact, taking into account every individual who has served in the Upper House, it has been shown that Senators serve an average 14 years in the Senate, compared to MPs who serve only an average of 8 years in the House of Commons.⁷¹ Clearly the stability of the Upper House means that during periods of great turnover in the House, a level of institutional knowledge continues to exist in Parliament based in the Senate.⁷²

Regional Representation

Researchers and some Senators have conceded that the Senate has failed in its function as a representative of the regions:

A closer examination of this familiar argument that the Senate has failed as a regional body reveals that it is not altogether persuasive. First, it should be noted that the original intention was to have the Senate represent the views of provincial societies on national legislation. This role is not the same as representing the interests and positions of provincial governments and legislatures. In other words, the Canadian Senate was never meant to be the equivalent of the German Bundesrat, in which the constituent units of the federal system are represented in the Upper House. In Canada's

70 Ibid

71 www.parl.gc.ca Senators also tend to be on average older than MPs which is worth investigating further to see if this relates to experience and energy levels for taking on multiple projects.

72 for example in 1993 the turnover rate was large.

federal system, there are many other forums, such as federal-provincial conferences and the courts, where the interests of provincial governments can be defended.⁷³

Canadians have come to look to provincial governments to represent their regional views in Canada's federation, not the Senate. This has led to the media and academics as well as others concluding that the Senate has failed to defend the interests of the regions. P. Thomas may appear alone in trying to rectify the image of the Senate as related to its regional representational function. He argues that both the Senate and the provincial governments represent regionalism; however, they do so in different ways.⁷⁴ P. Thomas notes that the Senate's regional role was to stop bills that would adversely affect provinces that had small numbers of seats in the House of Commons. The provincial governments would therefore be more of a lobby of regional interests within the structure of federalism.

Furthermore, he has noted cases where the Senate has acted for the regions in relation to its review of government bills. Three examples given by P. Thomas are below:

1. An act to repeal the Department of Regional Industrial Expansion introduced in 1989 was reviewed by a Senate committee that heard from fifteen witnesses. The committee's five recommendations reflected the fear that the Bill would diminish the national government's commitment and capacity to alleviate regional economic disparities.
2. Amendments to the Unemployment Insurance Act proposed by the Mulroney Government in 1989 were first strenuously opposed by Liberal members of the House of Commons and the majority of witnesses before the Commons committee because the changes would reduce benefits to seasonal workers in places like the Atlantic provinces. The Liberal-controlled Senate that took up the cause insisted on amendments, but was not very successful.

73 Serge Joyal *Protecting Canadian Democracy: The Senate You Never Knew*. McGill-Queens University Press

74 *Ibid.* pg 206.

3. A 1997 bill to harmonize the Goods and Services Tax and the provincial sales taxes in three of the four Atlantic provinces was the subject of public hearings (more than two hundred witnesses) conducted by a Senate committee in the region. A unanimous report recommended a number of amendments to delay tax-inclusive pricing and to provide an offsetting tax-credit to low-income individuals. After a long debate, the government and the Commons accepted the changes, in part to meet a deadline for implementation of the new tax.⁷⁵

Even in his staunch defence of the Senate, P. Thomas did concede that “[f]or a number of reasons the Senate’s regional role has, to say the least, remained underdeveloped. In part, this reflects the fact that protection of regional interest has taken place in other locations with the political system.”⁷⁶

When examining the impact of region on the descriptive representation of women, region can be considered an opportunity structure. Prime Minister Chrétien wanted to increase women in the Senate. He also had to make certain it was gender balanced within each region since this is how the Senate is representatively organized. This opens up even more opportunity structures – not only within the party, but within regions. This is especially true for Ontario and Quebec which contain the largest number of seats, yet with one of the lowest levels of female representation. These two regions are potential opportunity structures for women to increase their levels in the Senate.

75 Ibid. pg 208-209

76 Ibid. pg 206-207

Table 2B: Senate Region by Gender⁷⁷

Region	Female	Male	Total
British Columbia	2 (33%)	4 (67%)	6 (100%)
Alberta	3 (50%)	3 (50%)	6 (100%)
Saskatchewan	3 (50%)	3 (50%)	6 (100%)
Manitoba	4 (67%)	2 (33%)	6 (100%)
Ontario	6 (27%)	16 (73%)	22 (100%)
Quebec	6 (25%)	18 (75%)	24 (100%)
New Brunswick	4 (44%)	5 (56%)	9 (100%)
PEI	2 (67%)	1 (33%)	3 (100%)
Nova Scotia	1 (12%)	7 (88%)	8 (100%)
NFLD	2 (40%)	3 (60%)	5 (100%)
Yukon	1 (100%)	0 (n/a)	1 (100%)
NWT	0 (n/a)	1 (100%)	1 (100%)
Nunavut	0 (n/a)	1 (100%)	1 (100%)
Total	34 (35%)	64 (65%)	98 (100%)

Senators feel an attachment to the district/province/region they represent. They have connections within their area and are usually involved with local charities and community activities. They also represent the government at official events in their area. Examples from women Senators' extra-Parliamentary activity include: Senator Johnston's annual circumpolar film festival in Manitoba, Senator's Plamadon's connection to Quebec consumer activist groups, and Senator Merchant's work with immigrant and Aboriginal children in Saskatchewan.

Although the Senate's role of representing regions has been acknowledged as a failure by academics and Senators alike, there is still a connection between Senators and the region they represent. In order to determine how this connection relates to their role as regional representatives, measurements need to be more sensitive. As will be discussed in Chapter 6 on extra-Parliamentary activity, women Senators for example, can use their

⁷⁷ For current Senate September 2006

regional representational roles to work with women in their regions instead of focusing on national changes. These regional projects tend to be more manageable because they are smaller in scope and more unified in their policy demands as well as financially cheaper. They also provide Ministers with an opportunity for regional exposure in local papers instead of fighting for space in the national papers for a policy that may have consensual difficulty across regions.

Party Discipline & Senate Standing Committees

P. Thomas stated that “in practice, Parliament acts mainly to support and to legitimize government proposals for legislation, but it is also expected to criticize, influence, and on some occasions, amend or reject bills presented by ministers.”⁷⁸ Several researchers have discussed the effect party discipline has on public policy and the ability of legislators to represent women’s concerns. They have noted that party discipline is one of the factors, if not the key constraint, affecting female MPs’ abilities to represent the concerns of women in the House of Commons.⁷⁹ Party discipline does exist in the Senate, although it is not as strict as in the House of Commons.⁸⁰ There are several reasons for this institutional difference. First, the Senators do not have to rely on the party leaders to continue their political career in office. MPs, on the other hand, have to obtain the leader’s approval before each federal election, which is accomplished by the party leader signing their nomination papers. Without this signature they cannot run under the party banner.

78 Supra 53 pg 197

79 As an example Supra 15

80 Such party discipline does not exist to the same degree in the Senate. In fact, some Senators noted that they do not fear party discipline in the Senate as much as they did when they were members in the House of Commons. Any observation of the routines of the Senate will reveal that procedural rules are more lax and dissent on a bill is more readily accepted.

Party discipline can manifest itself in other forms as well. The second difference in party discipline between the two Houses is committee assignments. Although both types of legislators are assigned to specific committees, there is more institutional freedom for Senators to actively participate in whatever committee they choose. Senators can suggest witnesses, question witnesses, participate in discussions with the one exception that they cannot vote in a committee on which they were not a full member. This is particularly important for independent Senators. They are usually not assigned to a committee that they are interested in and therefore can use this freedom to attend whichever committee they want. In the House of Commons, MPs who want to attend another committee will have to arrange a trade with one of their colleagues who is a full member. This becomes difficult for popular committees or popular bills and reports being examined in a committee. MPs may not be too willing to give up a seat for another MP in these cases. This is also problematic for independent MPs who are not assigned committee seats.

The last area of party discipline that differs between the two Houses is voting on government bills. Although legislators vote with their party most of the time, there are noteworthy occasions when they break party rank. This is where the differences between the two Houses can be measured. The most striking example was Bill C-43, which limited a woman's access to abortion. This case study will be examined in more detail in Chapter 4, but the difference can be measured in one way by examining the actions of Senator Pat Carney. She had voted for the legislation in the House of Commons because

of party discipline,⁸¹ but after she was appointed to the Senate a few months later, she voted against the same bill. Although she stated that she did suffer a backlash for this action, the consequences are not at the same level they would have been if she were still an MP. This change in voting behaviour was a direct result of the different levels of party discipline in the House of Commons and the Senate. Clearly, because Pat Carney was now less constrained by party discipline, she was now freer as a legislator to represent women on particular issues – in this case, the Abortion bill.⁸²

Since MPs are divided between constituency work, critic responsibilities, House duties, and party work, in-depth research is sometimes impossible due to time constraints. This situation is quite the opposite in the Senate. Senators have more time to conduct research in the Senate for several reasons. First, they have very little constituency work and since most do not have official ridings they do not have the same level of demand from constituents as MPs do. Second, their legislative work is heavily focused on committee work. Third, and as previously alluded to, the lower party discipline results in a more research and investigative committee system in the Senate. Franks views the fact that Senators have more research time in their legislative agenda combined with a strong committee system as one of the key strengths of the Senate.⁸³

81 Carney, Patricia. *Trade Secrets: A Memoir*. Key Porter Books 2000

82 This is not to say that all female Senators coming from the House of Commons will now become champions of women in Parliament. It is just to note that they are freer to do so in the Senate than in the House of Commons if they so choose to.

It has been observed that the committee system is one of the Senate's most important functions in our parliamentary system.⁸⁴ There are several reasons for this. First, the adversarial nature of the committees in the House of Commons results in more questions that are political in nature than research based. The opposition typically asks questions that can produce answers that will bolster their "side" and be used during question period or in the debates in the House to support or oppose the bill or report being examined. The government side typically does the same for their "side" of the House. As a result, little in-depth research or analysis is accomplished and committee witnesses are left to feel that they have accomplished little. In fact, when comparing the committee system in the Senate against the committees in the House of Commons, witnesses tend to prefer their experience in the Upper House much more.⁸⁵ Furthermore, due to the heavy work schedule for MPs, they are not as well prepared for committee meetings as Senators, which results in a lower quality of questions being asked to witnesses.

The committee system in the Senate has changed little over the years; however, considerable change occurred in the 1990s, including: more Senate committees being formed, Senators calling more government witnesses to review legislation, and Senators sending back bills to the House of Commons with major drafting changes. These changes to the Senate committee system occurred as a reaction to several events: the five party system in the House of Commons; the retirement of a large number of federal public servants in the mid-1990s, which was a loss of institutional knowledge on bill

83 Supra 60

84 Ibid

drafting; and the increased presence of women in the Senate who wanted to be more activist on issues.

One result of the 1993 federal election was a divided House of Commons where issues were even more politicized than usual. This election saw one traditional party reduced to two seats, another party fall below the level required to be recognized as a party in the House of Commons, and two third parties holding the second and third largest number of seats in the House of Commons. This type of party system leads to a more politically charged environment than normal, as well as a large number of novice MPs. All of these elements contributed to poorer quality bills arriving in the Senate. This combined with the retirement of a great number of public servants resulted in the Senate's vision for a role change to include the detailed examination of the drafting of each government bill.

In committee, the Senators would call witnesses from the sponsoring Minister's department as well as other stakeholders in order to properly vet each bill that went through committee. In most instances, these witnesses were the same people that were called before the House of Commons Standing Committee. In the politicized House of Commons Committee witnesses stated that they were asked a limited number of questions and that they are mostly ideological instead of substantive. In other words, the questions were meant to provide them with answers the MPs could use against their main opponent in the House of Commons during Report Stage or Third Reading of the bill, or even in Question Period. These same witnesses noted that the substantive questions were asked in the Senate Committee, where it was not uncommon for discussions to ensue

85 Ibid

among Senators from all parties and independents. Interested Senators who were not officially members of the Senate committee also attended to ask questions of witnesses. Witnesses also noted that Senators appeared to be better versed on the subject matter of their presentations, whereas the MPs were not. Franks noted that this was primarily due to the different types of representational roles of the politicians in the two institutions. MPs are more focused on re-election; therefore, they prioritize Question Period and riding work. MPs also do not have the time available to fully commit to committee work. One of the Senators' primary roles is to review legislation; hence, their substantive work in committee takes priority.⁸⁶

Witnesses also noted that the structure of the committee system in the Senate was much more conducive to substantive work. In the Senate, questions are unlimited – a Senator can ask as many questions as they wish. The House of Commons is structured, and typically each party is permitted only two questions during the first round. More questions are permitted during the second round; however, these committees have time limits and questioning is usually cut off after a length of questioning depending on each meeting. This tight time limit is not present in the Senate – questioning continues until each Senator is satisfied, even if that means another committee meeting needs to be scheduled. There is also no formal party order to the questioning as there is in the House of Commons. Whichever Senator motions to the Chair that they have a question for the witness gets added to the names of Senators who have already signaled the Chair. In the House of Commons, the question order usually goes to the opposition parties for two questions each, then the governing party, then to an open round of questions.

With party discipline being a little less structured than in the House of Commons as well as a more informal committee system, Senators can have more independence to investigate issues. The Senate Committee system, as will be elaborated on in chapter 5, has been one of the positive elements of this institution. Specifically, the combination of independence and investigative ability of the committee system has been used by female Senators to further public policy items related to women.

Protecting Minorities

“In addition to being unfairly portrayed as party hacks who have forsaken their regional responsibility, Senators have also been criticized as an influential ‘lobby from within’ acting on behalf of the business community.”⁸⁷ Campbell’s study conducted decades ago claimed that business connections in the Senate influenced the legislation coming from the House of Commons that affected corporations. However, upon closer examination of Campbell’s study, there is evidence that a second group of Senators existed that were interested in social issues – the gender make up of this group is unknown.

In fact, Paul Thomas found in his research that, “[b]ack in the 1960s, it was a Senate committee that investigated serious poverty ... and ... [its] report led to a series of new social policies. ... During the 1980s, Senate committees did important work on retirement age policies and on children in conflict with the law.”⁸⁸ In fact, from 1990-1997 “five bills providing for protection against discrimination based upon sexual orientation were

⁸⁶ Supra vii

⁸⁷ Supra 62 pg 210.

brought before Parliament.”⁸⁹ Four attempts led to nothing, while one did have an effect on legislation. Eventually, Parliament passed a “gay rights’ amendment to the Canadian Human Rights Act. Interestingly, “a result of a late Senate amendment that slipped through the Commons unnoticed, the version of the Bill adopted in 1997 provided for extension of affirmative action programs to victims of sexual discrimination, even though this feature had been deliberately omitted from the Government bill.”⁹⁰

Education and Vocations

Do elites exist in the Senate in the form of business people whose main purpose it is to influence bills that may negatively affect corporations? As can be discerned from Table 2C, the top three professions of Senators are Businesspersons (27%), Lawyers (17%), and

Table 2C: Top 10 Profession for Senators & MPs (37th Parliament)

Senate			House of Commons		
Profession	Count	%	Profession	Count	%
Business Person	35	27%	Business Person	78	23%
Lawyer	22	17%	Teacher	52	16%
Teacher	20	15%	Consultant	45	13%
Administrator	10	8%	Lawyer	38	11%
Author	10	8%	Administrator	33	10%
Lecturer	8	6%	Manager	28	8%
Journalist	6	5%	Author	16	5%
Consultant	6	5%	Farmer	15	4%
Farmer	4	3%	Professor	15	4%
Public Servant	4	3%	Journalist	9	3%
Professor	3	2%	Social Worker	5	2%
Judge	2	1%	Public Servant	4	1%
Total	130	100%	Total	338	100%

Teachers (15%). Table 2B also shows that the top three professions for MPs are

88 Ibid pg 211.

89 Ibid pg 211

Businesspersons (23%), Teachers (16%), and Consultants (13%).

Fleming's analysis states that, "while all legislatures have a significant proportion of business persons and lawyers, none has as high a percentage as the Senate."⁹¹ When first examining the state of lawyers in both legislatures, this is not necessarily a full statement on two counts. First, the percentage of lawyers in the Senate (17%) is higher than in the House of Commons (11%). Second, when Senators are split by gender, it is the male Senators (Table 2C below) who have a higher rate as lawyers (21%) than female Senators (6%). Therefore, women Senators come from a more diverse occupational background than the male Senators, and this adds to the institutional knowledge in the Upper House and not to an internal lobby group of lawyers.

When comparing the most frequent previous occupation rank results are the same regardless of gender – Businessmen and Businesswomen, which would seem to confirm Fleming's argument. However, Table 2D demonstrates that this institutional and gender similarity disappears with the 2nd and 3rd most frequent previous occupations. For women Senators, the 2nd highest occupation was "teacher" (16%), and then "administrator" and "author" tied for third place at 11%. For male Senators, the 2nd most frequent occupation was "lawyer" (21%) and then "teacher" at 14%.

90 Ibid pg 211.

91 Supra 25

Table 2D: Top 10 Profession of Women & Male Senators (37th Parliament)

Women			Men		
Profession	Count	%	Profession	Count	%
Businesswoman	10	23%	Businessman	25	28%
Teacher	7	16%	Lawyer	19	21%
Administrator	5	11%	Teacher	13	14%
Author	5	11%	Journalist	4	4%
Lecturer	4	9%	Author	5	5%
Professor	3	6%	Administrator	5	5%
Lawyer	3	6%	Lecturer	4	4%
Journalist	2	4%	Consultant	4	4%
Consultant	2	4%	Farmer	4	4%
Judge	2	4%	Public Servant	4	4%
Total	43	100%	Total	87	100%

P. Thomas' analysis of "Prime Ministers Trudeau, Mulroney, and Chretien revealed that 32 percent, 39 percent, and 40 percent of the appointments respectively were individuals with backgrounds in business..."⁹² This assertion relates to the networks that traditional appointees to the Senate have, with connections to banks and businessmen and not social activists or marginalized groups. Therefore, one can assume that Senators are inclined to act in the interests of the banks and businesses. However, when examining the statistics from Table 2C, there does not appear to be an institutional difference with regards to the most frequent occupation between the Senators and MPs. The highest previous job occupation for both the Senate and House of Commons is businesspersons. Therefore, P. Thomas' business lobby analysis must be applied to both Houses of Parliament and not just the Senate. Unfortunately, Thomas did not take into account the 2nd and 3rd highest occupations or the gender difference within each institution, which weakens his analysis.

92 Supra 25 pg 210.

In fact, when examining the backgrounds of women Senators, a very interesting difference does emerge: women have higher percentage in previous occupations that are non-business. Even a new job category of “social activist” was created to accommodate the classification of women Senators in previous professions. Therefore, Fleming’s findings and Thomas’ findings do not hold up consistently when gender is factored in.

Interestingly, although there exists an occupational difference, there is also an educational difference. Table 2E shows that female Senators were slightly more likely to hold undergraduate degrees (54%) than their male colleagues (46%). Women Senators were more likely to possess graduate degrees (22%) than the men in the Senate (13%).

Table 2E: Education by Male and Female Senators

Education Level	Male (n)	Female (n)	Total (n)
BA	46% (41)	54% (25)	49% (66)
Graduate	13% (12)	22% (10)	16% (22)
Professional	29% (26)	11% (5)	23% (31)
No Response	12% (11)	13% (6)	12% (17)
Total	100% (90)	100% (46)	100% (136)

A larger difference occurred when examining the gender difference in relation to professional education; such as, legal, medical, and accounting. Men were most likely to hold these types of degrees (29%) as compared to females (11%). This difference in professional degree levels was reflected in earlier tables on gender differences in relation to occupation. This chapter will return to a discussion of occupation, which was a key point in the older literature on the Senate, but which current findings on gender appear to

reveal more complexity. Future research could further examine education which has incomplete data collection for all MPs and Senators.

Conclusion

The Senate is part of Canada's parliamentary system and; as such, it has a particular purpose and responsibilities. The Senate was designed to be the institutional sober second thought to the House of Commons and to balance its populous representation by Senators representing the regions of Canada. Its main legislative responsibilities were to review legislation and introduce non-monetary bills. When determining how, if at all, women Senators represent women, we need to keep this institutional constraint in mind – especially when engaged in a comparative analysis between women MPs and women Senators.

The three main areas of this chapter included an analysis of descriptive representation, what it meant for a female legislator to substantively represent women. The legislative differences between representatives in the House of Commons and Senate were also discussed. “The idea that women make a difference in politics may be interpreted in at least two ways.... both a descriptive interpretation and a substantive [one]”⁹³ These two concepts have been linked over time without research to support it. Although the term “critical mass” has been used for years to try to justify the increase in women legislators, little research that has been conducted has found this theory to be valid. While some might use this as a means to undermine efforts to increase women in politics, current

93 Supra 4 pg 438-9.

feminist researchers have made the statement that “the case for gender parity should not...be based on quantifiable outcomes.” This type of theory also releases men from their responsibility to represent women in Parliament.⁹⁴ In fact, Trimble’s research was discussed in detail in this chapter and her insistence for the separation of these two terms could not be clearer. “If women are elected in sizeable numbers and little if nothing happens by way of discernible policy changes “for women”, then the female legislators are seen to be derelict in their representational duties when in fact the explanation may lie elsewhere.”⁹⁵

If researchers examine whether women legislators act for women the focus of that research should be on “substantive representation”. As Trimble states, “representation is an activity, a process, a job, a performance.”⁹⁶ It is not just existing as women in the Senate but actively representing women in the Senate. The focus of this thesis is on the descriptive and substantive representation of women in order to determine what type of institutional constraints are at play in the Senate when a woman legislator wants to represent women. The next chapter will examine the descriptive statistics of women in the Senate. The remaining chapters will focus on three main areas where a female Senator can represent women: the simple act of the increased presence in the Senate (Chapter 4); the traditional legislative world of a Senator (Chapter 5); and the

94 It releases male legislators from the responsibility of ensuring that women’s various experiences are taken into account, and that their policy needs are considered when making decisions. By placing the focus on women, numbers-theories release men from their duty to represent half of their constituents. However, all politicians “must be held accountable for their contribution to improving gender equity” *Supra* 5

extra-parliamentary activities of a female Senator (Chapter 6). The goal of this chapter was to establish in the literature the current state of female legislators in Canada and other countries. This will determine where women Senators in Canada fit in and where their strengths are in representing women's concerns and interests within their institution.

95 *Supra* 5.

96 *Supra* 41

Chapter Three

Descriptive Representation

The representation of women in legislative bodies comprises two elements: descriptive representation and substantive representation. Both are important elements in determining the progress women have made in what Vickers and others have termed “the Electoral Project”.¹ The three hypotheses for this thesis focus on the latter type of representation. Since critical mass theory is not employed as the main theoretical model for this thesis, a link between descriptive representation and substantive representation is not made in each of the following chapters. Descriptive elements that are discussed are there solely to describe the state of women within this institution in comparison to women in the elected Lower House. The tables presented within this chapter and those to follow are indicators of: the following 1) whether an appointed system can increase the number of women in an institution over an elected system; 2) whether women are more diversely represented in the Senate versus the House of Commons; and 3) how deep the advancements go within the institutional structure (for e.g. the presence of women at the executive level of Senate Standing Committees to be examined in Chapter 5).

As described in the previous chapter, critical mass theory has its positive and negative elements. The main negative element is the hypothesized positive relationship between the increased number of women and an increase in substantive representation. If this outcome does not occur then the electoral project for women must be deemed a failure.

¹ Vickers, Jill. *Reinventing Political Science: A Feminist Approach*. [Fernwood Publishing, 1997].

As established in chapter two, this relationship is too complex to be reduced to such conclusions. Because of this negative element, critical mass theory was considered to not be a good theoretical fit for this thesis; therefore, it is not the main theory utilized in each chapter, although it will be alluded to in places where necessary. So why count if the increased numbers do not have any measurable outcome?

The futility of simply counting women legislators for the sake of counting them instead of linking those numbers to critical mass theory has been questioned.² However, as Trimble and Arscott have stated in their book, “Still Counting”, counting women in the House of Commons is important in order to know where women have come from, what progress they have and have not made in different jurisdictions, and under what circumstances positive progress has been made in order to have future increase.

Instead of a grand theoretical link between these two types of representation, a simpler explanation is employed for this thesis -- women account for approximately half of Canadian society, so why do they not comprise approximately half of all political legislators? Whether women, or men for that matter, substantially represent women’s issues is a completely different question. This thesis begins with answering this first question before exploring the three substantive representational hypotheses. This

² Trimble, Linda and Jane Arscott, *Still Counting: Women in Politics Across Canada*. [Broadview Press, 2003]

question does not link the two representations together, but focuses instead on representational democracy. As Vickers asks, in a democracy, why are some groups more represented than others?³

The debate over 'equitable representation' in Canada has been openly discussed in government since the 1970s with the publication of the Royal Commission on the Status of Women (RCSW). This Commission recommended that more women needed to be represented in Canada's national and provincial legislatures, as well as other areas within government and the courts. It adopted a form of critical mass theory, by stating that equitable representation would occur when women reached between 20% - 40% in any legislature. Although feminist researchers in this area of political science have designated 15% - 20% as a minimal target, the descriptive representational section of this thesis asks: "Why is any level of gender representation that does not approximate sex parity permissible?"⁴

Since the Persons case, the number of women Senators has grown such that they now constitute the highest per cent of women in all of Canada's legislatures. This chapter will describe in detail the gender trend in appointments by prime ministers. Next, an examination of the current status of men and women in the Senator will be provided, regarding Senators today as well as a comparison with the current state of women in the House of Commons. Finally, the diversity of the legislators in both Houses by gender

³ Supra 1.

⁴ Arscott, Jane and Linda Trimble, ed., *In the Presence of Women: Representation in Canadian Governments*. Toronto: Harcourt pg 10.

will be examined. A number of further descriptive statistics, in particular occupational background, are discussed in other chapters where they reflect the literature under discussion. As discussed in chapter 2, leading from this chapter examining descriptive data, will be an examination of the three substantive representation hypotheses to determine if a large number of women results in any substantive effect.

Historical Data of Women in the Senate

After the first appointment of a woman to the Senate under Prime Minister King, women were not appointed in any significant numbers until Prime Minister Trudeau. As can be discerned from Table 3A below, this was the first time where a Prime Minister's appointment of women climbed to the double digits (14.8%), which meant that of his 81 appointments to the Senate, 12 were women. The next significant increase in women being appointed to the Senate was under Prime Minister Mulroney, where 22.8% of his 57 appointments were women (13 women). However, the largest increase was under Prime Minister Chrétien, where 44% of his total 75 appointments to the Senate were women. These appointments resulted in a critical mass of women in the Senate, where women made up 36% of the Senate during the 37th parl 3rd session. This trend has not continued under Prime Minister Martin or Harper who have appointed 35.3% and 0% women to the Senate respectively.

Table 3A: Prime Ministers Total Number of Senate Appointments, by Gender⁵

Prime Minister	Party	Male		Female		Total
		Number	Percent	Number	Percent	Number
Stephen Harper	C ^a	1	100%	0	0%	1
Paul Martin	L ^b	11	67.4%	6	35.3%	17
Jean Chretien	L	42	56.0%	33	44.0 %	75
Kim Campbell	C	n/a	--	n/a	--	n/a
Brian Mulroney	C	44	77.1%	13	22.8%	57
John Turner	L	3	100%	0	0%	3
Joe Clark	C	10	90.0%	1	9.1%	11
Pierre Trudeau	L	69	85.1%	12	14.8%	81
Lester Pearson	L	38	97.4%	1	2.5%	39
John Diefenbaker	C	35	94.5%	2	5.4%	37
Louis Saint-Laurent	L	51	92.7%	4	7.3%	55
Richard Bennett	C	32	96.9%	1	3.0%	33
Mackenzie King	L	102	99.0%	1	.97%	103
Arthur Meighen	C ^c	15	100%	0	0%	15
Robert Borden	C ^d	62	100%	0	0%	62
Wilfred Laurier	L	81	100%	0	0%	81
Charles Tupper	C	1	100%	0	0%	1
Mackenzie Bowell	C	13	100%	0	0%	13
John Thompson	C	5	100%	0	0%	5
John Abbott	C	6	100%	0	0%	6
Alexander Mackenzie	L	16	100%	0	0%	16
John Macdonald	C	91	100%	0	0%	91
Royal Proclamation ⁶	-	73	100%	0	0%	73
Totals	-	779	92.7%	68	7.9%	866

a L – Liberal Party

b C – Conservative Party

c L-C – Liberal – Conservative Party

d C-U – Conservative – Unionist Party

When the statistics from Table 3A are condensed into Liberal and Conservative parties (see Table 3B below), there is only a slight difference between the number of women and men appointed when the total number of Senators appointed by each party is taken into consideration. Therefore, the large gains by women under Prime Minister Chretien (44% of his appointments were women) was an anomaly. In fact, as noted earlier, it has only

⁵ Statistics current to May 15, 2006.

⁶ Royal Proclamation means that the Crown appointed these Senators. All were appointed October 7, 1867.

been in very recent decades that the number of women appointed by each Prime Minister has been in the double digit percentages of each Prime Minister's total number of appointments.

Table 3B: Historical Appointments by Party and by Gender (1929-2006)

Party	Women Appointed	Men Appointed	Total
Liberal	16.9% (57)	83.1% (281)	100% (338)
Conservative	12.2% (17)	87.8% (122)	100% (139)

Since the New Democratic Party (NDP) and the Bloc Quebecois (BQ) do not support the existence of the Senate and have never formed government federally to be able to participate in the appointment of Senators, the positive effect that the NDP and BQ has had on increasing the percentage of women legislators in the House of Commons has not been carried over into the Senate. Therefore, a proper ideological comparison of gendered appointments cannot be done and the results of inter party differences (see Table 3B) will be analyzed within this context.

Women have not only gained within the institution of the Senate, but they have also achieved large numbers within the two major parties. For example, it is not surprising that the Liberal Party has the highest percentage (41.6%) of women Senators out of all the parties. Prime Minister Chrétien prioritized the appointment of women during his tenure in office and holds the record for the largest number of women appointed to the Senate (44%). Therefore, it is only logical that the Liberal Party was the party to benefit from his initiative.

Table 3C: Total Number of Women & Men in the Senate⁷

Party	# of Women in the Senate	Female Senators as % of their Respective Parties	# of Men in the Senate	Male Senators as % of their Respective Parties
Liberal	22	33.8%	43	66.2%
Conservative	8	33.3%	16	66.6%
Independent	4	44.4%	5	55.6%
Bloc Quebecois	0	0%	0	0%
NDP	0	0%	0	0%
Total	34	34.7%	64	65.3%

While Prime Minister Chrétien prioritized the appointment of women, Prime Minister Mulroney also increased the number of female appointments he made to the Senate. Many of his female appointments have since retired; but he did appoint several younger female Senators who are still in the Upper House today.⁸ While Prime Minister Harper has appointed no women as yet to the Senate, as Table 3C demonstrates, 33.3% of Conservative Party members in the current Senate are women.

Descriptive Differences Between Female Senators & Female MPs

By extending the statistics from Table 3B to include the House of Commons, some very interesting findings emerge, as can be discerned from Table 3C. Broken down by party affiliation, the data indicates that there is a higher percent of women in each of the major parties in the Senate than in the Commons.⁹ Specifically, women constitute 33.8% of

⁷ Statistics current to May 15, 2006.

⁸ One interesting appointment is that of Marjorie LaBreton who was the director of appointments for Prime Minister Mulroney and his last appointment to the Senate. Under the current Harper government, she has risen as one of his closest advisors, through which Mulroney gives advice to the Conservative government.

⁹ As previously noted, the NDP does not support the existence of the Senate. It has also never recognized Senators who wish to sit as an NDP Senator. Furthermore, the NDP as well as the BQ, have never formed government and have never appointed Senators. Therefore, for this analysis, these parties will be labeled minor due to their lack of presence in the Senate. Major parties will represent the two parties present in the Senate – the Liberal and Conservative parties.

Liberal Senators, but only 20.6% of Liberal MPs. Even the Conservatives have proportionally more women in the Senate than in the Commons. In the Senate, 33.3% of the Conservative caucus is female, compared to only 11.2% of the Conservative caucus in the House. Thus, not only do women not constitute a critical mass in the institution of the House of Commons, but also neither of the two major parties has achieved a critical mass of women in the House of Commons. Only recently has the NDP achieved a critical mass of women within its party; however, there are no recognized NDP members in the Senate. This means that, although the total number of women is larger in the House of Commons than in the Senate, women constitute a critical mass within each of the major parties only in the Senate and not in the House of Commons.

Table 3D: Total Number of Women in Senate & House of Commons¹⁰

Party	# of Female Senators	Female Senators as % of their Respective Parties	# of Female MPs	Female MPs As % of their Respective Parties
Liberal	22	33.8%	21	20.6%
Conservative	8	33.3%	14	11.2%
Independent	4	44.4%	0	0%
Bloc Quebecois	0	0%	17	33.3%
NDP	0	0%	12	41.4%
Total	34	34.7%	64	20.8%

Interestingly, there are also more independent women Senators (44.4%) than independent women MPs (0%). This indicates the looser party ties and discipline in the Senate and the fact that independent Senators typically have more power in the Senate than independent MPs do in the Lower House. For example, independent Senators are still able to participate fully in the Senate Standing Committees they are assigned to and can

¹⁰ Statistics current to May 15, 2006.

attend any committee they wish in order to ask questions of a witness.¹¹ This type of freedom does not exist to the same extent in the House of Commons.

Female appointments to the Senate have surpassed the number of women in the House of Commons. However recently the level of women in both institutions are on the decline. Most of the gains in the Senate were under Chrétien’s government. However, a decrease in the number of women appointed in the later Chretien years, as well as the lower number of women appointments to the Senate by Martin and Harper, has lowered the number of female Senators.

Table 3E: Prime Ministers Total Number of Senate Appointments, by Gender¹²

Prime Minister	Party	Male		Female		Total
		Number	Percent	Number	Percent	Number
Stephen Harper	C ^a	1	100%	0	0%	1
Paul Martin	L ^b	11	67.4%	6	35.3%	17
Jean Chretien	L	42	56.0%	33	44.0 %	75

a Conservative
b Liberal

This is also due to the total number of Senators still sitting in the Chamber – as more seats become vacant, the percentage of women looks larger but only because the total *N* has decreased that we are using to calculate the statistic. When examining women in Canadian legislatures, as Arscott and Trimble’s research has done, it becomes apparent that the number of women in political institutions in general is very low. In fact, the Senate has the highest percentage of women representatives of all Canadian legislatures and is the only one to reach a critical mass. Interestingly, as discussed in chapter 2, some scholars argue that a legislature needs to have a composition of at least 30% female in

¹¹ The only limitation is that they are not able to vote on committees they are not assigned to.

order to be effective at substantively representing women.¹³ The Senate currently has 34.7% women, which exceeds the initial threshold set by scholars; therefore, an examination of the substantive representation these female Senators have achieved will be the focus of the remaining chapters of this thesis.

*Diversity of the Women Appointed*¹⁴

When one examines the appointments made to the Senate, there appears to be three main types that can be categorized as follows: party workers; previous elected politicians; and political outsiders. In fact, as Thomas' analysis found "... 80 percent of Trudeau's appointments (n=81), 72 percent of Mulroney's (n=57), and 55 percent of Chretien's appointments (75) had held elected political offices before joining the Senate."¹⁵ The distinguishing feature of each type of appointment was the fact that each brought different networks into the political system.

The political appointments, or those with political backgrounds, already had a network of

12 Statistics current to May 15, 2006.

13 Evidence from Norway suggests that "when female representation [in Parliament] reaches at least fifteen percent it begins to make a difference." However, there is no consensus on the number of women required for a critical mass. Trimble and Arscott. *Still Counting*. [Broadview Press: Calgary] 2003, pg 131-132.

14 At the most basic level, Black states that "Sentiments about group connections might be expressed in a variety of ways. Some minority women might identify equally with both women and minorities as broader categories, while others might have a relatively more developed consciousness with regard to one of the two dimensions." As was seen with some of those interviewed, one woman did not identify race or gender as an important variable in determining the issues she was interested in speaking to, while other female Senators with multiple identities showed varying combinations on issues they pursued in the Senate that related to their multiple identities. Black goes on to explain this phenomena further, speaking specifically of race and gender: "...some visible minority women might regard white women as part of an oppressing class or fear that a focus on gender will divide their communities. Others, however, might see their disadvantaged condition more as a product of their gender. And, of course, it is plausible that some minority women, again probably visible minority women most of all, might have a consciousness that is uniquely focused on their status as double minorities." [Supra 4 pg 72] Thus, multiple identities are very complex when predicting which personal issues they will champion, specifically how the identity of gender fits into this model. Therefore it is not in the scope of this research to study this phenomenon but it is hoped that future research will examine the substantive effects of multiple identities.

15 Serge Joyal *Protecting Canadian Democracy: The Senate You Never Knew*. McGill-Queens University Press, pg 210.

interest groups that were developed while working in politics. These traditional interest networks would simply follow the appointees to the Senate to continue their participation in the political process.

This situation changes when examining the third type of appointment group – political outsiders - which most female Senators interviewed claim to fall into.¹⁶ These Senators have diverse backgrounds as well as an interest in policy areas that do not traditionally have a voice in the parliamentary process, (which will be explored in Chapter 6). This combination results in diverse and marginalized actors being brought into the policy arena. In the 37th Parliament, there was only one Aboriginal woman. Through her networks that she brought to the Senate, she was able to do substantive work in the Standing Committees which will be discussed further in Chapter 5. The inclusion of women and other groups of Canadians who are not in positions of political power is important. If there is no legislator who will act as a facilitator or “bridge” into the parliamentary process, Aboriginal women, among others, risk being marginalized since crucial and irrevocable decisions are made in Parliament without their input. Therefore, the Senators who are appointed as political outsiders become an important conduit for these marginalized groups within the elite policy making process. These points are important to remember when examining the following descriptive statistics.

Race/Ethnicity and Women Senators

Although the issue of discrimination has been championed in the Senate by minority male Senators, the double discrimination that minority women face (being both a minority and female) needs to be voiced. There is emerging Canadian literature concerning how important "...ethnic and racial designations [are] in shaping women's identities, social locations, and access to power."¹⁷ Increasing the diversity of the institution is an important step to increasing the substantial representation of issues important to diverse women. In his analysis of the House of Commons, political scientist Jerome Black has noted, "minority women have not reached parity when compared to minority men in the House of Commons. Therefore, the proportion of minority women in Canada is not reflected in the statistics for the House of Commons – not only have women in general not achieved their rightful proportion in the House of Commons, but minority women have also fallen short."¹⁸ Table 3F & 3G below demonstrate that visible minorities are underrepresented in both legislatures of Canada's Parliament. In the Senate, they constitute 5.6% and in the House of Commons their numbers stand at 5.8%, even though visible minorities make up approximately 13% of Canada's population.¹⁹

Table 3F: Visible Minority by Gender in Senate²⁰

N = 89	Total Minority	Minority Men	Minority Women
Number	5	2	3
Per Cent	5.6%	2.2%	3.4%

¹⁶ About a third said they did not work or run or hold office with a particular political party.

¹⁷ Ship, Susan Judith "Problematizing Ethnicity and 'Race' in Feminist Scholarship on Women and Politics" chapter in Tremblay, Manon and Caroline Andrew (ed) *Women and Political Representation in Canada* pg 311.

¹⁸ Black, Jerome "Differences that Matter: Minority Women MPs, 1993-2000" chapter in Manon Tremblay and Linda Trimble *Women and Electoral Politics in Canada* pg 59.

¹⁹ www.parl.gc.ca

Black examined this situation in the House of Commons and found that female visible minorities are under-represented compared to male minorities, and both male and female non-visible minority MPs (Table 3G). In the Senate, according to Table 3F, there are 5 visible

Table 3G: Visible Minority by Gender in House of Commons²¹

N = 308	Total Minority	Minority Men	Minority Women
Number	18	10	8
Per Cent	5.8%	3.2%	2.6%

minority Senators out of the 89 currently appointed.²² Of these visible minority Senators 3 are women. Visible minorities are underrepresented in both chambers, but a slightly higher level of visible minority representation exists in the House of Commons.

Percentage wise there is a higher percent of visible minority women in the Senate (60% are women Senators) than compared to the House of Commons (44.4% are women MPs) but the numbers are too small to permit conclusive statements. This problem has gone unnoticed by most academics but not to the Senators themselves. In fact, Senator Oliver asked Prime Minister Martin to consider filling the current vacancies in the Senate with visible minorities. One interviewed female retired Senator also noted that more work needs to be done, observing that it is "...not an ethnically diverse institution."²³

When analyzing the substantive representation of women and the diversity of opinion that exists between and among women, one needs to consider the views of minority women. Specifically, what role have ethnic minorities played in Canadian politics? How

²⁰ Statistics current to January 2005

²¹ Statistics current to January 2005

²² There were 16 vacancies at the time.

accessible have Canadian political institutions been to ethnic and racial minority groups and their concerns? To answer the first question, ethnic minorities have historically been underrepresented in both the House of Commons and the Senate. Is this a result of less minority participation in traditional political parties? Black states that minority Canadians participate in political campaigns as much as non-visible minority Canadians, so the lack of minority MPs and Senators must be for a different reason.²⁴ It is important to examine the descriptive statistics of race and gender in the Senate in order to verify whether Black's model of race and women can be applied to the Senate and not just the House of Commons.

Black introduced two models to explain how the identity of race affects the recruitment of this particular group of women into politics – the Similarity Model and the Compensation Model.²⁵ The Similarity Model holds that “newcomers need to have the same resources and experiences, including high levels of education and high-status occupations, that well established groups have, since these are the qualifications that the system “requires” for elite-level involvement.” Therefore, minority women will only be required to have the same qualifications that other women Senators possess before being appointed to the Senate. The second model, the Compensation framework, holds that minority women have to possess greater qualifications than non-visible minority women legislators. Black states that academic research has more evidence to support this latter model. His research indicates that minority women legislators in elected institutions

23 Senator 1

24 *Supra* 67

25 *Ibid*

actually do possess greater qualifications than non-visible minority women legislators, and in fact also possess greater qualifications than minority men.

This literature has not been applied to appointed institutions like the Senate, but when these two models are applied, the Similarity Model seems to fit more closely.²⁶ This is due in part to the fact that female political leaders in general are not coming from traditional political parties but other areas of society.

Interestingly, when examining the substantial representation of minorities in Canada's political institutions, Abu-Laban cautions that the fact that there are visible minority MPs representing the (old Canadian Alliance) Conservative Party raises questions around numerical versus substantive representation. An increase in minority MPs or Senators does not necessarily translate to an increase in substantive representation. Therefore, not only is there ideological diversity between women themselves but also, logically, among minority women as well. The logical argument behind critical mass theory is that, as the numbers increase for women and minorities, so should the diversity of views within these groups, therefore capturing the ideological, sociological, cultural differences among minority women. In fact, one way this diversity is expressed was captured in the network literature that will be discussed further in Chapter 6 – namely, that the minority women appointed to the Senate tend to have different networks and that they act as a bridge for

²⁶ Senator Jaffer and Senator Oliver are both lawyers, which is the second most frequent profession held by all Senators in its history. The two remaining visible minority Senators, Senator Cools is a community activist on women shelters and family issues while Senator Poy was a fashion designer.

these community networks to Parliament. This differs from the traditional banker and big business networks Campbell states existed in the Senate.²⁷

Female Aboriginal Senators

When analyzing the diversity of women in the Senate, Aboriginals were not taken into account since past research conducted on visible minorities in the House of Commons²⁸ did not include Aboriginals. This thesis attempts to rectify this oversight, since the equitable representation of women in Canada's Parliament should include an analysis of Aboriginal women as well as those who are visible and non-visible minorities. As Arscott states: "The representativeness of the candidate pool, and consequently of elected legislators, has been extended by national political parties to individuals from various language, ethno-cultural and religious communities over time, but not to several segments of the Canadian population."²⁹ This quotation was referring to women but it could equally apply to Aboriginals.

²⁷ Campbell, *The Canadian senate: A Lobby from Within*.

²⁸ Supra 16

²⁹ Supra 4 pg 10.

Table 3H: Gender by Inuit, First Nations and Métis Status of Senate Appointments³⁰

Senator	Status	Date Served	Male	Female
Charlie Watt (Lib.)	Inuit	1984 – present	X	
Willie Adams (Lib)	Inuit	1977 – present	X	
Thelma Chalifoux (Lib)	Métis	1997 – 2004		X
Gerry St. Germain (Con.)	Métis	1993 – present	X	
William Boucher (Lib.)	Métis	1957 – 1976	X	
Lillian Dyck	First Nations	2005 – present		X
Sandra Lovelace Nicholas	First Nations	2005 – present		X
Nick Sibbeston (Lib.)	First Nations	1999 – present	X	
Aurelien Gill (Lib.)	First Nations	1998 – present	X	
Walter Twinn (P.C.)	First Nations	1990 – 1997	X	
Leonard Marchand (Lib.)	First Nations	1984 – 1998	X	
Guy Williams (Lib.)	First Nations	1971 – 1982	X	
James Gladstone (Ind.)	First Nations	1958 – 1971	X	
Gender Total	All Groups	1867 – present	10	3

In the history of appointments to the Senate, there have been thirteen First Nations, Métis, or Inuit Senators but males Aboriginal are more represented in the Senate than female Aboriginals. Only three were women. Two women were First Nations (Senators Dyck, and Lovelace Nicholas). One (Senator Chalifoux) was Métis. None were Inuit. From Table 3H, it can be discerned that although women after all constitute 34.7% of the current Senate, First Nations women comprise 2%, and Inuit women 0%, with the retirement in 2004 of the sole Métis woman Senator, that has now dropped to 0%. Male Aboriginals, however, compose 5.1% of the current Senate - 40% of whom are First Nation, 40% Inuit, and 20% Métis. The situation is worse for women when national population statistics are examined. According to Statistics Canada, Aboriginals constitute approximately 4.4% of Canada's population. Therefore, male Aboriginals are overrepresented in the Senate (5.1%), while female Aboriginals are underrepresented (3.1%). Interestingly, there appears to be a shift in the gendered appointments of

³⁰ Statistics current to May 15, 2006, total N=98

Aboriginals to the Senate. Using the 1993 election of Prime Minister Chretien as our cut off point, Table 3I demonstrates that there were more male Senators appointed before 1993 than after, and more women Aboriginals appointed after 1993.

Table 3I: Appointment of Aboriginals Pre and Post Chrétien's Government

	Male Aboriginal Senators	Female Aboriginal Senators
Pre-October 1993	8 (80 %)	0 (0 %)
Post-October 1993	2 (20 %)	3 (100 %)
Total	10 (100%)	3 (100%)

A noted authority in the area of First Nations representation, Turpel-Lafond, states that First Nations people are culturally distinct and linguistically diverse and should not be viewed as a homogeneous race.³¹ Therefore, the fact that so few, regardless of gender, have been appointed to the Senate means that a representational problem exists within one of Canada's political institutions.

The situation is even worse when gender difference in the House of Commons amongst aboriginals is examined.

³¹ Turpel-Lafon, Mary Ellen "Patriarchy and Paternalism" pg 66 in Caroline Andrew and Sanda Rodgers *Women and the Canadian State*

Table 3J: Gender by Inuit, First Nations and Métis in House of Commons³²

Member of Parliament	Status	Date Served	Male	Female
Peter Ittinuar	Inuit	1979 – 1984	X	
Thomas Suluk	Inuit	1984 – 1988	X	
Jack Anawak	Inuit	1988 – 1997	X	
Nancy Karetak-Lindell	Inuit	1997 – present		X
Todd Russell	Inuit	2005 – present	X	
Angus McKay	Metis	1871 – 1872	X	
Pierre Delorme	Metis	1871 – 1872	X	
Louis Riel	Metis	1873 – 1874	X	
William Boucher	Metis	1948 – 1953	X	
Eugene Rheaume	Metis	1963 – 1965	X	
Walter Firth	Metis	1972 – 1980	X	
Cyril Keeper	Metis	1980 – 1988	X	
Gerry St. Germain	Metis	1983 – 1988	X	
Paul Devillers	Metis	1993 – 2006	X	
Lawrence O'Brien	Metis	1996 – 2004	X	
Rick Laliberte	Metis	1997 – 2004	X	
David Smith	Metis	2004 – 2006	X	
Rod Bruinooge	Metis	2006 – present	X	
Errick Willis	First Nations	1930 – 1935	X	
Leonard Marchand	First Nations	1968 – 1979	X	
Wilton Littlechild	First Nations	1988 – 1993	X	
Ethel Blondin-Andrew	First Nations	1988 – 2006		X
Elijah Harper	First Nations	1993 – 1997	X	
Bernard Cleary	First Nations	2004 – present	X	
Gary Merasty	First Nations	2006 – present	X	
Tina Keeper	First Nations	2006 – present		X
Gender Total	All Groups	1867 – present	23	3

There have been a total of twenty Aboriginals elected to the House of Commons since Confederation. Examining these historical and contemporary statistics presented in Table 3J, it can be seen that Aboriginals compose 1.9% (6 of the 308) MPs in the current House of Commons. Five Inuit have been elected historically, with two are sitting in the current House of Commons. Thirteen Métis were elected to Parliament, only one is in the present House of Commons. Of the eight First Nations MPs, three are sitting in the House of Commons. It can also be discerned from Table 3J that although women

³² Statistics current to May 15, 2006

compose 20% of the current House of Commons, there are no First Nations women and no Métis women. As discovered when analyzing results from recent decades (1993 in Table 3K), women Aboriginals are making more progress (66.7%) than in previous decades (33.3%).

Table 3K: Election of Aboriginals Pre and Post Chrétien's Government

	Male Aboriginal MPs	Female Aboriginal MPs
Pre-October 1993	14 (60.9%)	1 (33.3%)
Post-October 1993	9 (39.1%)	2 (66.7%)
Total	23 (100%)	3 (100%)

If the statistics for Aboriginals in both houses of Parliament are compared, one finds that they are insufficiently represented in both Chambers.

Even with low numbers of women in the Senate in general as well as for diverse groups of women, female Senators at times have been influential in both Houses of Parliament. One substantial act is the subject of chapter 5, although it is interesting to note that most influence is through committee work. One Senator stated that she accomplished several important things during her time in the Senate, the most important of which was the investigation into the effect of divorce on First Nations women.³³ Furthermore, she spearheaded several reports on Métis and First Nations women both on and off reserve. These reports focused not only on the problems between Canadian society and First Nations and Métis community members, but also on problems within the Métis and First Nations communities themselves. This probably would not have been accomplished without a member from the communities chairing the Senate Standing Committee on

³³ Senator 33. Her latest accomplishment was establishing a First Nations political party in Canada

Aboriginal Affairs and sitting on other Senate committees. Therefore, the presence of diverse groups is important in legislatures.

Turpel-Lafond states that there are two problems that need to be addressed immediately - patriarchy and paternalism.³⁴ To overcome patriarchy there is a need to understand the historical role that First Nations women played in First Nations communities. To transcend paternalism we need to understand that First Nations women do not necessarily have the same goals as non-First Nations women. Although it is unknown whether Senator 33 ascribes to this philosophy of separateness, she does believe that her presence has made the Senate committee reports on First Nations and Métis community possible. It is also important to note that she saw her role as Senator beyond issues related to her culture, and has been involved in many other issues in the Senate related to forestry and the environment.³⁵ This demonstrates that a critical mass of one person in an institution that permits more freedom can result in substantive work on women's issues. Nahanee states that “[s]tripped of equality by patriarchal laws that created male privilege as the norm on reserve land, Indian women have had to face a tremendous struggle to regain their social position...”³⁶ Regardless of the efforts of Senator 33, the underrepresentation of women, minorities, and Aboriginals needs to be addressed to obtain parity and end the current reliance on so few numbers to represent women in Canada's Parliamentary institutions.

34 *Supra* 30 pg 78

35 Senator 33 interview

36 Nahanee, Teresa Anne “Indian Women, Sex Equality, and the Charter” pg 102 in Caroline Andrew and Sandra Rodgers *Women and the Canadian State*

Furthermore, Turpel-Lafond states that “[g]ender as an isolated category is useful primarily to women who do not encounter racial, cultural, or class-based discrimination when they participate in Canadian society,”³⁷ therefore diversity within gender needs to be analyzed since Aboriginal women and non-Aboriginal women are very different. Parity between race and ethnicity as well as gender parity within race and ethnic groups are equally important to recognize. Although this thesis is concerned with baseline research focused on three specific hypotheses, it is important to raise these issues for more detailed focused research in the future.

Opportunity Structures³⁸ - The Penny Collette Factor

Instead of only examining the opportunity structures that exist once appointed, this section of the chapter will examine the opportunity structures that exist before a woman enters a legislature. The literature on women in legislatures demonstrates that one of the factors that will result in the increased number of women in a legislature (in this case, the Senate) is a party that provides opportunity structures for women. Opportunity structures can be defined to include “forces, structures and ideas that characterize official political systems and enhance or deter women’s political participation”.³⁹ One of the opportunity structures associated with the Senate is the director of appointments that works for the Prime Minister. This person is in charge of putting lists of names together for the Prime Minister that would fill all government appointments.

³⁷ Supra 30 pg 72.

The director of appointments under Prime Minister Chretien who was responsible for the largest increase in women in the Senate was Penny Collenette.⁴⁰ As this section will demonstrate, her dedication to the party platform to increase the number of women appointed to government positions was constantly at the forefront of her lists of appointments she put forth to the Prime Minister, and did not wane when challenged by ministers or other government officials.⁴¹

Penny Collenette is a lawyer by training and currently holds two academic postings – she is an executive in residence at the University of Ottawa and a senior fellow at the center for business and government at the Kennedy School at Harvard University. Her academic and professional careers have encompassed the fields of human rights, government and political organization. In fact, her work in the field of political organization began at the age of 19 with the Liberal party. She rose through the ranks of the Liberal party and became campaign director for Jean Chretien’s successful 1990 bid for leadership. She then became the National Director as well as the Director of Legal Services for the 1993 election. After the 1993 election she held the post of Director of Appointments and stayed in that position for over four years before moving to the corporate world as VP, Chairman’s Office, of George Weston Ltd.

38 Opportunity Structures are anything that leads to the advancement of women.

39 Supra 4 Pg 142

40 She was the director of appointments from 1993-1997 and made over 2000 female appointments to government positions.

41 She had worked with Prime Minister Chrétien a decade before her position as director of appointments. She was credited with turning Chrétien’s image from an aged negative image to a vibrant younger image. This gratitude and trust would allow her more freedom within her position as director of appointments. Furthermore, she was also part of a political powerhouse team with her husband who sat in Prime Minister Chrétien’s cabinet. This connection, as well as her very close political ties with the Prime Minister, probably made it easier for her to fulfill her commitment to women and “stand up” to cabinet ministers who questioned her gendered agenda.

Her professional credentials gave her a level of respect within the bureaucracy which had to work with her appointments. It also helped to get them on side to support her dedication to increase female representation in leadership roles.⁴² This researcher believes that since she was viewed as a professional, and not just a political appointee, others respected her views and decisions. Her time in this position was also paralleled by the first woman in charge of the Privy Council, which resulted in a gender tag-team which helped smooth relations between the government and bureaucracy to ensure that gender parity would be accomplished.⁴³ Besides her professional credentials and support from the Privy Council, the main authority for the appointment of women came from the 1993 Red Book. It stated that “Persons appointed by a Liberal government will better represent women, visible minorities, Aboriginal peoples, and people with disabilities.”⁴⁴

As Director of Appointments, Ms. Collenette made it clear to those submitting names for positions under her purview that appointing women was a priority.⁴⁵ Not only was she committed to party policy but she also had a “personal passion” for the inclusion of more women in leadership positions. She stated in her interview that she was always very “...passionate, focused and not afraid to push back when there was resistance.”⁴⁶ This vigilance did result in some tensions with Ministers. However, her decisions were always supported by the Prime Minister since he shared her commitment. One example of this resistance was a Minister who gave her a list of people he wanted to appoint to a

42 Penny Collenette interview

43 This particular situation of having two women in positions of power on two wings of Canada’s government should be a point of future study since it is beyond the scope of this thesis.

44 Liberal Party of Canada. *Creating Opportunity: The Liberal Plan for Canada*. September 1993, pg 93-94.

45 Supra 41

46 Ibid.

30 member government committee⁴⁷, and none of the names on the list were female. She refused to take the list until he produced one with at least half of the names being those of women. He stated that he did not know any women who were qualified to sit on the committee therefore she had to take the list of appointments. She still refused to accept the list with its current membership. It took three weeks, but when the list came back for her approval, not only were half the names of the people on the committee female, but eight out of the fifteen women were aboriginal – therefore parity and diversity were achieved in a few short weeks.

What is interesting to note regarding her record level of females appointed to the Senate during her time in office was that her actual “...priority [was] to get women to be a head of boards and agencies rather than in the Senate.” She viewed the Senate as an institution that would bog women down from accomplishing work the appointees were interested in. Appointing women instead to the Supreme Court, to the head of crown corporations, and to boards and commissions which have little institutional constraint were much more appealing to her. This view will be revisited later in this thesis, since holding a negative opinion of a parliamentary institution may result in women not accepting appointments leading to a problem of a limited pool of candidates to choose from to enter the Senate.

During her four years as Director of Appointments, there was a major increase from the previous government’s statistics related to women– one which was not surpassed after she left the post. In fact, she was “sad [the per cent of women appointed by the Director

⁴⁷ Although the Senate is the priority for this paper, the broader issue of women government appointments should be investigated further in other publications.

of Appointments] didn't go higher after she left the position."⁴⁸ Although official documentation of appointments made by the Director of Appointments is not available, the records kept by Collenette state that out of the 2,554 appointments made during her four years in office, 39% were women. Most of these appointments were groundbreaking – she appointed the first woman to the head of CBC, first female usher of the black rod, several women appointed to the Supreme Court, as well as women to numerous government boards and commission that were traditionally male dominated.

While Ms. Collenette had success with this gendered approach to government appointments, it should be noted that there were failures. In fact, some of the women Ms. Collenette shortlisted for positions turned down the appointment offer. An obvious problem was the decrease in pay.⁴⁹ Women who were in successful careers were less likely to leave that power, influence and money to go to an institution viewed as an old boy's club for less money. Ms. Collenette recalls that in fact she specifically remembers that one "woman turned down a Senate appointment because she had a powerful and successful career." Another woman turned the Senate appointment down because "...she was looking for another position in life." In fact, she suggested that "...a lot of women did not see the appointment as advancement in their careers; most of the women in leadership roles are dedicated to their career and wouldn't find the Senate a good fit. They currently have power in their own career and don't want to give it up."⁵⁰

48 interview

49 "The pay compared to private sector is really bad." Supra 41

The responses from potential women appointees has lead to another important difference between female and male appointees noted by Ms. Collenette. “Women saw the Senate as their only career, whereas men saw it as an “add on career” to what they were currently doing.”⁵¹ This difference will be reflected in the voting record, attendance record, and work on committees which will be discussed in detail in later chapters. For Ms. Collenette, this belief was reflected in the time it took for women to accept their appointment or turn them down. “Women had to take a few days or longer to give their answer.....not one women answered right away....[the] consideration of the children being a major issue – even though most had grown children.”⁵² In fact, “women had to be convinced to take the job, men were very easy to appoint and didn’t hesitate to say yes.”⁵³

This disconnect women had with the political institution was identified by several female Senators interviewed. These female Senators stated that several issues need to be addressed in order to make the institution attractive to women. For example, the media state that the Senate does not do any work without doing research or interviewing Senators; furthermore, “the travel and being a Senator is hard on people’s health, lives and devastating to people’s personal relationships” and when the Senator’s work is not recognized it becomes frustrating. As one Senator stated, “we need to change the negative image of the Senate so more progressive women will know they can accomplish a lot in the Senate and in elected politics. Right now, why would any women bother to

50 Ibid.

51 Ibid.

52 Ibid.

53 Ibid.

do it when it takes such a toll on your life?”⁵⁴ In fact, Ms. Collenette’s views are in line with those from a majority of female Senators interviewed. Ms. Collenette stated that there is a “huge problem with our representational system....[the] system has got to change because women have rejected the system and refuse to change to suit it.”⁵⁵ Ms. Collenette specifically stated that this reform to our political institutions needs to take place both in society as well as within the parties. Today women leaders do not come from politics but from other sectors, which means women need to be recruited and brought into the parties – currently the parties are the training grounds for leadership positions and recruitment. This belief is confirmed by Trimble’s research on the House of Commons, where she states that parties recruit from within; therefore, women have to increase their numbers on the ground in order to increase the number of women candidates and eventually increase the number of women elected to Parliament.⁵⁶ Statistics show that fewer of Prime Minister Chretien’s Senate appointments had previously held public office. Of those women sitting in the Senate in 1970, 40% did not hold public office before being appointed. While in 1980 this figure dropped to 25%, by 1990 the figure rose again to 36%, and in 2000 it continued to rise to 52%.⁵⁷ Although the statistics are lower than his predecessors and the gendered breakdown is unavailable, the pool of recruitment for appointments to government needs to be widened to include the area in society where women occupy – which is outside organized political parties.

54 Senator 25

55 Supra 41

56 Supra 4

57 Supra 12 pgs 327-329.

Conclusion

Although this chapter has shown that women are still under-represented in the Senate, it is also clear that they are present there in larger proportion than in other legislatures in Canada – both in comparison to the House of Commons as well as all other provincial legislatures. Even though the Senate has the largest proportion of women, the under-representation of the diversity of women still exists, which is a problem studied, in part, by one researcher.⁵⁸

While the Senate has become more racially diverse for women, as compared to the House of Commons, the overall numbers remain very low. Although visible minorities constitute approximately 13% of Canada's population, they are present in single digits in both Houses of Parliament (5.6% in the House of Commons and 5.8% in the Senate).⁵⁹ Furthermore, when these figures are broken down by gender it appears that women are represented in higher percent in the Senate than the House of Commons – leading to the possible conclusion that the ease of the appointment system is beneficial to increasing the number of visible minority women in the Senate. However, this conclusion, no matter how tempting to make, cannot be substantiated due to the small *N* present in both chambers. It is, nonetheless, a trend worthy of future observation and research.

The section on the descriptive representation of Aboriginal women in the Senate was conducted because no other study has provided such an analysis. This analysis

⁵⁸ Black's research focused on visible minority women in the House of Commons. His research did not discuss the under representation of Aboriginal women in Canada's legislatures.

⁵⁹ *Supra* 18

demonstrated that, first, woman Aboriginals are under-represented and, second, in recent years this situation has improved slightly in both Houses.

This chapter ended with an examination of the influence a female director of appointments can have on the level of female appointments. Interestingly, not only were more females appointed to the Senate, but there were more females appointed to all government openings including the Supreme Court, Usher of the Black Rod, and boards and commissions. The results from having just one woman in a position of power, who was dedicated to increasing the presence of women in government appointments, has arguably made the most substantive contribution to the descriptive representation of women in the last few decades. With the descriptive representation of women established, their substantive acts within the institution will now be examined in the following three chapters.

Chapter Four

Presence

Although the conceptualization of presence is very difficult to quantify, three indicators have been identified, as indicated in Figure 3A. The first examines how institutional knowledge is being passed onto new Senators in order to allow them to fully participate in the legislative activities of the Senate. ‘Senate School’ was established by a sitting female Senator who realized that she could help increase the learning curve of newly appointed women if she taught them the official rules of procedure. This is particularly true since the majority of new female Senators appointed do not have previous political careers or experience to draw upon.

The second indicator that will be examined in order to measure ‘presence’ is whether women’s style of politics is different from their male counterparts. Style is measured according to the literature on this topic, as whether they approach their work in a less adversarial manner than men.

4A: Relationship Between the Thesis Model & Measurement Indicators

Hypothesis 1	Strategy (Trimble)	Measurement
The presence of women in the Senate has a positive effect on the atmosphere of the Senate.	<ul style="list-style-type: none">• By altering the style and format of political debate	<ul style="list-style-type: none">• Passing on Institutional Knowledge.• Less adversarial• Attendance and Full-time Employment

The last indicator of whether their ‘presence’ is different than male Senators is whether women approach their job as if it were full-time employment and not as “just another

board appointment”. Franks made this observation when the Senate was male dominated; whether this has changed with the increase number of women to the Senate will be determined in this chapter.¹ Attendance will be measured through the use of official Senate records as well as qualitative observations. It is hypothesized that women attend Chamber business more than men. The style of Senators will be measured by examining how women Senators believe they are different from their male colleagues. The first section of this chapter will briefly discuss female Senators’ self-identification relating to feminism and how that affects how substantive representation will be measured.

Generational Influence & Women Senator’s Self-Identification: Actions Speak Louder than Words

An overwhelming majority of female Senators interviewed (90.9% or 20 female Senators out of a total of 22 female Senators interviewed) stated that they did not want to be associated with the term feminism.² Therefore, any further interview questions dealing with their ‘feminist’ activity were not answered, even though upon further investigation they did conduct activities that would generally be considered feminist acts.

Interestingly, even questions asking whether they felt they represented women were equated negatively with the term ‘feminism’. Therefore, feminism as an identity is not specifically studied as a self-identification label that female Senators associate with; instead, substantive acts by female Senators that would benefit women will be examined.

¹ Franks, C.E.S. *The Parliament of Canada*

² It is unfortunate that earlier research on the Senate did not explore it from a gendered angle. For example, Campbell’s research briefly discuss the positive contribution of committee investigations into social issues. He does not break down the gender make up of each committee or what influence they had. In fact, throughout his book which argued that the Senate is nothing more than a lobby of big business, he did not discuss the influence of women Senators – none of whom had business backgrounds. Were these women feminist and self-identify as such or did they act for women through their actions and not self-identify? Examining their activities in the Senate they did act for women although it is too difficult to determine whether they self-identified as a feminist.

The term feminism has a long history of having conceptual and methodological problems. Trimble noted most recently that “many women do not choose to identify with feminism or share the policy goals of the women’s movement.”³ However, the operationalization of substantive representation is not completely hindered by a legislator’s refusal to be labelled feminist, since most of their actions as the following chapters will demonstrate, are in fact feminist. Tremblay and Pelletier examined female legislators’ actions in the House of Commons. They believed that “...feminist values, opinions and interests are manifested in the attitudes and behaviours of male and female legislators...(and)... asserted that substantive representation of women is synonymous with feminist representation.”⁴ Therefore, instead of relying on the above data that asked female Senators whether they were a feminist, the remainder of this section, as well as the following two chapters, will examine and measure their actions to determine if female Senators are acting like feminists.

Several researchers have noted that “...female legislators do recognize their gendered social locations and their responsibility for representing their gender-based differences.”⁵ Therefore, just because the legislators do not overtly describe themselves as feminist does not necessarily mean that they will not represent women’s interests in the Senate. In fact, Tremblay has interviewed 48% of the female legislators (26/54) from the Canadian 35th Parliament.⁶ She found that a clear majority of these women stated that they did

3 O’Neill, Brenda 2002 “On the Same Wavelength? Feminist Attitudes across Generations of Canadian Women.” In Manon Tremblay and Linda Trimble *Women and Electoral Politics in Canada*. Oxford 178-191.

4 Ibid.

5 Ibid.

6 Manon Tremblay “Do Female MPs Substantively Represent Women ?” *Canadian Journal of Political Science* 31: pg 443-444.

recognize their role to represent women in the legislatures.⁷ Trimble notes similar findings with international studies:

“Women in the U.S. Congress are inclined to see women as a unique part of the constituency and believe they should represent women’s interests in all aspects of legislative activity.⁸ More than 80 per cent of new Labour women MPs elected to Westminster in 1997 considered symbolic representation of women an important dimension of their legislative role.⁹ Research conducted in a wide variety of Western industrialized nations shows that most women politicians see their sex as posing unique representational responsibilities.”¹⁰

As Table 4B demonstrates, when interviewed for this thesis, female Senators’ answers fell into three categories of substantive representation on women’s issues: 1) those women Senators who believe that issues have a gendered component but that men and women need to work together to represent these issues; 2) those who are feminist and believe in taking on a feminist representational role; and 3) women Senators who do not believe issues have a gendered angle to them. By far the largest and overwhelming majority response was to the middle category.

Table 4B: Women Senators by Substantive Representation Category

Substantive Representation Categories	Percentage of Female Senators who Agree with each Statement.
Those who do not believe issues have a gendered angle to them.	4.5% (1)
Those who believe that issues have a gendered component that men and women need to work together to represent these issues	86.4% (19)
Those who are feminists & believe in taking on a visible feminist representational role	9.1% (2)

7 Ibid.

8 Swers, Michele 2002: “Research on Women in Legislatures: What Have we Learned, Where are we Going?” *Women and Politics* 23(1) pg 175)

9 Childs, S. 2004: A Feminized Style of Politics? Women MPs in the House of Commons. *British Journal of Politics and International Relations*, 6 (1), page 58.

10 Supra 3

An overwhelming majority of women interviewed (86.4%) stated that they believed that issues do have gender components; however, they believe that they should not be labeled “feminist” since they want to work with men to address these issues. Most women Senators have a negative perception of the term “feminist”. Those who did not want to be labeled feminist were asked a follow up question “why?” As Table 4D indicates, most female Senators (57.9%) did not want to be labeled feminists because they did not want to be pigeonholed. They also feared losing legitimacy with their male peers, stating that words spoken from a “neutral” woman carry more weight than words from a feminist.¹¹ What constrained them was the perceived consequences of their actions if they did take an overtly feminist stand.

Table 4C: Women Senators Explanations for Not Embracing “Women’s Issues”

Non-Feminist Explanation	Percent of Women Senators Who Stated each Reason ¹²
Conception that the term “women’s issues” limits issues a women can speak on.	57.9% (11)
Conception that the term “women’s issues” will define a female advocate as a feminist and will result in lost legitimacy with male peers.	26.3% (5)
Conception that the term “women’s issues” excludes men from having a role to help address these issues.	15.8% (3)
Total	100% (19)

¹¹ Supra 9

¹² Multiple responses were given for this question during the interviews; however, only their first response was recorded in this table.

In another example, when asked whether she¹³ represented women in the Senate, the Senator stated that she did not believe in a narrow definition of women's issues because it was too confining. She believed that today women's issues were a grey area, since women engaged in many traditional and non-traditional activities, such as raising families, becoming professionals and trades-people. Therefore, she spoke on issues such as job creation and immigration to link these non-traditional women's issues to a female perspective. It is important to note that she did not consider herself a feminist. Although she readily admitted that in order for a woman to succeed in a male dominated political world, she needed to be assertive when she wanted to get her point across, and must be prepared to "do it herself" when action is required.

The fundamental difference between the first two groups is their personal conception of what constitutes a women's issue and the meaning of feminism. In fact, these two groups are the same and, therefore, it is appropriate to examine both the first and second group of women Senators. Furthermore, both categories believe that gender does play a role in representation and in fact the work the women in the secondary category undertake actually falls into the category of "women's issues". Vickers sums up the situation concisely; "...the purpose of their [women legislators] presence is to transform policies, programs, processes, and structures to improve women's lives". Whether female Senators feel comfortable overtly labeling themselves as feminists is not the main concern; what is, is whether their actions are feminist. Furthermore, her theory of feminist representation recognizes the need to have women who self-identify as feminist in all levels of government.

¹³ Senator 33

Whether women Senators actually speak on women’s issues will be examined in the following chapter. This chapter examines whether women Senators’ actions have made a difference in the atmosphere of the Chamber. Is their presence different than men, putting aside the feminist identification discussion? Do they add a new component to the Senate that makes it legislatively function better and also add a new representative element which some argue is important in a democracy?

Equalizing Institutional Knowledge - Senate School

Revisiting the initial thesis model, “passing on institutional knowledge” was the first measurement used to determine whether it altered the style and format of political debate. This would also be used to determine whether hypothesis 1, that the presence of women in the Senate has changed the atmosphere of the Senate, could be proven.

4D: Relationship Between the Thesis Model & Measurement Indicators

Hypothesis 1	Strategy (Trimble)	Measurement
The presence of women in the Senate has a positive effect on the atmosphere of the Senate.	<ul style="list-style-type: none"> • By altering the style and format of political debate 	<ul style="list-style-type: none"> • Passing on Institutional Knowledge. • Less adversarial • Attendance and Full-time Employment

One important element of having a female presence in the Senate is their ability to pass on their experiences to newly appointed Senators. This institutional knowledge is invaluable, especially to the women legislators who have never held political office. As Puwar notes, “[f]emale legislators can learn the rules and can even strategize around them, for parliamentary procedure is transparent and knowable. Informal rules,

performative norms and behavioural conventions tend to be covert and the barriers they pose more difficult to overcome.”¹⁴ Therefore, rules procedures, and political games need to be learned if a Senator wants to make a contribution in the Senate.

Besides having to learn the institutional rules, women Senators must combat sexism as well. As documented in research,¹⁵ an “old boy’s network” exists in the lower house and therefore is presumed to also exist in the upper house. As Trimble notes “[g]iven the testosterone-laden, intensely partisan, highly structured and rule-bound nature of parliamentary politics, why would we expect the admission of a few more women into the legislative chamber to challenge long-established, deeply inscribed customs and practices?”¹⁶ Although only a few women Senators would openly concede that the Senate was an “old boys club”, several examples have been documented.¹⁷

Trimble also notes that the greatest support Alberta women MLAs found to be successful in a male-dominated institution was women meeting as a group. In Parliament, Tremblay observes that women found legislative support at the federal Liberal women’s caucus. Past research has found that women forming a network has proven useful to help women push for the their legislative agenda. In the Senate, the main support for new female Senators is called the “Senate School”.¹⁸

14 Puwar, Nirmal 2004 “Thinking About Making a Difference” *British Journal of Politics and International Relations* vol. 6

15 Tremblay, Manon 2003 “Women’s Representational Role in Australia and Canada” *Australian Journal of Political Science* 38(2) .

16 Trimble, Linda and Jane Arscott *Still Counting: Women in Politics Across Canada*. [Broadview Press, 2003]

17 Carney, Patricia. *Trade Secrets: A Memoir*. Key Porter Books 2000, interview with Senate 25

18 Senate school is a day long training course organized by a female Senator that provides detailed information about rules and procedures to help newly appointed Senators become functional in the Chamber.

Canadian women MPs, like their British counterparts, see Parliamentary procedures and conventions as posing significant structural and attitudinal barriers to the substantive representation of gender-related issues.¹⁹ Almost all the women Senators interviewed stated that they found that this period of adjustment and familiarity with the Senate procedures was a huge learning curve. For those who were appointed before the “Senate School” was established, the period of adjustment was great – especially considering that some appointments to the Senate can be as short as a few months.²⁰ Those interviewed, who previously came from an elected legislature, worked in a political party,²¹ or those who had worked in similar bureaucratic structures,²² stated that it still took them at least a year to get familiar and feel comfortable in their job as Senator. In fact, one female Senator stated it took her almost three years to feel comfortable making procedural interventions in the Senate. However, women Senators are not as connected to a political party as they used to be in the past.²³ All the independents appointed during the time period of investigation were women. Therefore, not only are these women disadvantaged because of their lack of traditional political experience, but they lack a traditional party structure to gain knowledge and mentoring.

The Senator who began this program stated that men did not take as long to be productive in the Senate compared to women. This was probably due to their political backgrounds.

19 Supra 9 pg 188, Supra 17 pg 228

20 Examples include: Butts (1997-99), Thérèse Casgrain (1970-71), Sheila Finestone (1999-2002), Jean Forest (1996-98), Betty Kennedy (2000-01), Marian Maloney (1998-99).

21 Politically, Senators have served the national parties as fundraisers and campaign coordinators. Especially during the legislative lull of election periods, Senators have been able to serve vital backstage roles in the election process -- roles which could otherwise be carried out only by professionals who would likely be compensated through campaign contributions.

22 Some women did not need the assistance of this “School” but appreciated that it was available for new Senators. For example, since Senator Wilson had worked in a large institution before, she found the transition easier than probably other women who worked outside institutions. “Institutions are all the same.” (Wilson) Senator 4 was very well connected to her party and she already knew six of her eight regional Senators when she arrived in the Red Chamber. These types of connects are atypical and even these Senators noted the importance of Senator Carstairs’ initiative to brief new Senators on the Chamber’s procedures and to show that there was a support network for these new Senators.

It is unclear why there is this gender difference; however, women stated that it was an area that needed to be addressed. Certainly, when Senator Carstairs became Leader of the Government in the Senate she recognized that this gap needed to be addressed, so women Senators could participate actively in their role sooner. Her idea was to create a one-day seminar for newly appointed Senators that would combine lectures and question and answer sessions, with a take home binder of information to be consulted in the future when needed. Hence this briefing was dubbed the 'Senate School' and every new Senator has subsequently taken advantage of it.²⁴

The book Senator Carstairs distributes during the Senate School is a two inch thick red binder entitled "Procedural Manual" (see attached A). This manual contains thirteen sections, most with multiple sub-sections. As can be discerned from the following main section headings, this manual is detailed and thorough, with the goal of getting newly appointed Senators up to speed as quickly as possible. The chapter headings include: Attendance; the Senate Chamber; Senators with Key Functions & Caucus Organization; the Fundamentals; what occurs during a Sitting of the Senate; the Stages of a Bill; Committees; Bill Sponsorship; Inquiries; Questions of Privilege; Point of Order; Privilege vs Order; and Miscellaneous Advice. Each section has a copy of the official rules of the Senate, as well as a short interpretive synopsis in plain language. Interestingly, one section includes a diagram of the Red Chamber which denotes where government and opposition Senators sit in relation to the Speaker and officers of the Senate. This may appear obvious, but for those not acquainted with the institution, as

23 <http://www.parl.gc.ca/information/library/PRBpubs/prb0562-e.htm>

24 although during the period of investigation only liberal and independent Senators were being appointed, Senator Carstairs made the book and learning material available to Tory Senators and independents.

several female Senators stated, understanding the composition of the chamber alleviates a lot of stress and confusion in the first days and weeks of a new Senator's experience in the chamber.

All the major legislative and investigating avenues are taught during Senate School because although the inclusion of a perspective in legislation is important; other forms of representation in government decision-making are also critical. In the Senate, the important forms of representation where women can add a gendered perspective are: 1st, 2nd, and 3rd readings of House of Commons and Senate bills, caucus, Senate committees, and Private Members business. As one Senator stated, "women Senators do what they can depending on the issue."²⁵ In other words, their strategies depend not only on the issue but where in the institutional section it is -- i.e., legislation, committee work, private members business and so on. Therefore, all three areas need to be taught to new female Senators in order to determine the legislative strategies women Senators use to add a women's perspective to issues important to them.

All of the new female Senators interviewed stated that they appreciated and benefited from the School. For example, one female Senator²⁶ stated that she thought it was very helpful since she did not know the detailed procedures of the Senate. In fact, she found it so useful that she wanted refresher mini-courses during each year. In particular, she stated that the Senate procedures made sense to her when she was taught them in School, however after being on the job for a few months she started to forget some of the rules.

²⁵ Senator 3

²⁶ Senator 4

Those going through the Senate School stated during their respective interviews that they felt they had a good foundation to start their work in the Senate and they also gained a reference person to direct further procedural questions to as the need arose.

The most dramatic example of how Senate School could help newly appointed Senators participate in Senate proceedings occurred with an independent female Senator who was only appointed for four years and wanted to accomplish legislative and committee work on consumer protection.²⁷ Independent Senators are at a greater disadvantage than those who belong to parties since the latter have caucus or party briefings on legislation to assist them or the party structure to help support their initiatives. An independent Senator must rely on oneself, one's staff, Senate and Library staff and colleagues to accomplish her/his aims during her/his term of appointment. But with ingenuity, these independent Senators can be very effective with the tools they have learnt through the Senate School and the allies they have made while going through this program.

In this case study, the female Senator was a well-known consumer advocate in Quebec and wanted to further this issue in the Senate by sitting on the Standing Senate Committee on Banking, Trade and Commerce to further study the issue of consumer protection. Since each of the Senate standing committees has to have a balance (of party, region, gender and so forth) on it, she was left off because there was already an independent Senator sitting on the committee. For younger Senators, this decision would not be detrimental, since they would have years to continue requesting this committee

appointment. However, this person was appointed at age 71 and only had 4 years to accomplish her goals in the Senate.

Using the knowledge she gained through Senate School as well as her connection with Senator Carstairs who taught it, she began to explore procedure options that would allow her to bring prominence to her issue, credit ratings. Senator Carstairs explained a procedure for her to get this study in the Banking committee completed without being a full member of the committee. The procedure was for the independent Senator to make a motion in the Senate to direct the Banking committee to study credit rates. This motion had to be seconded by another Senator and have no one rise in objection to it. When she went to the legislature and put forth this motion, another independent Senator seconded it and since it was late in the day and there were hardly any Senators present, it was passed. This forced the Senate Banking committee to study this issue.²⁸ According to Senate rules, even though she is not a full member of the Senate Banking committee, she is allowed to sit on any committee she wishes but is not able to influence the direction of studies of the committee or vote. Therefore, she sits on the Banking committee and exercises her right to ask witnesses questions and have a formal committee report which was her goal at the outset.

This example demonstrates that women assisting other women in a legislature through such programs as the Senate School can help understand their rights as a Senator in Parliament, learn procedural tools to accomplish their goals, and gain important allies to

27 Senator 6

help further their issues within Parliament. This type of “mentoring” between women already in the legislature and women to the institution is an important element in women becoming productive in a legislature.

Adversarial Nature of the Senate

This is the second measurement used to determine whether this has altered the style and format of political debate and in turn support hypothesis 1 that “the presence of women in the Senate has a positive effect on the atmosphere of the Senate”.

The most direct question concerning gender differences in the Senate is the following: “Do Female Senators believe gender makes them different than Male Senators?” The overwhelming answer during the interviews was yes. They described that they saw their contributions as complementary rather than superior to their male colleagues. Only one female Senator interviewed stated that there was no gender difference because in her experience both genders work equally hard and share the same interests.²⁹

Table 4E: Female Senators’ Responses to Difference Question

N= 22	Yes	No
Female Senators Different than Male Senators	95.5% (21)	4.5% (1)

Scholars, such as Vickers, believe that the presence of women in an institution actually changes the behaviour of that institution from adversarial to one that attempts to achieve

28 Because Parliament dissolved very soon after this happened, all items died on the order paper. The Senate committee did not end up studying this issue. The Senator has now introduced a private members bill (S-19) on this topic instead of pursuing this matter in committee once again.

29 The few male Senators interviewed also agreed that women are different than men.

a compromise.³⁰ However, as Childs notes of her research on British female MPs³¹, “...women MPs’ ability to transform the parliamentary political agenda is likely to be reduced if they act like women; acting for women might depend upon acting like men.”³² Therefore, even though most of the female MPs in Childs’ study, as well as the majority of women Senators interviewed, believe women have a different style, the literature suggests women feel pressured to adopt a more masculine style to obtain advancements. One example of how style can have a detrimental effect on performance relates to items documented in the interviews. For example, these women Senators believed they worked hard to accomplish committee investigations or personal research projects; however, they also tended to not take credit for their work and accomplishments. One problem with acting like women and not taking credit for accomplishments is the public not seeing the good work of women Senators.³³

An examination of this issue in Canada’s Senate indicates that this type of pressure to change style does not appear to be present, or at least not to the same degree. This might be due to the institutional uniqueness of the Upper Chamber as detailed in Chapter 2.³⁴ In particular, most of the Senators are at the end of their careers and are not concerned with changing their behaviour for career advancement.³⁵ Furthermore, the Senate is less partisan and more focused on committee work than the House of Commons by nature.

30. Jill Vickers. *Reinventing Political Science: A Feminist Approach*. Fernwood Publishing: Halifax 1997, page 93.

31 Some of the women MPs’ responses indicated that not all women MPs shared the feminized style of politics. The difference in style between women and men is not determined by sex so much as age. Older, ‘successful’ women MPs were regarded as employing the traditional masculinized style and were perceived as ‘male’. Although many of the women MPs clearly supported the contention that they have a different style of politics, a number of them suggested that the dominance of the masculinized style of the House was not conducive to women acting in a feminized way.

32 *Supra* 9 pg 199.

33 This was present in interviews conducted in Manon Tremblay’s current research on female MP’s attitudes towards representing women

34 In fact the literature notes that the institution can influence gendered behaviour. “It is also determined by party identity and the gendered environment in which they act.” Wendy Stokes *Women in Contemporary Politics* Polity Press 2005.

35 Women live longer than men which may explain their energy level at this age.

One female Senator gave the example of the way the committee system currently operates – more work gets done and more diverse issues are addressed. She also noted even very subtle changes in manners as a result of the presence of female Senators: “male Senators are more courteous and the atmosphere is no longer one of an old boys club.”³⁶

How does the literature conceptualize style and legislative behaviour? Childs defined it according to what the media expected from the increased number of new labor women MPs.

“Women, it was claimed, do not stand up and waffle on for about 35 minutes in the Chamber. Women’s approach is ‘more direct’... There is a dialogue rather than an opposition between a correct government position and an incorrect opposition stance. There is also less aggression and more co-operation, teamwork, inclusiveness, consultation and a willingness to listen. Women MPs talk in more concrete ways and apply arguments to ‘real people’.”³⁷

This conceptualization was consistent with the Canadian literature and evidence from the interviews with the female Senators for this research project. In fact, a female Senator stated that the culture of the Senate has shifted in its atmosphere as a direct result of the increased number of women being appointed to the Senate.³⁸ Trimble states that the presence of more female legislators creates the possibility that women’s presence will alter behaviour in legislatures as well as policy outcomes in legislation which will be the focus of the next chapter. Although these changes in the institution are difficult to quantify that does not mean we should not attempt to do so, even if it is currently only at a preliminary qualitative level.

36 Senator 7

One of the most important elements of a feminized style would be the mentoring discussed earlier in this chapter. Whether the mentoring is through formal instructions such as Senate School or through informal conversations, the literature has stated how important this exchange of institutional knowledge is for new female legislators. One female Senator stated that she believes there is a solidarity with other women in the Senate, observing “you can feel it.”³⁹ When she arrived at the Senate, she did not know anyone since she did not come from a political background. She found that the women Senators were “...very nice and helpful” to her and extended her an offer of help or just an ear she could talk to. “They also care about others on a personal level – if they know your husband has been sick, they ask about him.”⁴⁰ Another independent woman Senator (now retired)⁴¹ stated that she went to receptions to meet people.⁴² Although she found it quite surprising that there was no feminist caucus in the Senate or Senators who self-identify as feminist, she did manage to find allies around social issues. One female Senator who participates in the mentoring of other women⁴³ stated that this behaviour comes from “breaks” she received while working her way through the backrooms of her political party.

A newly appointed Senator who consulted a retired female Senator⁴⁴ for advice is another example of mentoring. Because of this connection, the new Senator⁴⁵ stated that she did not feel lost when she was appointed to the Senate. She also received “...very good

37 Supra 9
38 Supra 35
39 Supra 27
40 Senator 6
41 Senator 1
42 Ibid.
43 Senator 2
44 Senator 8
45 Supra 35

advice -- one piece of advice was that caucus committees are very effective, so she should get involved with them.”⁴⁶ The fruit of this advice will be discussed in the next chapter concerning the Senator’s involvement with her caucus committee work on the Child poverty tax credit.

As Young has noted in her research on women in the House of Commons, women need to form alliances amongst themselves and across party lines early in the decision-making process in order to be successful at influencing government policy.⁴⁷ Her research has also suggested that cross-party alliances help to shape policy positions within each of the political parties. As a result, women can have a party effect and an institutional effect on the issues addressed in the House of Commons and Senate. Some researchers forget that Senators attend the same caucuses that MPs do; therefore, cross-party female coalitions in the Senate can have an influencing effect in caucus and cabinet committees. Due to their higher percentages in the Senate compared to the House of Commons (as well as within each party when examining party effects), women Senators on their own can have an effect on caucus or cabinet committees, when combined with women MPs that effect can be greater. Due to some Senators’ seniority within their party, they can command even more influence than a female MP. The current case where this has occurred is with Senator LeBreton and the current Conservative government. Because of her close relationship with former Prime Minister Brian Mulroney, she has become one of current Prime Minister Harper’s closest advisors. These areas of joint influence would be a valuable study unto itself as a future research project.

⁴⁶ Ibid.

Perception of Appointment

The third measure for this chapter to be used in examining hypothesis 1 is whether female Senators had a different perception of their appointment from what has been written about their male colleagues. Also, it will be examined whether these differences have altered the style and format of the political debate and in turn lend support for hypothesis 1 – that the presence of women in the Senate had a positive effect on the atmosphere of the Senate.

A difference between male and female legislators noted in the interviews with women Senators was the way they perceived their appointment/election to a legislature. Specifically, that female legislators view their election/appointment as a full-time occupation and did not continue their previous employment outside the Senate, which was taken as a sign by their female colleagues that they took their responsibility very seriously and wanted to devote complete attention to their new role as a legislator. Male Senators are more likely to continue their previous careers while in the Senate and/or continue to sit on boards of corporations.⁴⁸ In fact, it was this close connection to business that Franks and other political scientists critiqued, as was discussed in Chapter 2, when they stated that Senators were lobbyists for business.⁴⁹ Due to problems with collecting complete data, Franks' statistics are the only data available on this topic. This is clearly an area for further research. While self-disclosure by Senators themselves is the most accurate method for compiling this information, not all are willing to disclose, which is problematic.

⁴⁷ Ibid.

⁴⁸ Senator 25

An indicator of the way female Senators view their position is their attendance in the Senate. Examining the Senate official attendance records, in Table 4F below, for each session of the 37th Parliament, there would appear to be a slight gender difference in chamber attendance. For this table, one random month in each session was chosen to examine Senate attendance records. These records consist of one page that each Senator submits to the clerk of the Senate each month. This form states how many days they attended chamber business, were sick or otherwise absent from the Senate. Each month chosen was then followed up by observational research to be discussed later.

Table 4F: Attendance by gender by session of the 37th Parliament

Chamber Attendance	Male Mean (Male N)	Female Mean (Female N)	Total Days in Session
37 th Parl. 1 st Sess. (April 2001)	5.1 (61)	5.2 (32)	6
37 th Parl. 2 nd Sess. (October 2003)	11.1 (66)	10.9 (35)	13
37 th Parl. 3 rd Sess. (April 2004)	5.8 (63)	5.7 (31)	7

The conclusion from this table (Table 4F) would be that there is a slight gender difference in attendance between male and female Senators between sessions. However, when utilizing the qualitative method of observational research, it appears that these official records are skewed because it only indicates who appeared in the Senate on a particular day and not the length of time they were present in the Senate.

49 Franks *The Canadian Senate in Modern Times*, chapter in Serge Joyal *Protecting Canadian Democracy*. Pg 151.

Table 4G: Observational Attendance by gender by session of the 37th Parliament⁵⁰

Chamber Attendance	Male (N)	Female (N)
37 th Parl. 1 st Sess. (April 4, 2001)	n/a	n/a
37 th Parl. 2 nd Sess. (October 22, 2003)	34.8% (23/66)	42.9% (15/35)
37 th Parl. 3 rd Sess. (April 21, 2004)	30.2% (19/63)	51.6% (16/31)

For a Senator to be counted as present for a day's sitting all they have to do is cross the "bar" on the Senate floor.⁵¹ Once they cross the bar they are deemed present, and as soon as they are counted as present there is no measure of how long they stay in the Chamber. In fact, they can cross the bar and turn around and leave for the rest of the day.⁵² In order to counterbalance the fact that official attendance records can be misleading, observational research was conducted randomly to count the number of female and male Senators in the Chamber at any one time. Each observation was conducted for a half hour on a Wednesday immediately following question period. This occurred once per session and tends to indicate that women Senators were over-represented in the Senate chamber compared to their actual numbers in the Senate, thereby providing supporting evidence for women Senators' claims that they are dedicated to the work of the Senate.

⁵⁰ All observations were conducted a half hour after question period on a Wednesday.

⁵¹ As soon as you enter the Senate from the main south doors a Senator would cross a railing. This railing is called the bar and for a Senator to be counted as present they must cross that railing.

⁵² Interestingly, there are small private conference rooms behind the Senate Chambers, most have glass windows that look into the hallway so you can see which Senators are meeting in each. On two observations of the Chamber, this researcher passed by these meeting rooms, they were crowded with male Senators meeting with each other, in fact some rooms that appear to be made to hold only a few people comfortably were stuffed with double the capacity of male Senators. What was of interest is that on the two observational times they were all males in these half dozen meeting rooms. Therefore, although women were dedicated to their jobs as Senators and present in the Chamber, could it be that they were excluded from backroom discussions in the Senate that were taking place in these small meeting rooms? Although some may note that those not present in the Senate are actually brokering deals or furthering their contacts in the backrooms of Parliament and therefore presence in the Senate equals lack of political influence. This same type of activity can take place in the Senate chambers as well. At each of the six observation times, several women were speaking to one another – the same type of behaviour observed from the men who were in the private conference rooms behind the chamber. Some aspects of legislator behaviour is unmeasurable, and it appears that at the present time these findings cannot be elaborated on.

Clearly further evidence and research needs to be conducted to determine if there is support for this initial relationship; however, this trend is an interesting finding.

Conclusion

The chapter examined several indicators to support the first hypothesis: mentoring, style, external employment, and Chamber attendance. For each of these indicators it was demonstrated how the presence of women in the Senate has a positive effect on the atmosphere of the Senate

Although it is difficult to measure several of these variables, literature on the lower house does lend support for this investigation. First, through the implementation of the Senate School, new Senators are now given the knowledge that allowed them to participate in the proceedings of the Senate more quickly. This is particularly important for women appointees, since more of them come from non-political backgrounds and would find it particularly challenging to become active in the Senate. Several case studies were examined to support the belief that mentoring and learning through attending the Senate School resulted in quicker participation in the institution.

Next the style of female Senators was examined. This was particularly challenging, since only qualitative techniques and subjective measures could be used. Regardless, the literature asserts that style is an important element to study and, therefore, could not be ignored by this thesis. It was found through the use of interviews and secondary data that female Senators do tend to have a different style than male Senators. Several of the

female Senators interviewed wanted to reinforce that this difference did not make them superior in their work, it just resulted in a different approach that complemented the male strategies. This difference was noted in other legislators by Tremblay and Trimble in Canada and Childs' work in Britain. These authors did caution that women can succumb to a change of opinion on the representation of women once becoming members of an institution and begin to act like men; therefore, resulting in no change to the institution. This finding was, however, not found in this study, probably because an appointed institution was under study.

Finally, outside employment and chamber attendance were discussed in a preliminary manner. They were investigated together since both were identified indicators by their female colleagues as evidence of how serious women take their position as a Senator. A difference was found between the observation of attendance by gender in the Senate. The comparative data to the House of Commons does not hold much weight since the two institutions are different – e.g. MPs have required house duty which does not exist in the Senate. However, at its most basic level, these two indicators simply demonstrate a gender difference in the Senate where the true nature of the difference may not be realized until further comparative research is done. In particular, does attendance lead to a change to the institution? Is the real power being brokered in the small rooms behind the Senate chamber where few women were observed? For now, we can treat this one area of results as baseline measures and speculate in the concluding chapter about what implications this gender difference may have.

Although measuring the effect women have had on the institution of the Senate is difficult, scholars have identified several possible indicators. This section attempted to address several of these indicators and demonstrate that the presence of women in the Senate has changed the behaviour of that institution in a positive direction. From the evidence put forth in this chapter, it can be determined that the first hypothesis has support. Women in the Senate do have a positive effect on the institution which is consistent with the literature on women in the lower house.

Chapter 5

The Legislative Impact of Women

Canada's Parliamentary system is one of executive dominance, which features a concentration of policy-making power in the hands of the political executive.¹ Trimble notes that two things result from this structure: "first, cabinet ministers dominate legislative speaking opportunities, and are over-represented in debates...[and second]... backbench and opposition party women cannot speak at will."² With such control over lower house chamber activity, it is difficult for women to express their views even if they are in agreement with their party. The Senate has the same speaking opportunities or access points as the lower house – e.g., participation in debates, members statements, question period, raising points of order – but is the same level of party discipline present in the Senate? Looking beyond the effects of critical mass on substantive representation, this chapter will examine specific case studies that exemplify how women Senators impact upon the legislature. The chapter examines three areas within Parliament -- "access points" -- where women Senators can make a difference. The main access points reviewed in this chapter include: debates and votes on Parliamentary bills; reports produced by Senate committees; and internal party caucus committees.

¹ *Canadian Government in Transition*, 4th Ed. Robert Jackson and Doreen Jackson 2006

² Linda Trimble "Feminist Politics in the Alberta Legislature, 1972-1994, chapter in *In the Presence of Women: Representation in Canadian Governments* Jane Arscott Linda Trimble 1997 p148

5A: Relationship Between the Thesis Model & Measurement Indicators

Hypothesis 2	Strategy (Trimble)	Measurement
Women in the Senate have resulted in pro-female policy outputs.	By analyzing policy issues with women's interests and perspectives in mind	<ol style="list-style-type: none"> 1. Examining Bills under review in the Senate chamber. 2. Examining Committee issues, witnesses, and reports. 3. Examine Caucus committee reports.

The first access point under investigation in this chapter will examine debates, votes and behind the scenes activities during the bill recriminalizing abortion in the early 1990s (Bill C-43). Researchers studying the House of Commons have noted that women MPs speak more on women's issues than do male MPs. For example, Tremblay's content analysis of debates conducted during the first session of the 35th Canadian Parliament revealed that female Parliamentarians spoke twice as often about women's issues than did their male counterparts, but this did not add up to very much discussion of women's policy concerns overall.³ Furthermore another study of the Alberta legislature by Trimble found that cabinet ministers led most of these gendered interventions. With these data in mind, Bill C-43 was chosen as a case study since it can be used to determine whether party discipline is stricter in the House of Commons than the Senate and whether any cross party voting occurred for women who prioritized women's issues over party loyalty.

There are examples of such incidents in the literature. Trimble stated that "...there are some illuminating examples of women strategizing within and even across party lines to instigate policies to improve the status of women. In the British House of Commons, for

example, female Labour MPs and ministers worked together with women civil servants and activists to initiate and ensure the passage of the Sex Discrimination (Election Candidates) Act in 2001.”⁴ She further noted a Canadian example during the early 1990s of cross-party co-operation in the lower house. In this case, “...a sub-committee on the status of women featured cross-party cooperation between women from three political parties and its members were therefore able to advance a series of important policy initiatives, including greater firearms control, improvements to sexual assault legislation and new breast cancer screening protocols.”⁵ This chapter will determine if such examples exist in the Canadian Senate.

The second access point examined in this chapter focuses on the committee system of the Senate. This comparison will also be comparative across houses of Parliament. The case study under investigation is First Nations matrimonial property. This was chosen because it was studied first in the Senate Standing Committee on Human Rights, and then in the House of Commons Standing Committee on Aboriginal Peoples. The Senate committee, which was female dominated, initiated the report and the Minister responded to its findings by sending it to the House committee for further investigation. Green noted that the political goals of Aboriginal women may reflect their gendered experiences within the context of a larger project of self-determination for First Nations.⁶ This committee study is one way of accomplish this goal, although legislative success can be thwarted by barriers.

3 Manon Tremblay, “Do Female MPs substantively represent women?” *CJPS* 31 Sept. 1998, page 457.

4 Childs, S. 2004, “A Feminized Style of Politics? Women MPs in the House of Commons.” *British Journal of Politics and International Relations*, 6 (1), page 6.

5 Young, Lisa “Fulfilling the Mandate of Difference: Women in the Canadian House of Commons” chapter in *In the Presence of Women: Representation in Canadian Governments* Jane Arcsott Linda Trimble 1997 pages 93-98

The final access point to be examined is caucus committees. These committees are difficult to access and research. The case study under investigation was the Liberal caucus committee on child tax credits. This access point is important, since it is one of the few formal access point in which women in the Senate work with women in the House of Commons. Senators are part of a larger Parliamentary political and institutional system outside the Senate chambers. Each party has party activities ranging from caucus committees to campaign organization. Therefore, the higher proportion of women in the Senate, can counterbalance the lower proportion of women in the House of Commons. This can result in the potential substantive representation of women in each of the two main parties.

Therefore, women have several access points to potentially substantively represent women. The hypothesis under investigation in this chapter states that the increased number of women in the Senate has resulted in pro-female policy outputs. The remainder of this chapter will explore the effectiveness of the different legislative access points outlined above in producing pro-female policy outputs.

Parliamentary Access Points for Women Senators

If the assumption is that women appointed to the Senate do make a difference, regardless of whether it is uni-dimensional (presence) or multi-dimensional (presence, representation, action), it has to be determined where in the Parliamentary institution women can affect change. During the interviews with female Senators, the top three

6 Green, Joyce (2001) "Canaries in the Mines of Citizenship: Indian women in Canada." *Canadian Journal of Political Science* 34(4), pgs 715-738.

access points to influence public policy in the Senate were: influencing bills through Chamber business; studying issues and bills in the Senate Standing Committees; and influencing caucus decision-making.

Chamber Business

One of the central tasks of a Senator is to review legislation coming from the government in the House of Commons. This task usually goes unnoticed since it involves minor amendments of a technical nature or translation issues. However, in certain cases Senators can affect change to these government bills and hence influence public policy.

Although some Senators believe they are constrained from making substantive changes to bills because Canadians do not elect them, others view their role in reviewing government legislation in broader terms; for example, providing a different perspective on issues not previously considered. In this researcher's opinion, this broader perspective in attitude is largely a result of the increased number of women in the Senate. Tremblay, for example, believed that the mere increase in the number of women in an institution not only affects the issues that are discussed and legislated on in that institution,⁷ but also provides a voice in that institution for different perspectives that are not necessarily advocated by male politicians.⁸ In fact, an overwhelming number of women Senators interviewed, even those who did not want to label themselves feminist, believed that women do have a different perspective as well as approach to public-policy making.

7. Manon Tremblay, "Quebec Women in Politics: An examination of the research," chapter in *In the Presence of Women: Representation in Canadian Governments* Jane Arcscott Linda Trimble 1997, p 247.

For certain bills of importance to women, certain Senators believe they needed to go beyond speaking to a bill in the Chamber. In fact, they have asked detailed questions in the Senate Question Period and in committee. Not only can women add their perspectives to the debate, their presence and actions can change the outcome of legislation. Four bills – Bill C-43 on abortion, Bill C-93 on the reorganization of certain boards, agencies, commissions and tribunals, Bill C-28 on the L.B. Pearson International Airport, and Bill C-220 on profiting from authorship respecting a crime – were actually defeated in the Senate in the 1990s. The case study used in this chapter will be C-43, the bill on abortion.

Before turning to the legislative access points available to women Senators, let us briefly examine the issues Senators spoke about during the 37th Parliament, 3rd session. In her model, Trimble historically examined the issues that women MLAs in the Alberta legislature spoke about during their terms in office. An important aspect of this research was the fact that it was not limited to policy outputs. Trimble examined the issues that each female MLA spoke on, or in some cases ignored.

Although the goal for most feminist activists would be the inclusion of a feminist perspective in legislation, other forms of representation in government decision-making bodies are also important. One shortcoming of some feminist researchers⁸, which will be addressed in this research, is the sole focus on issues that compose the traditional feminist agenda. While the advocacy of these issues is important to the lives of Canadian women, this research will expand the scope of issues examined. The goal is to examine what

8. *Ibid.*, p 1.

issues female Senators prioritize. Do women Senators speak on a range of issues in the Senate or do they focus solely on the traditional women's issues?

Trimble tabulated the participation of male and female legislators in all types of legislative debates, including motions, debates on bills, question period, and members' statements. By distinguishing between opposition and government members, as well as between cabinet and backbench MLAs, she was able to show how party affiliation and Parliamentary role intersect with gender to shape the ability (and willingness) of legislators to voice women's interests and concerns. She found that numbers alone do not make the difference for women. In fact, there are studies of Canada's lower house that have shown that party is often a better predictor of "feminist consciousness" than the gender of the legislator.¹⁰ This thesis will analyse the effect of party versus gender on the substantive representation of women – specifically in the form of speaking on women's issues.

9 Supra 3 pages 447-465.

10 Tremblay, Manon 1992 "Quand les femmes se distinguent: féminisme et représentation politique au Québec." *Revue canadienne de science politique* 25: 65-88 and Tremblay, Manon and Rejean Pelletier 2000 "More Feminists or More Women? Descriptive and Substantive Representations of Women in the 1997 Canadian Federal Elections." *International Political Science Review* 21(4): 381-405.

**Table 5B:
Speakers in Senate on Commons Sponsored Bills by Gender for 37th Parl. 3rd Sess.**

Bill	Bill Title	Male Count	Male Percent	Female Count	Female Percent	Total
C-3	Canada Elections, Income Tax amendment	12	92%	1	7%	13
C-4	Parliament of Canada amendment	25	73%	9	26%	34
C-5	Representation Order 2003	15	83%	3	16%	18
C-6	Assisted Human Reproduction	4	50%	4	50%	8
C-7	Public Safety 2002	18	72%	7	28%	25
C-8	Library and Archives of Canada amendment	3	100%	0	0%	3
C-9	Patent, Food and Drugs amendment	9	81%	2	18%	11
C-11	Westbank First Nation Self Government	4	80%	1	20%	5
C-13	Criminal Code amendment (capital markets fraud and evidence gathering)	4	80%	1	20%	5
C-14	Criminal Code and other acts amendment	3	75%	1	25%	4
C-15	International Transfer of Offenders Act	3	60%	2	40%	5
C-16	Sexual Offender Information Registration	4	57%	3	42%	7
C-17	Amendments and Corrections, 2003	5	83%	1	16%	6
C-18	Equalization and authorizing the Minister of Finance to make certain payments in relation to health	2	66%	1	33%	3
C-20	Electoral districts, to change names of certain	5	100%	0	0%	5
C-21	Customs Tariff amendment	2	100%	0	0%	2
C-22	Criminal Code amendment (cruelty to animals)	3	60%	2	40%	5
C-24	Parliament of Canada amendment	7	77%	2	22%	9
C-26	Appropriation No. 4, 2003-04	1	100%	0	0%	1
C-27	Appropriation No. 1, 2004-05	4	80%	1	20%	5
C-28	Canada National Parks amendment	3	100%	0	0%	3
C-30	Budget Implementation 2004	6	85%	1	14%	7

In the Senate, it is normal for only a few speakers to be allotted time to speak to each government bill. Usually one speaker is from the Liberal party and one from the Conservative party. Independents are able to speak to bills as well. The average number of speakers in Table 5B was just over 6, with the range from a low of 1 to a high of 34 speakers on a bill.

**Table 5C:
Highest Female Speakers in the Senate on Government Bills 37th Parl. 3rd Sess.**

Bill	Percent of Women Who Spoke on Bill (N)
C-6	50% (4)
C-16	42% (3)
C-15	40% (2)
C-22	40% (2)

Female Senators constitute 34.7% of the legislature, they were over 34.7% of the speakers on bills that would be considered gendered. Therefore, women legislators appear to prioritize bills related to women and make up a large proportion of its speakers.

Who is assigned to the speaker's list is determined either by personal interest or by the sponsor of the government legislation in the Senate. In the first instance, Senators contact the sponsor of the bill or the house leader in the Senate to add their name to the list of those who wish to speak for their party. In the latter case, the sponsoring Senator contacts Senators who he/she believes may be interested in speaking or who would be willing to speak to it. The influence a sponsor has is an interesting point in itself and therefore Table 5D breaks down each bill by gender of the sponsor to see if that has an influence on the number of women Senators speaking to a bill. Due to the lack of flexibility over which Minister sponsors a bill, it is expected that gender of the sponsor may be constrained by parliamentary convention. Regardless, Minister Anne McLellan had two bills, C-15 & C-16, which had high levels of interest for women MPs.

Table 5D:

Highest Female Speakers in the Senate on Government Bills by Bill Sponsor

Bill	Gender of Bill Sponsor in Senate	Percent of Women Who Spoke on Bill (N)
C-6	Male	50% (4)
C-16	Female	42% (3)
C-15	Female	40% (2)
C-22	Male	40% (2)
C-18	Male	33% (1)

Other bills that are discussed in the Senate and voted on besides government legislation are Senate bills (see Table 5E). These bills, as the name suggests, are bills that originate in the Senate. They come from either the Prime Minister's Office or are initiatives of individual Senators who have the support of their party to introduce their issue as a Senate bill. Women Senators may lack the influence within their caucus to have women's issues introduced as government legislation or simply not be members of the governing party and, therefore, have very little influence in the legislative agenda of the House of Commons. Senate bills are easier to introduce and, therefore, should have higher levels of bills with issues related to women's concerns. Of course, this conclusion is based on the premise that women Senators want to promote women's issues – a position that exists according to findings in chapter 4.

**Table 5E:
Speakers in the Senate on Senate Bills by Gender for 37th Parl. 3rd Sess.**

Bill	Senate Bill Title	Male Count	Male Percent	Female Count	Female Percent	Total
S-2	Spam Control	1	33%	2	66%	3
S-3	Constitution, 1867, Parliament of Canada amendment	4	80%	1	20%	5
S-4	Official Languages amendment	4	66%	2	33%	6
S-5	Heritage Lighthouse Protection	2	100%	0	0%	2
S-6	Criminal Code amendment (lottery schemes)	2	100%	0	0%	2
S-7	Representation Order 2003, Respecting the effective date	5	100%	0	0%	5
S-8	Personal Watercraft	0	0%	2	100%	2
S-9	Louis Riel	5	62%	3	37%	8
S-10	Marriage	1	50%	1	50%	2
S-11	Statutes Repeal	1	100%	0	0%	1
S-12	Royal Canadian Mounted Police Act amendment	2	100%	0	0%	2
S-13	Federal Nominations	1	100%	0	0%	1
S-14	Agreement on Internal Trade Implementation amendment	1	100%	0	0%	1
S-15	Queen's Theological College, To amend Act of incorporation	4	80%	1	20%	5
S-16	Copyright amendment	2	100%	0	0%	2
S-17	Citizenship Act amendment	2	100%	0	0%	2

As was found with the data in previous tables examining speakers to government legislation, the total number of speakers to each bill is low. The average for these bills was 3 as compared to 6 for government bills. The range of speakers was from a low of 1 to a high of 8. Unlike the assumption that since these bills are freer from party constraints, more bills would be related to women's issues, the exact opposite was found to be true. Table 5F lists the top 4 bills where women spoke in large percentages. Only one of these bills relates to women (S-10 Marriage).

Table 5F: Highest Female Speaker in the Senate on Senate Bills

Bill	Percent of Women Who Spoke on Bill (N)
S-8	100% (2)
S-2	66% (2)
S-10	50% (1)
S-9	37% (3)

Because of the results, the gender of bill sponsors will be examined as it was for government bills to determine whether there is a relationship between a sponsor's gender and the number of women who speak to a Senate bill.

**Table 5G:
Highest Female Speakers in the Senate on Senate Bills by Bill Sponsor¹¹**

Bill	Gender of Bill Sponsor in Senate	Percent of Women Who Spoke on Bill (N)
S-8	Female	100% (2)
S-2	Male	66% (2)
S-10	Female	50% (1)
S-9	Female	37% (3)

An examination of the gender of bill sponsors reveals a mixed pattern. When examining the four bills with the highest percentage of women speakers, three of them were sponsored by women and only one bill was sponsored by a man. Whether this explains the high gender level of speakers to bills that, for the most part, have no gender elements to them is a debatable point. Perhaps women either cannot (party discipline) or do not (legislative restraints) use legislative avenues to pursue women's interests.

Although female Senators did speak on several government bills relating to women, there appears to be only one Senate bill related to gender, which is too low to conduct a proper comparison among different types of bills and the participation of women. S-10

was the only Senate Bill that related to women and, in fact, out of the two speakers to the bill half were women. Since Senate bills take time to develop and are subject to the procedural restraints of the institution, it may be better to examine what is referred to as “Senate Inquiries”. Unlike Senate and government bills, these inquiries are based on a statement introduced by a Senator in the Chamber. They have no power beyond the speeches in the Chamber and no votes are taken; however, they are a tool to bring an issue to the attention of Parliament and perhaps bring about other action.

Table 5H: Speakers on Senate Inquires by Gender for 37th Parl. 3rd Sess.

Senate Inquiries	Male Count	Male Percent	Female Count	Female Percent	Total
Socio-economic implications of decreasing population	0	0%	1	100%	1
State of cancer	0	0%	1	100%	1
Culture of Liberal government	0	0%	1	100%	1
Child-directed advertising	1	33%	2	66%	3
Importance of parliamentary and inter-parliamentary associations	2	40%	3	60%	5
Prime Minister’s Task Force Report on Senior Citizens	2	66%	1	33%	3
Historical role of women in the Senate and challenges facing women legislators to advance peace and human security	3	75%	1	25%	4
Recognition of wrongs done to Acadian people	4	80%	1	20%	5
Advancement of visible minorities in the public service	2	100%	0	0%	2
Competition in the Public Interest: Large Bank Mergers in Canada	1	100%	0	0%	1
Guaranteed Income Supplement	0	0%	0	0%	0
Inequalities in Veterans Independence Program	0	0%	0	0%	0
Need for comprehensive whistle-blowing legislation	0	0%	0	0%	0
Reasons for sitting as Progressive Conservative	2	100%	0	0%	2
Training needs of small businesses	0	0%	0	0%	0

Examining the issues of inquiries from Table 5H, it can be discerned that several topics relate to women. In fact out of all the different legislative debates, Senate Inquires have

11 It should be noted that over 76% of all Senate bill sponsors were male.

more issues related to women. The topics and percent of speakers who were women were: Child-directed advertising (66%), the Prime Minister's Task Force Report on Senior Citizens (33%), and Socio-economic implications of decreasing the population (100%). In one inquiry related to the role of women in the Senate; however, only 25% of the speakers were women.

Table 5I: Highest Female Speakers to Senate Inquiries by Bill Sponsor

Inquiry	Gender of Bill Sponsor in Senate	Percent of Women Who Spoke on Bill (N)
Socio-economic implications of decreasing population	Female	100% (1)
State of cancer	Female	100% (1)
Culture of Liberal government	Female	100% (1)
Child-directed advertising	Female	66% (2)
Importance of parliamentary and inter-parliamentary associations	Male	60% (3)
Prime Minister's Task Force Report on Senior Citizens	Female	33% (1)

As was demonstrated with respect to sponsors of Senate bills, the Senate Inquiries with the largest percentage of women Senators speaking to them mostly had female sponsors. This indicates that women use the different legislative tools available to them, but, do not do so to same extent originally hypothesized. It was expected that women Senators would use Senate Inquiries and Senate bills more than Government bills due to the lower level of legislative and party discipline attached to these types of interventions. Although there are trends and collegial activities amongst the female Senators' work, they clearly do not utilize the legislative avenue to advance their issues and those of women. With this stated, the following case study will demonstrate that, in certain exceptional cases, women Senators will act in a legislative manner. In this case study, it was the defeat of a

bill that was considered by certain female Senators on the government side of the Chamber to be repressive with respect to women's rights.

Case Study: C-43 Abortion Bill

Although most government legislation follows a predictable path with minor changes, certain bills provoke a response from women Senators and even a few of their male counterparts. Although rare, when this does occur certain women Senators tend to mobilize around the particular bill. While several government bills are of importance to Canadian women, Bill C-43, the bill on abortion, was regarded as particularly significant.¹²

In 1988, the Supreme Court of Canada struck down Canada's law governing abortion, holding that it was unconstitutional. Specifically, the Supreme Court found that the abortion law violated Section 7 of the Charter of Rights and Freedoms since it infringed upon a woman's right to "life, liberty and security of person." This left Canada with no federal law governing abortion. It was treated as a medical procedure and governed by provincial regulations as well as regulated by the medical associations and institutions. In 1990, the federal Progressive Conservative government, led by Brian Mulroney, introduced Bill C-43, which would replace the abortion law previously struck down by the Supreme Court. This law was disliked by supporters of both sides of the issue, since it tried to find middle ground, because it was perceived as either too weak or too strong. Although the bill was passed by the House of Commons, it eventually died in the Senate

¹² Other bills include, C-68 the Gun Control Bill (1995), and C-13 the Assisted Human Reproduction Act (2004).

after a tie vote. This case study examines the circumstances surrounding the bill's defeat in the Senate and the role played by women Senators.

In May 1990 Bill C-43 passed third reading in the House of Commons, (see Tables 5J and 5K) which meant that it would be sent to the Senate for committee hearings and a final vote. Although women MPs did not stop the bill from progressing, a mobilization of votes to defeat this bill occurred by women in the Senate.¹³ In fact, it was a small group of Tory Senators (both male and female) and one independent aligned with the Liberal opposition who successfully defeated the bill on abortion by a tie vote. If it were not for the efforts of one newly appointed Tory female Senator to mobilize votes against this bill, the bill would have passed and Canada would have had an abortion law.

Although the circumstances around this bill in the Senate were “women driven”, the female Senators from this time who were interviewed stated that nothing is black and white when looking at an issue, especially the circumstances surrounding Bill C-43. For example, most female Senators are not feminists, just as most women in Canadian society do not ascribe to the feminist agenda. In her book examining this abortion history, Brodie notes that pro-life Senators as well as pro-choice Senators voted against this bill for different reasons.

The female Tory Senator who mobilized Senators to defeat this bill stated during her interview that the defeat of this bill cannot be framed completely as a gender action

against the bill, but instead as women *mobilizing* to defeat the bill.¹⁴ It is not the former because women supported this bill in both the House of Commons and the Senate. For example, Pat Carney voted for it in the House and against it when appointed to the Senate. Also, some women who voted for this bill did not prioritize gender at all.¹⁵ In fact, about half of the Tories who voted in favour of bill C-43 did so out of a combined sense of party loyalty and respect for the wishes of the elected Lower House and had nothing to do with gender issues.¹⁶ Table 5K & 5M shows that a majority of Tories voted for the bill in both the House of Commons and the Senate while a majority of Liberals voted against it in both Chambers. In fact, the only female Senators who voted in favour of this bill were from the Tory party. However, not all the women from that party voted for the bill. As Table 5M shows, three women Senators from the Tory party and all of the Liberal women Senators voted against it. Interestingly, no women Senators were absent from this vote, which perhaps evidences the seriousness with which women took this issue specifically and in general their job and attendance for Chamber business.

Table 5J: House of Commons 3rd Reading Vote of C-43 by Gender

Voted on C-43	Male	Female
Yes	120	20
No	112	19
Absent	25	1

13 In fact, it should be noted that only four bills – Bill C-43 on abortion, Bill C-93 on the reorganization of certain boards, agencies, commissions and tribunals, Bill C-28 on the L.B. Pearson International Airport, and C-220 on profiting from authorship respecting a crime – have actually been defeated in the past several decades, with all of these defeats occurring in the 1990s.

14 This is consistent with Brodie's analysis of bill C-43. Brodie. *Politics of Abortion*. [Oxford: New York] 1992.

15 Interview Notes with Senator 25: "For example, when then Justice Minister Kim Campbell appeared before the Senator Standing Committee examining bill C-43, she stated that she did not care whether it passed or not."

16 Interview Notes with Senator 25: "PM's office phoned around to lobby against the bill in last 48 hours leading up to the vote in the Senate."

Table 5K: House of Commons 3rd Reading Vote of C-43 by Party and by Gender

Voted on C-43	Party	Male	Female
Yes	PC	118 (98%)	20 (100%)
	LIB	2 (1.6%)	0 (0%)
	NDP/REF	0 (0%)	0 (0%)
	Col. Total	120	20
No	PC	16 (14%)	0 (0%)
	LIB	59 (52%)	13 (68%)
	NDP/REF	37 (33%)	6 (31.5%)
	Col. Total	112	19
Absent	PC	15 (57%)	1 (100%)
	LIB	9 (34%)	0 (0%)
	NDP/REF	2 (7%)	0 (0%)
	Col. Total	25	1

Table 5L: Senate 3rd Reading Vote of C-43 by Party and by Gender

Voted on C-43	Male	Female
Yes	34	9
No	36	7
Absent	23	0
	93	16

Table 5M: Senate 3rd Reading Vote of C-43 by Party and by Gender

Voted on C-43	Party	Male	Female
Yes	PC	31 (91%)	9 (100%)
	LIB	2 (5%)	0 (0%)
	IND	1 (2%)	0 (0%)
	Col. Total	34	9
No	PC	4 (11%)	3 (42%)
	LIB	31 (86%)	4 (57%)
	IND	1 (2%)	0 (0%)
	Col. Total	36	7
Absent	PC	6 (26%)	0 (0%)
	LIB	13 (56%)	0 (0%)
	IND	4 (17%)	0 (0%)
	Col. Total	23	0

The vote at 3rd reading of Bill C-43 in the Senate was an example of women mobilizing across party lines to defeat a bill that might have detrimental consequences for the lives of Canadian women. When this bill arrived in the Senate for third reading, a newly

appointed Tory Senator began to realize that although the Prime Minister had stated that it would be a free vote, pressure to pass the bill through the Senate meant that in reality a Tory Senator would vote in favour of Bill C-43, abstain or absent themselves.¹⁷ The mobilization techniques employed by this Senator were very informal. Most took place while the GST filibuster was occurring in the Senate and during lunch and dinner. The first stage of her mobilization efforts was to establish which way each Senator was planning to vote on this issue. It could be determined that the Liberals would almost entirely vote en masse against the bill, while the independents were split and the Tories were almost entirely in favour of the bill.

The next stage of mobilization was to determine why each Tory Senator was planning on voting in favour of the bill. This resulted in three main explanations, which were not mutually exclusive in reasoning for some Senators: party loyalty; respect for legislative initiatives coming from the elected Lower House; and a pro-life position.¹⁸ While it may seem logical to only lobby Senators who were voting for this bill out of party loyalty, Senator 25 stated that she cast her net wide and lobbied Senators who were voting for this bill based on pro-life views as well.

The few Tories who were from the pro-life camp and voting for the bill turned out to not be easily persuaded, except for one male who did vote against the bill. Senator 25 then moved onto the male Tory Senators who were voting in favour of the bill out of loyalty to the Prime Minister and party and/or out of respect for the elected Lower House. In the

¹⁷ Interview Notes with Senator 25: "Her pro-choice views were a clinching pin to her appointment and she was assured that she could vote against the bill; therefore, she took the appointment only two months before c-43 arrived in the Senate for 3rd reading.
¹⁸ Interview Notes with Senator 25: "Most Tories were voting for it out of loyalty to Brian and the House."

end, she only managed to move some from voting in favour of this bill to absent themselves from the vote. In fact, many of these Senators whom she persuaded to vote against the bill were swayed by phone calls from the PMO in the last 48 hours before the bill was to be voted on in the Senate. They were advised not to vote against the bill, but to abstain or leave town. In the end, about half of those Tories who were absent from the vote were pro-choice but were torn between personal beliefs and loyalty to the Prime Minister.¹⁹

The aftermath of Bill C-43 should be noted, since a gender difference appears to have developed, one which shows how women fighting for women's rights in a male-dominated institution can face more severe retribution for their actions than their male colleagues who act along side them. Of the Senators interviewed, two of the three female Tory Senators who voted against Bill C-43 stated that voting against the bill had a negative effect on them personally and professionally in the Senate, and one female Senator did not answer this question. Of the four male Senators interviewed, one male stated there were only minimal and temporary consequences for his action and the other three either did not answer or were unreachable.²⁰

For one female Senator, the punishment for disobeying party direction amounted to not being permitted to sit on a male-dominated Senate Standing Committee that she had been requesting. She was also punished through exclusion from Parliamentary trips and other perks that the party whip in the Senate controls. The personal side of the punishment is

19 Interview Notes with Senator 25: "Out of the seven Tories who eventually voted against the bill, only one was pro-life."

20 Interview Notes with Senator 5: "MPs in caucus didn't speak to him for a few weeks."

even more severe since it affects family members as well as herself. For example, she was excluded from party social events where she had worked with people in the party for decades and also had social and political convention invitations for her family members withdrawn at the last minute. She stated that Senators who prioritized women's rights over the party's views in voting against Bill C-43 resulted in a negation of all the goodwill she had accumulated working for the party before being appointed to the Senate. "They forget that you toughed it out during the bad times in the party, worked long hours building up the party and recruiting good candidates, and then holding the party line in the Senate on the GST, but when you step over the line you are punished much harder than the men that vote the same way you do."²¹ Although party discipline results in similar punishment regardless of the bill before the Senate, it is the discrepancy in punishment between male and female Senators who choose to vote against a bill that should be noted. This type of retribution against women who express their personal beliefs towards women's issues over loyalty to their party in one of Canada's Parliamentary institutions is disturbing and should be researched further with more case studies.

When interviewing the female Senator who mobilized the vote against Bill C-43, one item stands out in her office - a frame behind her desk with a needlepoint quotation: "Some Leaders are Born Women". She observed that this leadership usually comes at a much higher price than it does for men, but in the case of Bill C-43, it was worth it.

²¹ Interview Notes with Senator 25.

Senate Standing Committees

With regard to investigative work done by committees, Franks notes that Senate investigations "are usually of a higher standard than those by committees of the House of Commons."²² Franks lists several reasons for this, stating that the Senate investigations are "...usually non-partisan, that they do not suffer from excessive media exposure, and that Senators have the time to dedicate themselves to exhaustive research and analysis, often over long periods of time without having to meet the demands of the electoral process."²³

Most female Senators interviewed agree with Franks' assessment. They state further that the manner in which a committee reviews a bill, for example, is holistic. Each Senator reviews the bill before committee and brings up points where they believe there is a problem. All Senators then focus on this one problem in order to correct it. After this point has been addressed, the Senators then move on to the next point that another Senator wants to have the committee address. The committee continues in this fashion until all the Senators have exhausted their questions.

Typically, each Senator sits on three Senate Standing Committees.²⁴ These committees include: the Senate Standing Committee on Aboriginal Peoples; Agriculture and Forestry; Banking, Trade and Commerce; Energy, the Environment and Natural Resources; Fisheries and Oceans; Foreign Affairs; Human Rights; Internal Economy, Budgets and

²² Franks, C.E.S. *The Parliament of Canada*, pg 168-169.

²³ Ibid. pg 168-169.

²⁴ "After the Governor General delivers the Speech from the Throne, the Senate will appoint a nine-member Committee of Selection. This committee will nominate the membership of the Senate Standing Committees." Government of Canada. Privy Council Office. [Http://www.pco-bcplgc.ca](http://www.pco-bcplgc.ca) Consulted May 14,2006.

Administration; Legal and Constitutional Affairs; National Finance; National Security and Defence; Official Languages; Rules, Procedures and the Rights of Parliament; Selection Committee; Social Affairs, Science and Technology; and lastly Transport and Communications.

As can be determined from Table 5L, women have been chairs or co-chairs of 12 (75%) of all of the Senate Standing Committees during the 37th Parliament, 3rd Session.

Specifically, women were chairs of the following Senate Standing Committees:

Aboriginal Peoples; Human Rights; Internal Economy, Budgets and Administration; Official Languages; Rules, Procedures and the Rights of Parliament; Selection Committee; and lastly Transportation and Communications. Female Co-chairs were present on the following Senate Standing Committees: Aboriginal Peoples; Agriculture and Forestry; Energy, the Environment and Natural Resources; Fisheries and Oceans; Human Rights; Internal Economy, Budgets and Administration; Legal and Constitutional Affairs; Rules, Procedures and the Rights of Parliament; and lastly Social Affairs, Science and Technology. Women were not present at the executive level of four committees –those that could be considered traditionally male-oriented: Banking, Trade and Commerce; Foreign Affairs; National Finance; and National Security and Defence. Interestingly, these are the same committees that have the lowest proportion of women sitting as committee members: 8% (Banking), 23% (Foreign Affairs), 27% (Finance), and 11% (Defence).

At the beginning of each Parliament, the whip for each party sends out a form, which asks each Senator to list their top three committees they wish to sit on. The whip's office then decides who will sit on each of the Senate Standing committees. The first factor that the whips take into account is how many seats they wish, since independent Senators can sit on committees. Once seat allocations are decided, the next requirement is geographical balance. A committee should ideally have representation from all of Canada's regions. Gender is taken into account only to the extent that no one committee has complete male dominance.²⁵ For example, defence or the banking committee must have at least one women Senator. Since certain committees are popular with a lot of Senators, such as foreign affairs, most Senators will not end up sitting on all three committees they requested. And in certain cases, they will not be appointed to their top choice. Those with experience and connections will be assigned by the whip to be a committee chair or vice chair. Once the whips decide on the membership for their party on each committee the Senate Standing Committee on Selection will then convene and list all the members for each committee into the official record of their committee minutes.

Although most committees have a critical mass of women, those that have gender parity or majority women as members are a mix of traditional male-dominated committees and those believed to be more of interest to women. These committees include: Aboriginal Peoples (50%); Human Rights (66.7%); Social Affairs, Science and Technology (57%); Energy, the Environment and Natural Resources (54.5%); Rules, Procedures and the

²⁵ The minimal threshold for the number of women on each committee is one. It is debatable whether this should be increased to two or three women on each committee, since women Senators do not want to sit on certain committees like those related to banking or procedures. Regardless, this is an interesting area of research for a future project.

Rights of Parliament (50%); and the Selection Committee (55.5%). One can conclude that with a critical mass of women in the Senate with diverse backgrounds, they are able to branch out into areas traditionally held by male Senators.

Table 5N: Gender Breakdown by Senate Standing Committee 37th Parl. 3rd Sess.

Senate Committee	Number of Male Senators	Number of Women Senators	Per cent of Female Senators
Human Rights	3	6 * **	66.7%
Social Affairs, Science & Technology	5	9 **	64%
Selection Committee	4	5 *	55.5%
Energy, the Environment & Natural Resources	5	6 **	54.5%
Aboriginal Peoples	6	6 * **	50%
Rules, Procedures & the Rights of Parliament	8	8 * **	50%
Fisheries & Oceans	7	5 **	41.6%
Legal & Constitutional Affairs	8	4 **	33%
Official Languages	6	3 *	33%
Transport & Communications	8	4 *	33%
Agriculture & Forestry	8	4 **	33%
Internal Economy, Budgets & Administration	11	5 * **	31%
National Finance	8	3	27%
Foreign Affairs	10	3	23%
National Security & Defence	8	1	11%
Banking, Trade & Commerce	11	1	8%

* Designates a Female Chair

** Designates a Female Deputy Chair

As can be further discerned from Table 5N above, the proportion of women on most committees is relatively balanced given the number of women in the Senate. The few committees where proportional gender parity did not occur for this particular session of Parliament were the following: Banking, Trade & Commerce; Foreign Affairs; National Finance; National Security & Defence. It should be noted that in the interviews there

were conflicting reasons given for why women were underrepresented on these committees. A couple of Senators stated that these committees do not study issues of interest to them, and when the leadership in the Senate tried to assign women to these committees they were met with great resistance. However, a few women Senators interviewed did express an interest in some of these male-dominated committees and have over the years put in requests to sit on them without success. They further stated that they were never invited to join these committees and in one particular case a Senator stated that her male colleagues "...tried to push her into areas of traditional women's issues."²⁶ This Senator stated in an interview that she believes women need to have a voice in all areas, so she continues to fight for a place in the currently male-dominated committees she wants to sit on.

Aside from the fact that the number of women on certain Senate Committees is low, it is also comparable to the gender breakdown of similar committees in the House of Commons for the same time frame. For example, the House of Commons Standing Committee on Defence and Veterans Affairs has two women and fourteen men (it should be noted that the Chair and two Deputy Chairs are men), which means that women only constitute 12.5% of membership on that committee. The Senate National Security and Defence Committee, which is smaller than the House of Commons committee, has only one woman and eight men (men also hold the Chair and one Deputy Chair responsibilities). However, because the committee is smaller women compose 11% of membership on the committee, which is comparable to its sister committee in the Lower House.

²⁶ Interview Notes with Senator 25.

**Table 50: Gender Breakdown by House of Commons Standing Committee
37th Parl. 3rd Sess.**

House of Commons Committee	Number of Male MPs	Number of Women MPs	Per cent of Female MPs
Human Resources, Skills Development, Social Development & Persons with Disabilities	11	7*	38%
Canadian Heritage	10	6*	37%
Citizenship and Immigration	10	6**	37%
Foreign Affairs and International Trade	13	5	27%
Health	12	4*	25%
Industry, Science and Technology	12	4**	25%
Government Operations and Estimates	12	4	25%
Procedure and House Affairs	12	4	25%
Public Accounts	13	4** ²⁷	23%
Justice, Human Rights, Public Safety and Emergency Preparedness	14	4**	22%
Finance	14	4	22%
Transport	13	3	18%
Liaison	17	3*	15%
Aboriginal Affairs and Northern Development	14	2 **	12%
Official Languages	14	2	12%
Environment and Sustainable Development	14	2	12%
National Defence and Veterans Affairs	14	2	12%
Agriculture and Agri-Food	15	1**	6%
Fisheries and Oceans	16	0	0%

* Designates a Female Chair

** Designates a Female Deputy Chair

During this session of Parliament²⁸, women chaired 6 committees out of the 16 Senate Committees (Table 50). This works out to women chairing 37.5% (6) of all 16 Senate Committees, compared to 21% (4) women Chairs in the 19 House of Commons Committees. What is interesting to note is that in the Senate, women chaired committees

not considered traditionally related to women’s issues. The following committees are the only ones that do not have a membership of female MPs that equals or exceeds their proportion in the House of Commons (20%): Aboriginal Affairs and Northern Development (12%), Agriculture and Agri-food (6%), Environment and Sustainable Development (12%), Fisheries and Oceans (0%), Liaison (15%), National Defence and Veterans Affairs (12%), Official Languages (12%), and Transport (18%). Only two of these six House of Commons committees match the Senate committees where women also have very low representation. The four remaining committees which have low female representation in the House of Commons, Aboriginal, Agriculture, Official Languages, and Transportation, all have 33% or higher representation in the Senate. Three of them have women chairs – one of which also has a female Deputy Chair. The remaining committee, Agriculture, which does not have a female Chair, has a female Deputy Chair. Therefore, there is a difference between the House of Commons and Senate Standing Committees related to the descriptive representation of women. The top three committees where women MPs have the highest level of representation are: Canadian Heritage (37%), Citizenship and Immigration (37%), and Human Resources (38%): none of which have direct equivalents in the Senate.

Table 5P: Gender Breakdown by Chairs and Deputy Committee Chairs for Senate and House of Commons

	Male Senators	Female Senator	Total	Male MP	Female MP	Total
Chairs	56% (9)	44% (7)	16	79% (15)	21% (4)	19
Deputy Chairs	72% (23)	28%(9)	32	82% (31)	18% (7)	38

27 For this committee, both Deputy Chairs were women.
28 37th Parliament, 3rd Session

From Table 5P, it appears that there is a positive relationship between a larger percentage of women in the Senate and their presence as leaders on committee –the most notable difference being committee chairs. In the Senate, women have almost achieved parity, and hold this position (chair) in a larger percent (44%) than their actual presence in the Senate (34.7%). Revisiting Table 5L, women in the Senate chair committees that could be considered social issue committees (Human Rights, Aboriginal Peoples, & Official Languages) as well as non-traditional women’s committees (Selection Committee, Rules, Procedures & the Rights of Parliament, Transport & Communications, & Internal Economy, Budgets & Administration); whereas, women in the House of Commons overwhelmingly chair social issue committees (Human Resources, Skills Development, Social Development & Persons with Disabilities, Canadian Heritage, Health)²⁹. Clearly having more women present in a legislative chamber allows for more participation at the executive level of committees.

Interestingly, women in the Senate deputy chairs are represented at a lower level (28%) than they are in the Chamber (34.7%) This is, however, still higher than women MPs (18%). It appears that both chambers prioritize women to hold chair positions amongst the executive jobs on committees. Interestingly, it was expected that the number of female MP holding deputy chair positions would be much higher given that House of Commons committees have two deputy chair positions, whereas in the Senate there is only one deputy chair position per committee.

²⁹ Liaison Committee being the only committee in the House of Commons chaired by a female MP that would not be considered a social issue’s committee.

With a large number of women at the executive level of Senate committees it would perhaps be expected that more women's issues would be addressed at the committee level as compared to other legislative activities where party and legislative barriers are more of an obstacle. Senators interviewed believed that one effect of having a critical mass of women on committees can be seen in the reports produced by each committee. They state that the major reports of relevance in the Senate have a majority of women on the Committees. For example, the report on aboriginal youth had a majority of women³⁰ as well as the Senate Committee that produced the Kirby health report, which had a composition of two-thirds women.³¹ Throughout the interviews, it became clear that some female Senators believed that if women were not present in the Senate, certain sensitive issues would not be addressed. In an interview with one Senator, she stated that she did not understand why it was up to women Senators to research and study "...the gut wrenching issues..."³²

One Senator stated that another effect of a critical mass of women was that women could be responsible for writing the report for the issue under study. She stated that those writing the report can take selective witness statements to show a particular position. In other words, if you write the report, you control the agenda and the outcome. What is interesting in the particular case of this Senator is the fact that the report she speaks about was eventually turned into legislation.³³ Although it died on the order chapter, courts and

30 Senate Standing Committee on Aboriginal Peoples, Final Report: "Urban Aboriginal Youth: An Action Plan for Change." November 2003.

31 According to the third quarter 2000 POLLARA public opinion poll, health care was the most important issue of the day (33%) which makes the high level of women on this Senate Committee even more important.

32 Interview Notes with Senator 25.

33 Can not identify report since it would identify the Senator interviewed

lawyers are using the report as if it were law. She still lobbies for this legislation to be reintroduced and passed before she retires from the Senate.³⁴

Case Study: On-Reserve Matrimonial Real Property & Aboriginal Women

This case study began as an example of how women Senators who have concerns for issues affecting women can use the Senate Committee system to study a controversial topic within the First Nations community. What emerged is an example of how women legislators' work can be curtailed by one person; in this case, the Minister of Indian Affairs. This case study will demonstrate a positive feminist access point within the Parliamentary system, but also demonstrate how feminist research can be shut down when their work becomes too substantive and sensitive to the political elite.

The study on matrimonial property for Aboriginal women has been ongoing for decades.³⁵ Although several First Nations had rules and mechanisms in place when couples wished to divorce, many had no laws concerning what happens to the matrimonial home when divorce takes place. Statistics show that women leave the home in the case of divorce, since men usually hold certificates to the house. Although this situation is changing, the fact remains that women are suffering where there is an absence of laws dealing with this matter on First Nations lands. Senator Maheu, Chair of the Senate Standing Committee on Human Rights, put forth a motion on the floor of the Senate on June 4, 2003 giving notice that the committee she chairs would be examining this topic. Committee hearings took place in the summer and fall 2003.

³⁴ Interview Notes with Senator 33.

At this time, the Senate Human Rights Committee was composed of 4 male Senators and 5 Female Senators; another 2 Senators participated in the hearings as well, both of whom were females. One of the commitments of this committee was to hear from grassroots First Nations women, and this was accomplished by inviting individuals to the committee's hearings and letting them retell their stories of what happened when they divorced. This powerful testimony was supported by Aboriginal women's organizations that were also invited as witnesses, as well as government agencies. The evidence presented was also verified and documented by international organizations such as the United Nations. Unsurprisingly, this Senate Committee decided in its interim report that human rights for women supercede First Nations' rights to property management, although the committee did indicate that this infringement would discontinue when each First Nation addressed matrimonial property.

The Senate Committee's interim report had eight recommendations.³⁶ Most of these recommendations were ideas advanced by First Nations women (either as individual witnesses or those representing Aboriginal women's organizations) during the committee's hearings. Besides these recommendations, the interim report also included excerpts from these same witnesses, some of which were very descriptive about the frustration and despair of some women vis-à-vis their treatment by their First Nations during a divorce (one story even involved a suicide).

35 Senate Standing Committee on Human Rights. Interim Report: "A Hard Bed to Lie In: Matrimonial Real Property on Reserve." November 2003, pg 11.

36 Ibid., pg 12.

After the interim report was released in November 2003, a full report followed in December 2004. Shortly after the 2004 federal election, the Senate Committee on Human Rights requested a response from the Minister concerning the interim report's recommendations. Those women Senators interviewed by this researcher who heard testimony and helped draft this report stated that they were all shocked when the Minister announced that he would address the Senate Committee's recommendations by mandating the House of Commons Standing Committee on Aboriginal Affairs to further investigate this issue over Aboriginal women and matrimonial property . This House committee had 25% (3) female MPs, compared to 66% (6) female Senators on their committee that examined this issue.

The central reason stated for the Minister's decision was the need for broader consultation, which, from a practical perspective, meant more consultation with Aboriginal Leadership. It is important to note that witnesses before the Senate committee stated they "...did not necessarily share the opinions expressed by Aboriginal organizations and community leaders."³⁷ When a comparison between the number of meetings the House of Commons committee spent listening to witnesses as well as the actual witness lists with the Senate committee investigation, it appears the Senate's investigation was more substantive. As can be discerned from Table 5Q, although about the same number of witnesses were heard, more female witnesses (86%) were heard by the Senate committee, compared to only 51% women of the total number of witnesses for the House of Commons. When examining the transcripts from both committees, it

³⁷ Senate Standing Committee on Human Rights. Final Report: "On-Reserve Matrimonial Real Property: Still Waiting." December 2004, pg 6.

appears that more women from Aboriginal associations and as individuals testified before the Senate committee, compared to mostly female government witnesses and a few women from Aboriginal associations that testified before the House of Commons committee.

Table 5Q: Witness List by Parliamentary Chamber & Gender

	Senate Committee Total	Males	Females	House of Commons Total	Males	Females
Number of Witnesses	29	4	25	31	13	18
Percentage of Witnesses	100%	13%	86%	100%	41%	51%

It should also be noted that there was a difference in testimony between committees; specifically, there was a negative framing of the Senate committee's report by certain male witnesses before the House of Commons committee. In fact, a few male witnesses before the House committee stated that the Senate's report characterized First Nations people as, amongst other things, living in a "lawless and chaotic state..."³⁸ The fact that the Senate committee relied on First Nations women's testimony in order to justify their recommendations appeared to receive little weight. The Senate committee's strongest proposal – that the federal government step in temporarily to protect women's rights until each First Nation drafts a document outlining how matrimonial property should be divided -- was viewed as colonialist.³⁹ Male witnesses in the House of Commons committee criticizing this Senate recommendation did not follow up with any other viable solution, except to leave First Nations to deal with First Nations problems. Gender and Aboriginal rights can and do coexist together, and it is up to the communities to

determine this relationship. However, until this is in place, the federal government has an obligation to establish laws affecting women that would bring them up to par with what exists for other Canadian women. This should not be viewed as a dichotomy between gender rights and Aboriginal rights, but more of an intermediate measure until all Aboriginal communities have implemented matrimonial rules.

As an interesting postscript, a conservative female MP on the Parliamentary Standing Committee on the Status of Women has put this issue on the priority list for that committee to study in the future. It did not receive immediate support as a priority item from other members of the committee, since the Parliamentary Standing Committee on Aboriginal Affairs had just begun drafting their final report and members of the Status of Women Committee wanted to read that before prioritizing it for study by their committee.⁴⁰ Senators interviewed who sat on the Senate Standing Committee on Human Rights stated that, the recommendations from their report should have been acted upon instead of referring the matter to the House of Commons.

This case study is an illustration of a positive access point for women Senators to affect public policy; however, it is also an example of how political elites can shut down activism. Furthermore, it would appear from this case study that more women have access to Parliament through the Senate committee system than the House of Commons' committee system, which is something that requires further investigation.

38 Evidence. House of Commons Standing Committee on Aboriginal Peoples. No. 29 April 14, 2005.

39 Ibid.

Shared Access Points: Caucus and Cabinet Committees

Senators can also participate in legislative initiatives that could affect policy outputs through their respective party caucuses via the caucus committee system and cabinet committees.⁴¹ The caucus committees can consist of regional caucuses, women's caucus and special issue caucuses. The cabinet committee system varies depending on the government in power but usually include between 3-5 committees with 5 to 8 members on each.⁴² Caucus committees can consist of any legislator; whereas, cabinet committees usually consist of cabinet ministers but can include members from the lower and/or upper houses.

Unfortunately, even with the numerous caucus and cabinet committees, the reality is that Senators tend not to participate in either type of party committee.⁴³ Some Senators stated that they did not attend caucus committees because there are too many, which sometimes conflict with Senate committee time slots or chamber business. Others indicated that they did not want to spend all their time talking only to people in their own party and preferred to focus on Senate committee meetings. However, those Senators that did participate, especially those in the Liberal caucus, stated that they found the caucus committee system to be a useful tool to lobby a Minister for a particular policy stance, but this was definitely a minority view.

40 The belief a federal election would occur soon coupled with the believe that this topic would take several committee meetings to study factored into their decision not to move it high on the committee's future business list.

41 Joint Standing Committees also exist but are not as prevalent as caucus and cabinet committees. An interesting future research project could examine their influence, since it is also a shared access point where women MPs and Senators can work together to influence public policy in a positive way for women.

42 There are currently 6 cabinet committees in the 39th Parliament, including: priorities and planning; operations; treasury board, social affairs, economic affairs; and foreign affairs and national security.

Even though caucus committees have an under-representation of women Senators participating, the committees provide a useful access point for women legislators who want to develop policy and influence government policy before it is introduced in bill form in the House of Commons. In her research on the Canadian Liberal women's caucus committee, Steele found that this type of organization is an important tool for women legislators.⁴⁴ One of its main functions is to consolidate women legislators' voices into one entity which supports or opposes legislation, provides guidance on Ministers' policies, or other Parliamentary business. Although, as Young has demonstrated, party discipline does override individual legislators desire to vote on most government legislation, this type of committee does have sway.⁴⁵ In fact, during the time the Liberals were in Government, Ministers asked to speak to the Liberal women's caucus about an issue or bill before it was introduced to ensure they did not oppose it. When there were free votes on bills, the women's caucus would have a direct effect on whether a bill passed or not – especially in the minority governments of the 38th and 39th Parliaments.

The workings of cabinet committees are a bit of a mystery, since cabinet confidentiality prevents participants from revealing any significant details of their discussions.⁴⁶

However, it is known that cabinet committees are the place where issues are discussed before they are presented to cabinet for a final decision or formulated into official legislation. It is also where issues are placed on a list of priorities, to determine the order

43 Interview Notes with Senator 25: "Tory Senators do attend caucus but have been told that they should not speak unless it is very urgent."

44 <http://www.iog.ca/publications/alfhaes2002.pdf>

45 Lisa Young, "Fulfilling the mandate of difference" chapter in Jane Arcscott and Linda Trimble (ed) *In the Presence of Women*. (Harcourt Brace: Toronto) 1997.

46 http://www.pco-bcp.gc.ca/default.asp?Page=Publications&Language=E&doc=Decision/canada_e.htm

in which each issue will be tackled by the government. This seems like a logical place for input into issues before they are formally drafted into a bill. Since these cabinet committees are small, a female legislator could have a dramatic impact on the legislative priorities of a government. At the very least, they could have an impact on the content of government legislation before it is introduced into the cabinet, House of Commons and Senate.

Since very little is known about the discussion that take place in cabinet committees, the case study employed for this Chapter is the Child Poverty Committee of the Liberal Party cabinet, which was requested by then Minister of Justice Allan Rock. Although some information is simply unavailable due to cabinet confidentiality, there is enough detailed information publicly available to determine the effects a female Senator in the position of Vice-Chair of this committee had on public policy.

Case Study: Child Poverty Cabinet Committee

The Child Poverty Cabinet Committee was formed in the early 1990s as a special interest research group to develop legislative recommendations to combat the rising child poverty rate in Canada. This committee could have been formed on several different levels: party policy research group on children; an official parliamentary committee either of the House or Senate, or Joint Committee; party caucus committee; or a cabinet committee, which is what it ended up being. Although each method would be able to hear witnesses and synthesize findings into conclusions and policy recommendations, a cabinet committee is at the elite level.

Cabinet committees are arguably the most influential in changing public policy since cabinet ministers sit on these committees, along with MPs and Senators. In fact, for the Child Poverty Committee, there was only one Senator as well as both male and female MPs from her own party. Decisions from the cabinet committees must be approved by not only the whole of cabinet but by the Prime Minister as well, which could have a detrimental effect on the cabinet committee's recommendations. For example, the process for studying how the government can act to alleviate child poverty may seem very straightforward; however, due to personnel changes on the caucus committee and an extensive lobbying campaign, it took almost five years to see any fruition of their efforts in the form of the working income supplement (WIS). This case study is an example of how women legislators can influence the policy process at the beginning stages before most legislators have a chance to express their opinion on the issue once drafted or introduced in Parliament.

The overall strategy employed by the female Senator (and male MP who co-chaired the committee) was divided into three phases: (1) researching the issue in depth; (2) presenting concrete recommendations; and (3) intensely lobbying the cabinet from within before any legislation was presented to Parliament.⁴⁷ When this cabinet committee began its study on the broader topic of child support for the Minister of Justice, they identified four areas to focus on: child support payment schedules; taxation of child support payments; the enforcement of child support payments; and how the WIS can increase the standard of living of children living in poverty caused by divorce.⁴⁸ As co-chair in

⁴⁷ Interview with Senator 3

⁴⁸ Ibid.

charge of the last item, she stated that she was very focused on having an extensive and comprehensive witness list in order to have recommendations that would directly assist children in poverty. Although the details about the witness list and the amount of time it took to hear them and compile the report are not available, it is known that the committee was formed around 1990 and the Minister acted on the recommendations in 1996.⁴⁹

Although the Senator stated that there were several recommendations,⁵⁰ the easiest recommendation for the government to implement was to increase the WIS of the Federal Child Tax Benefit. The then Minister of Justice announced as part of his Child Support Strategy the increase of the WIS from \$500 (1996) to \$1000 (1998).⁵¹ This was one of their findings and was probably executed because it involved minimal legislative maneuvering. Although it is difficult to determine cause-effect relationships in areas of Parliamentary activity which are clouded in secrecy with minimal documentation, it is possible to be certain that this change can be directly attributed to this caucus committee. A party document provided by the Senator interviewed notes that because of the “...intense Cabinet lobby campaign by...the Child Poverty [Caucus] Committee which presented a report to the Minister of Finance”, the WIS would be increased.⁵² The lobbying phase took several years; in fact, between the inception of the committee and the WIS being acted upon by the Liberal government a total of 5 years had passed. However, according to the one female Senator, the years spent dedicated to this one issue were well worth it, since they resulted in helping the lives of an estimated 700,000 low-

49 Ibid.

50 guarded by cabinet secrecy

51 <http://www.justice.gc.ca/en/news/nr/1996/child.html>

income Canadian families which translates into a gross amount of \$250 million dollars a year.⁵³

This example of caucus and cabinet lobbying needs to be studied further as it relates to gender, since a few female Senators alluded to it as a way to influence elements of public policy; however, documentation is difficult to obtain due to cabinet confidentiality. This one brief example demonstrates that women Senators are not isolated in the East side of Center block on Parliament Hill, and that they do interact with MPs in their party in the lower chamber, and when in power, Ministers and the Prime Minister. Given the low percentage of women MPs, about half of the women Senators interviewed stated that they saw an opportunity to represent different issues in caucus and to use their critical mass in the Senate to influence party policy at the different stages of development. This makes caucus and cabinet committees a positive access point for women legislators.

Conclusion

It is hoped that this Chapter shed some light on women in the Canadian Senate and the impact they can and do have on Canada's federal legislative and public policy outputs. Arscott and Trimble's model was used to frame the presentation of the material. The first stage of Arscott and Trimble's model is concerned with the election, or appointment in the case of the Senate, of women to a legislative body.

⁵² Partial photocopy of a Department of Justice document.

⁵³ Ibid.

When examining access points for women Senators, three main areas were identified: bills in the chamber; committee work; and, to a lesser extent, caucus committees. The three case studies presented demonstrate how women can and do utilize each access point to their advantage to benefit Canadian women. The second stage of Arscott and Trimble's model relates to the articulation of women's issues by women representatives, and the third stage involves the transition from articulation to making public policy. The latter half of this chapter dealing with substantive representation examined these two final stages to their model.

In fact, the relationship between descriptive and substantive representation, as well as the connection between representation by women and for women were exemplified by the three case study examples in which Senators made significant contributions. In the first case study, which examined Bill C-43 on abortion, the ability of women Senators to mobilize in extraordinary cases in order to successfully defeat a bill that would have had negative effects on Canadian women was discussed. The second case study demonstrated that women Senators are more likely to take on the challenge of studying a particularly controversial issue that affects women's lives. Lastly, the case study of the caucus committee illustrates the power women Senators affiliated with the governing party (in this case, Liberal) can wield if they desire to change public policy at an early stage of policy development.

Finally, this Chapter has identified several areas or issues that would seem to require further research in this sub-field of legislative studies. Specifically, these three case

studies need to be expanded to include more legislative examples and committees to study. As noted, there have been four bills that did not pass the Senate. Each of these could be studied to determine how women voted, and how much we can generalize the abortion bill to the behaviour of women Senators when they must choose between party loyalty and their personal beliefs.

Parliamentary caucuses have to be studied in more detail; however, the difficulty with this task is hard to overcome since these meetings are generally very secretive. These case studies and the analysis of each also need updating to include the 38th Parliament, especially since it was a minority government. It would be interesting to determine whether this had any affect on the institution of Parliament and what role and impact women MPs and Senators had on legislation and committee business.

Chapter Six

Women Senators and Extra-Parliamentary Activity

“Some may dismiss the mandate of difference argument on the grounds that women’s interests are neither singular nor homogeneous and, thus, cannot become the basis for measuring the contribution of women legislators to modern governance. We do not expect men’s interests to be easily summed up, so why would anyone expect women’s interests to be uniform and consistent?”¹

Senators bring to the Upper House their life experience and, as Campbell states, their networks, which influence what issues they prioritize. Women Senators’ experiences as wives, mothers, combined with professional and/or volunteer work, some even with party experience, all combine to give a level of difference that the Senate has not previously had in such large numbers. Trimble’s research has found that women legislators “have different experiences than their male counterparts because of physiological factors (reproduction, child-bearing, and so on) and the social construction of gender in Canadian society (socialization, roles, income, and dependency on the state based on sex)”² are different than men and this difference may reflect a diversity in interests. With the Senate forming the largest concentration of women in any Canadian legislature, one would expect to see more diverse issues being championed – in the case of this chapter, extra-parliamentary issues.

Due to the institutional and party constraints of the Senate discussed in the last chapter, women Senators have acted for women only in isolated cases. The main institutional constraint is the so-called lack of legitimacy to act for women. Since they are not elected,

1 Trimble, Linda and Jane Arscott *Still Counting: Women in Politics Across Canada*. Broadview Press 2003 pg 127

2 Ibid. pg 126

the Senators could not reject legislation outright. This hampers their ability to act for women, as they can justify defeating a bill only in extreme cases.

The main party constraint that affects women’s ability to act for women in the Senate chamber is party discipline. Senators who go against their party’s wishes are excluded from committees they want to sit on, assigned smaller offices, limited on foreign trips as well as other punishments discussed in chapter 5. Women appear to be disciplined for longer periods of time than male Senators, although it should be noted that the sample size was very small for this type of generalization. Due to all these constraints on normal legislative activity, this hypothesis examines whether female Senators use their influence to help women outside Parliament.

Since there are many indicators that can be used, table 6A identifies two measurements to be used to test this hypothesis: (1) whether Senators organize women and (2) whether Senators include women in parliamentary activity by acting as a bridge to the Senate.

6A: Relationship Between the Thesis Model & Measurement Indicators

Hypothesis	Strategy (Trimble)	Measurement
Women in the Senate have resulted in pro-female extra parliamentary activity.	<ul style="list-style-type: none"> • By voicing women’s diverse experiences, ideas and policy needs. • By acting to promote women’s policy demands and meet women’s diverse needs. • By supporting women candidates 	<ul style="list-style-type: none"> • Examining Senators’ activities to organize women. • Examining whether Senators’ act as a bridge for women’s groups to gain access to the Parliamentary process. • Recruiting and training women candidates

After an analysis of each indicator, a brief case study will be examined. This will demonstrate the link between the literature and the actions within the Senate. Table 6B lists the two case studies to be used. For the first indicator, it will be determined whether female Senators organize women together who have the same issue of interest in order to affect public policy. The case study for this indicator is Afghan women.

Table 6B – Case Studies of Female Senators’ Extra-Parliamentary Action

Indicators Used in this Chapter to Measure Senators’ Extra-Parliamentary Activity	Case Studies
Helping to Organize Women	Afghan Women
Acting as a Bridge for Women’s Groups into the Parliamentary Process	Child Advocacy
Bringing Women into the Parliamentary Process as legislators	Women Candidates

The second indicator will examine whether female Senators act as a bridge to not just exchange information to women’s groups but to actually include them in Parliamentary proceedings – mostly committee proceedings. Specifically how a Senator acts as an exchange of information to and from the women’s groups and to and from Parliament. The issue of poverty will be used as a case study.

The third indicator to measure women Senators’ extra-Parliamentary activity is whether they bring new women into the legislature as candidates and ultimately as MLAs, MPPs, MPs or Senators. The case study to be used here is whether female Senators participate in their party’s fund that support women candidates.

Women's Issues Revisited

To briefly revisit the discussion in chapter 4 in order to relate the literature to extra-parliamentary activity. Carroll notes that a workable definition of 'women's issues' may not necessarily be one that directly relates to feminist issues. For example, her definition includes "policy consequences [that] are likely to have a more immediate and direct impact on significantly larger numbers of women than of men."³ Therefore, it ought to be determined whether women in the Senate prioritize these issues or speak on other issues as they did in the chamber as we saw in chapter 5. Carroll believes that women's issues would be synonymous with social policies for example, since those living in poverty are mostly women. Trimble summarizes the discussion of women's issues as "...both '1) women's rights bills (those that are feminist in intent and that deal with issues having a direct impact on women); and 2) women's traditional areas of interest (those that reflect women's roles as caregivers both in the family and society and thus that address issues in health care, care of the elderly, education, housing and the environment)."⁴

Women in the Senate appear to be interested in issues beyond what Carroll and Trimble's analysis has identified. As was described in chapter 3, most of these women do not ascribe to recent generations' views of feminism and are, therefore, not limited to working on certain issues that affect mostly women. Most of the female Senators believe all issues are women's issues that need female legislators' input, since women have a

3 S. J. Carroll, 'Representing Women. Congresswomen's Perceptions of Their Representational Role', in C. Simon Rosenthal (ed.), *Women Transforming Congress* (Norman: University of Oklahoma Press, 2002), 53.

different approach to policy analysis. Unfortunately, the negative aspect of this view is that issues of importance to women are not addressed in the chamber, although they were addressed in committee. However, when all aspects of Senate activity are examined, their extra-parliamentary activity appears to focus on issues that affect women as well as a myriad of other issues. (Examples include: early childhood development and literacy⁵, consumer advocacy⁶, poor and minority communities⁷, cultural policies⁸, minority Francophone communities outside Quebec⁹ and Human Rights¹⁰). With the higher percentage of women in the Senate, combined with the legislative freedoms extra-Parliamentary activities permit, it was expected that there should be more activism on a diversity of issues.

Table 6C: Extra-Parliamentary Issue Type by Gender 37th Parl. 3rd Sess.

Extra-Parliamentary Issues	Male	Female
Social Issues	15.8% (6)	80% (16)
Non-Social Issues	84.2% (32)	20% (4)
Total	100% (38)	100% (20)

Campbell noted when examining Senators' activities several decades ago that interest in social issues were being overtaken by other – notably business-issues. Most of his attention focused on chamber activity, which were not all corroborated by this study;

4 Manon Tremblay "Do Female MPs Substantively Represent Women ?" *Canadian Journal of Political Science* 31 pg439-40.

5 Senator 9

6 Senator 6

7 Senator 10

8 Senator 12

9 Senator 14

10 Senator 1

however, when examining extra-parliamentary activity, social issues were given prominence by female Senators. From Table 6C¹¹, there is a gender difference, where 80% of women compared to 15.8% of male Senators concentrated on social issues when it came to extra-parliamentary activity. These issues included, for example: ethnic groups, literacy, seniors, refugees, aboriginal women's rights, environment, disability rights, abused women, international human rights, abortion, same sex couples rights, euthanasia, multiculturalism, immigrant women, children's mental health, and children's rights.

When examining issues other than those considered social ones, it can again be seen that a gender difference exists. For male Senators, 84.2% stated that they championed these types of issues outside routine legislative activity. This is compared to 20% of women who work on these issues. Issues that fall into this category are as diverse as the social ones and include: marine safety, northern issues, human resource development, veterans affairs, telecommunication, trade, natural resources, business, urban management, forestry, and agriculture.

Campbell's lamentation over the lack of concern for social issues appears to have been addressed by the larger number of women now in the Senate, which did not exist when Campbell did his research. Although the last chapter showed that women Senators are constrained by party and institutional constraints, women Senators' appear to have more liberty to "act for women" in their extra-parliamentary activity. The activities and issues

¹¹ The classification of social vs non-social issues is subjective but tries to mimic the essence of what Campbell was referring to.

that occupy Senators' extra-parliamentary time can come from personal experience, socio-demographic background, or personal interest. One example is a female Senator who immigrated to Canada as a teenager and stated in her interview that she "...knows the difficulties other immigrants may face, [such as]... the difficulty with language skills and learning how to speak English."¹² She stated that this was a crucial barrier for her to overcome, since she believes that a language barrier isolates new immigrants. Furthermore, these feelings of isolation she felt are shared by new immigrants, in particular women with young children who suffer the most from this language barrier and isolation. Her experiences as an immigrant also demonstrated the need for the educational system to adapt to the different backgrounds of children (e.g. regardless of class, race/ethnicity, wealth), and not the other way around. Her immigrant background and the challenges she faced inspired her to develop a particular interest in helping marginalized children, such as, First Nations children. "These children do not flourish in a structured classroom setting but were found to be more creative in unstructured settings."¹³

Now that it has been determined what extra-parliamentary issues women Senators prioritize, what needs to be determined is what Senators do with these issues. A lot of these Senators do not work in isolation; they, in fact, work with women in Canada and other countries. The two types of involvement that will be measured for this chapter are whether female Senators help organize women and whether they act as a conduit for the women's organizations into Parliament.

¹² Senator 4

Women Senators Organizing Women

The first indicator to be examined is the extent to which female Senators help women organize. With any type of advocacy, a central point usually needs to be formed in order to attract individuals and pool knowledge around one central theme or issue. Without this central point, these individuals would not be connected and may even be unaware of others who share their concern.

Although the two indicators are being analysed separately, most overlap to some degree with each other. Female Senators' extra-Parliamentary activity can encompass a number of different levels of activity with women, ranging from being a member of an interest group to actively campaigning on its behalf. This type of activity focuses on organizing women to direct legislative action. Due to the legislative constraints that exist in the Senate, this work tends to focus on working with local actors to help mobilize them to lobby officials, working with the bureaucrats of a department, or directly with the minister in charge of an issue – in effect, circumventing Parliament. One such example is the work two female Senators have done with military families. This work began with Senator 15, who initially toured the bases¹⁴ and advocated strengthening these military family centers to the military. Senator 16 continued this work -- her stated goal was to "...help meld the two worlds -- that of the military and that of civilians, the world of wives and spouses." Senator 16 supported these centers¹⁵ because "[f]or these young women, and I have noticed that many of these wives were very young, visiting the centre

13 Ibid

14 initial project was by Senator Senator 15 at NB Gagetown

15 In July and August 2001, Senator 16 toured the following military bases and their military family resource centers: Valcartier, Winnipeg, Edmonton, Halifax, Esquimalt, Greenwood and Victoria.

is a good way to break out of their loneliness, because there they meet friends and women like themselves, who share the same concerns.”¹⁶ Besides supporting the expansion of military resource centers, she also speaks out on the need for more frequent travel with family and military personnel as well as spousal isolation and loneliness, domestic violence, and daycare services.

The work that female Senators undertake outside Chamber business is similar to the kind of phenomena described in network analysis, where the female Senators and women’s organizations are mapped. For example, in network analysis “[a] path exists between a pair of actors if a sequence of directed [events] links them through an intervening set of points...[a] path distance between a pair is measured by the minimum number of links to connect that dyad.”¹⁷ For example, when charting a path between a community group and the parliamentary process (one measure), how many points do they have to go through to reach it, if the community group is successful at all at reaching it (Intensity of the relationship). It should be noted that a stronger connection exists along the path between points when one has personal and continual contact than if one simply writes a letter or sends information. Therefore, “[a]n actor is said to be reachable by another if a direct or indirect path connects them.”¹⁸

Although there are several examples in the Senate of women organizing women, the previous example was chosen since documentation is available and interviews are not solely relied upon for evidence.

16 Senator 16

17 Knoke, David Kuklinski *Network Analysis* Sage Publishing UK 1982

Case Study - “The Voice for the Voiceless”

An example of how a female Senator can organize women into a formal lobby group is provided by the case study of Canadian Afghan women. The decision to work with Canadian Afghan women and, more specifically, the committee roundtable came from a female Senator’s desire to organize women who live in war torn countries. The Senator was committed to the idea that women in war torn countries must be consulted as well as Canadian women who originated from these countries that are in conflict.

The Canadian Afghan Women’s Roundtables were created to comply with the United Nations (UN) Security Council Resolution 1325. This resolution was “...a call to implement full international humanitarian and human rights law, encourage governments to engage women in political matters and tackle the question of community rebuilding and women’s roles in the aftermath of armed conflict.”¹⁹ In 2001, the Canadian Committee on Women, Peace and Security was formed with Senator 11 as chair. Although this committee was comprised of parliamentarians, community representatives and government officials, this female Senator²⁰ was a key legislator responsible for Canada’s compliance with this resolution.

To date, Canadian activities have included: “...promoting awareness, assessing differential impact on women in the areas of conflict resolution, human rights protection and peace building agendas; and supporting non-governmental organizations,

18 Ibid.

19 <http://www.peacewomen.org/un/sc/1325.html>

20 Advocacy Chair of the Canadian Committee on Women, Peace and Security.

Government and Parliamentary unity in the Women, Peace and Security Council.”²¹

While the Committee has focused on advocacy capacity building and training, it was the work done with the Afghan roundtables that is important as an example of women legislators organizing Canadian women. This Senator organized roundtables in Toronto, Ottawa, Montreal, Calgary, Edmonton and Vancouver.²² The discussions, which involved over 150 women, centered on peace and security in Afghanistan and specifically focused on women's rights.

Through the roundtable discussions, Afghan-Canadian women were able to express their vision for Afghanistan. Poverty, education, healthcare and the misuse of religion were some of the themes presented at the discussions. But according to the female Senator, women were most vocal about the need for peace and security. She found that the women participating in the discussions were very keen on assuming the role of peacemakers. “What surprised me was the number of women who want to go back to help rebuild their country,” she said, adding that in both the report and the roundtables, many of the women expressed a desire to go to Afghanistan to provide training for other women and build a more peaceful, stable society.

21 Department of Foreign Affairs. Government of Canada Response to request for information by UN Secretary-General concerning full implementation of Security Council Resolution 1325 on women, peace and security. July 2004.

22 Schedule of Roundtables: 9 May 2002: Ottawa, Ontario, 21 Participants, 21 Observers, 4 Organizers; 12 July 2002: Calgary, Alberta, 29 Participants, 4 Observers, 6 Organizers; 13 July 2002: Edmonton, Alberta, 19 Participants, 1 Observer, 6 Organizers; 14 July 2002: Vancouver, BC, 22 Attendees, 5 Observers, 5 Volunteers, 6 Organizers; 19 July 2002: Montreal, Quebec, 24 Participants, 6 Observers, 5 Organizers; 21 July 2002 Toronto, Ontario, Morning session: 21 Participants; 6 Observers; 8 Organizers; Afternoon Session: 23 Participants; 7 Observers; 8 Organizers.

The purpose of the roundtables was to create an opportunity for Afghan-Canadian women to participate in consultations regarding the implementation of UN Security Council Resolution 1325 in Afghanistan, and to empower these women to play a more active role in the peace-building and reconstruction efforts in Afghanistan. In a government press release, this Senator was quoted as saying that “[i]n order to secure female participation in the rebuilding process women must feel empowered and be heard.”²³ In her interview she stated that it was her belief that “...only Afghan women can liberate themselves.”²⁴ She believes that one of her jobs in the Senate is to let the voices of other women be heard, “...especially marginalized women who’s voices are not normally heard.”²⁵

Organizing women is one important element to the inclusion of women who are generally excluded from the policy discussion. In order to affect public policy, women need to move beyond this first stage. In July 2005 Afghan-Canadian women took this next step, issuing a report entitled *A Stone in the Water*, which was presented to the Minister of Foreign Affairs. According to this Senator, the title of the report “...emphasize[d] how a small action can cause a rippling effect, leading to greater achievements. It summarized the results of a series of roundtable discussions²⁶ that took place across Canada ...and [made] recommendations for including women in the peace and reconstruction process.”

Recommendations from the report called for the Canadian Government and NGOs to include Afghan women in the peace process. In the report, the women have asked

23 <http://www.thewnc.org.uk/pubs/canadahousewpscarticle.doc>.

24 Senator 11

25 Ibid

Canada to open an office in Kabul and commit to an international presence in Afghanistan by joining the International Security Assistance Force (ISAF). They also recommended that Canada support the education of Afghan girls and women by sponsoring projects to develop new school curricula. The Government's response through the Minister was to acknowledge the report's recommendations and assure that projects would be funded in Afghanistan to assist women.

The Afghan women roundtables were so successful that the Senator continued them with Palestinian and Jewish women in Israel and the occupied territories. Since the Palestinian and Jewish roundtable took place outside Canada, the Senator was limited as to what she could accomplish through public policy avenues. Therefore, the main purpose of these roundtables was to facilitate discussion, especially for the women to tell her what she could do to help them. Her role was strictly that of a facilitator – to organize the grassroots women and empower them to try to affect public policy through lobbying or directing the Senator to talk to other politicians on their behalf. She conceded that she now has the ability to do this because as a Senator she is seen as having power, influence and authority.

As Fararo and Skvoretz state in their work on the application of network analysis, “[t]he most important steps in any social network analysis is to delineate a concrete population of social objects and one or more types of relationships connecting them.”²⁷ These

26 Organizers said the diversity of the participants ensured a wide range of perspectives. Some of the women participants have lived in Canada for years, while others are new arrivals. There were young and old women, from both rural and urban areas, representing different ethnic groups.

27 Skvoretz, J., Fararo, T. (1986). “Inequality and Association: A Biased Net Theory”. *Current Perspectives in Social Theory*, 7,29-50.

roundtables solidify the relationships connecting each participant and also solidify the relationship between them and Parliament through this one Senator, which is the second indicator in this chapter for the hypothesis. Through this Senator, Afghan women have now gained access to the Minister of Foreign Affairs and the United Nations (UN) where public policy is implemented.

Women Senators Acting as a Bridge into the Parliamentary Process

Access to the parliamentary process is important, specifically, whether a Senator is their only contact within the institution or whether they have multiple access points that they can utilize. If there are not multiple access points, then this one Senator is their only bridge to the Parliamentary process and is more important to them than if they had multiple access points. Knoke believed that jointly occupied positions at one point along the path, consists of structurally equivalent actors. Two actors are structurally equivalent when one actor can be substituted for the other. Therefore, a community actor would ideally have two or multiple Senators or MPs that they are linked to, so that if one Senator resigns there are others that can still be linked with the community actors. The traditional actors can usually find an ear of another Senator to work with; however, non-traditional actors find this more difficult. These types of scenarios exist mostly with marginalized groups and are usually brought into the Parliamentary process through the appointment of a Senator with an interest in their community (which is increasing due to the recent appointments of more diverse Senators).

An important aspect of Senators' extra-parliamentary activities relates to the social networks that Senators develop around the issues of concern to them. For certain Senators – especially female Senators – these networks bridge the traditional political institutions of Parliament with marginalized groups in Canada. This relationship between a Senator and community actors could develop either before or after their appointment.²⁸

Without representation of the oppressed and disadvantaged groups in legislatures, “deliberations and outcomes will most likely reflect the goals of the dominant groups”.²⁹

This was iterated by one female Senator interviewed who believes that female Senators gravitate to issues that are not typically considered to be a “Senate issue”.³⁰ These Senators develop community and activist networks around these issues. By being a conduit for these networks to access Parliament, women Senators play not only a representational role but also a democratic role in opening up Parliamentary access to more people. For these issues, female Senators act as third party advocate and as intermediaries between the issue in the Senate and the local interest groups at the grassroots level. Senators are also involved with lobby groups and grassroots organizations who have traditionally worked with politicians and political institutions.

Female Senators can act as primary actors in advocating change that would normally take place in the Senate chamber or in committee, as was discussed in the last chapter, or they can act as behind-the-scenes coordinators to facilitate the building of these links between institutions and marginalized groups. They can allow these marginalized groups to

28 A. Phillips, *The Politics of Presence* (Oxford, Clarendon Press, 1995), 66-71, pg 39.

29 Lisa Young. “Women in the Canadian House of Commons.” in Arscott and Trimble’s *In the Presence of Women: Representation* pg 184

30 Senator 25

advocate for themselves within the institution once these links have been established or they can advocate for the groups or a combination of the two.

Once the conduit for information exchange between a group and a Senator has been established, there are many different types of activities that these individuals can have access to, including: being consulted in meetings with caucus officers or departmental officials; being called as a committee witness; or even being asked to review a proposed piece of legislation affecting the individuals their group represents.

An example of a female Senator acting as a bridge for local actors to gain entry into the Parliamentary process is one female Senator who worked with Minister of Industry Alan Rock to have the post 1901 historic census records released to the public, and issue that had mobilized a lot of historians and those who wanted the privacy ban to be lifted in order to search their family tree. The close working relationship between two legislators from the different houses enabled local actors to work through Senator Milne who in turn pressured the Minister to take legislative action. Senator Milne describes this relationship thusly:

“[f]rom the first day of his appointment as Industry Minister in January, Minister Rock has taken this issue very seriously and has devoted an enormous amount of time to the file...[t]he government would not be in any position to make this announcement today if it wasn't for the fact that he cares as much about this issue as I do, and he was willing to take the fight directly to the cabinet table.”

Senators have several vehicles at their disposal for promoting change to legislation or work within a committee. From Question Period, to private member's bills, and committee inquiries, Senators can use one or multiple means at their disposal in order to represent the views of the community actors with whom they work. Those within the governing party can also promote these community actors' views at the beginning of the public policy formation stage from within the general caucus, party caucuses like the women's caucus, or cabinet committees. Some Senators also have access to the Prime Minister and Cabinet Ministers. Senators can also develop these connections by linking with another Senator who has a closer association with the cabinet. Senators can also use their title and status to promote action outside the Parliamentary and party process at the international level, (e.g. This one Senator, who was appointed to the Senate because of her work as a child advocate).³¹

Case Study – “Child Advocacy”

One female Senator is known as the “Senator for Children and Youth”, since she has worked on children's issues at the local, regional and national level, and has continued this work in the Senate until her retirement. Her advocacy for children, and in particular the international (UN) conventions relating to children, is an example of how a legislator can function as a bridge for women's organizations. Through her parliamentary committee work on children she included non-traditional witnesses which included

³¹ There are also more informal methods for one legislator to lobby other legislators; such as, the dining

individuals that were directly affected. She has also opened up Parliament to individuals and researchers by allowing access to her work and research submitted to committee hearings. The bridge she has created is a two-way street of knowledge and information.

She has used every parliamentary mechanism available to a Senator to further the cause of children's rights. A rare mechanism she used was to hold meetings on a legislative bill as a Special Joint House Committee, which she co-chaired. These types of committees are rarely used since they involve legislators from the House of Commons and the Senate. This committee was formed to study the issue of child custody and access, and came out of a commitment from the then Minister of Justice Allan Rock to study the issues further after the concern around Bill C-41, which amended the Divorce Act to provide for the establishment of mandatory child support guidelines. Although the Senate could have rejected Bill C-41 outright, due to the overwhelming number of witnesses who expressed concerns over the inadequacy of the legal system's mechanisms to deal with custody and access, or parenting arrangements, following divorce. However, any Government bill can be later amended through Order-in-Council directives or through the introduction of another bill. Once the Senate secured the Minister's commitment to further examine this issue, Bill C-41 was passed and the joint standing committee struck.

The report, *For the Sake of the Children*, is the product of lengthy hearings attended by more than 500 witnesses from across Canada. In addition to the parents and children who testified - the individuals most affected by the Divorce Act - there were also legal, mental

room, reading room, and receptions among other.

health, child development and protection experts, as well as other interested groups. Therefore, the conference and the committee brought together individuals at the same time as bridging the gap between local actors and Parliament. 48 recommendations were made to the Government, many with sub-recommendations that covered the gauntlet of issues around children and custody.³²

The Government's response under a new Minister of Justice Anne McLellan was mixed. Only a fraction of the committee's recommendations were addressed.³³ Some recommendations were accepted and promises made that they would be acted upon while others were rejected outright, since the Minister believed that they were already included in Government legislation. Although not all recommendations from this comprehensive study were acted upon, thus demonstrating the lack of influence Joint Committees have as well as female Senators, this report is still referenced by people and researchers interested in child custody because it was so comprehensive. Therefore, the content of the report, or its research, is more important than its recommendations to affect changes to public policy. Not only did the Senator provide a bridge into Parliament for children's advocates and individuals dealing with custody in divorce, but she also provided invaluable detailed research for these same people to use in their own research.

Senators' extra-parliamentary issues should not be discussed in isolation, since most of these issues require some level of public policy action. Therefore, the ability of a Senator to affect public policy is important to assess, and, accordingly, the internal power

32 <http://www.sen.parl.gc.ca/lpearson/index-e.html>

33 <http://www.justice.gc.ca/en/ps/pad/reports/sjcarp02.html#introdoc>

relations within the parliamentary process need to be examined. Specifically, the power and influence a particular Senator has with each of the hierarchical political actors need to be measured. As Knoke stated, “[i]n a network analysis, the objects of explanation are neither people, organizations, nor nations. Rather, the units of analysis are the varying interactions that link each pair of social actors in the system.”³⁴ Therefore, the strength of each Senator’s link to individuals of power within the political structure of Parliament can further their cause by enacting change in public policy.

Revisiting a common constraint on Senators discussed in Chapter 5, institutional and party constraints, even with links into Parliament, these constraints can still result in inaction. If a legislator wants to effect change, they should be closely associated with the concentration of political decisions. Researchers on female legislators state that more women need to be in cabinet, for example, since that is where real decisions are made.³⁵ Senators normally do not sit in cabinet; however, some Senators participate more actively in caucus while others may lobby those that have close relationships with cabinet and the Prime Minister.

With the Senator’s close connections she was able to work on children’s issues outside the Senate Chamber as the Prime Minister’s representative at the UN on children’s issues as well as special advisor to the Foreign Affairs Minister. Other extra-parliamentary activities included chairing a committee against commercial sexual exploitation of children and youth. This female Senator stated that “[b]y working together across federal

34 Supra 15 pg 235

35 Supra 22

ministries, as well as with the police and non-governmental organizations concerned with the issue, we have been able to make some real progress.”³⁶ Therefore, while the Senator’s close connections to power did not help further her parliamentary work on children, such as the recommendations of the Joint Standing Committee on Custody and Access, they did help her extra-parliamentary work internationally at the UN and with the Foreign Affairs Minister.

She has accumulated so much information on children’s rights that upon her retirement from the Senate in 2005, a Canadian university set up a Centre in her name. This Centre will house all her documents and research on children’s issues. It will also allow students to access these items for future research projects on children as well as house an area to promote guest speakers on this topic and small conferences. Therefore, her legacy of work in this area will continue to act as a bridge to Parliament through these documents deposited at the Center.

Women Senators Work with Women Candidates

Another area of extra-Parliamentary activity is recruiting and supporting female candidates. This can take the form of seeking out and identifying potential women candidates, helping to organize and run the local campaign, and/or financially contributing to the campaign. When it comes to recruiting female candidates, there are several ways to increase their numbers. One way is to form a party committee to identify women that should run for the party. The best way for such a committee to compile a list

³⁶ Supra 21

would be through the snowball method, where a few names are identified and they are asked to identify other women and so on until a large list is compiled for potential women candidates. Once these women are identified, the challenge of finding an open seat for them to run is becomes crucial. Since this type of nomination committee is usually conducted at the party's national level, they will usually have to impose their will on a riding association, make a deal with a local riding association to let a woman be nominated in their riding, or arrange to have women run in a newly created riding.

Trimble and Arscott state that the Liberal Party uses the first method – imposing a candidate on a riding association – as one way to increase female candidates, although not all candidates appointed through this method were women.³⁷ However, they further note that the Liberals stopped using this appointment technique once women candidates reached 25%. This would have been in 1993. In the following election, 1997, without the use of Prime Ministerial appointment of candidates, the statistics for Liberal women candidates fell to 22%. In the 2000 election, the last year studied by Trimble and Arscott, the percent of women candidates again rose with the help of more Prime Ministerial appointments of women. Female Senators and others interviewed stated that this type of mechanism is an effective tool to increase women candidates, and they actively and vocally support the policy when dissention comes from within their party. Therefore, their role in this particular incident is not direct but indirect. It would be harder to sustain this type of controversial method to increase women candidates without the visible and vocal support of women legislators.

³⁷ Prime Minister Chretien used this nomination process to place “star” male candidates in winnable ridings.

A more direct method of influence is to actively participate in the political campaign of women candidates. As noted in Chapter 3, about one third of female Senators had worked for their respective party. Since their age at appointment is usually older than the age of women MPs, they usually have longer party careers. Some Senators were in fact a head of their party, while others were regional organizers. Several female Senators who previously held federal political office still kept an active relationship with their former ridings. This continued interest meant that their knowledge could be passed onto their successors and ensured that their original party organizers would stay with the riding association and continue to work on campaigns even though a new candidate was running for the party. One female Senator did state she did not want to retire from the House of Commons and was forced out. Although she continued to work for her party at the national level, she did not continue her association with the riding organization. Interestingly, not all Senators left the House of Commons willingly and therefore did not pass on institutional knowledge about the riding.

Female Senators interviewed stated that they did not only assist candidates in Canada, but they had also worked through several international organizations to train women in politics around the world. For example, one female Senator took her extensive political organization background international and taught women in Africa how to organize politically.³⁸ Others have gone to the Middle East and South America to speak to women and pass on knowledge about campaigning. There are many organizations that women legislators can work through to participate in this work, one that was used for work in

³⁸ Senator 2 worked in Benin, Africa, as an International Trainer for the National Democratic Institute for International Affairs which trains women candidates.

Africa was the National Democratic Institute. The main activities of the National Democratic Institute include civic education of women voters, increase women's participation in political parties, help women candidates organize, fund raise, and run their campaigns, as well as train women legislators to further their skills in both their elected bodies and in their parties.

Case Study – Party Organized Funds to Assist Women Candidates

Trimble has noted that women have a harder time raising money to fight a campaign than their male counterparts; therefore, a fund to help to eliminate this disparity is an important element in campaign strategy. Although not all parties have mechanisms to assist women candidates, the New Democratic Party, the Liberal Party of Canada, and the Progressive Conservative Party had each established funds to help their women candidates financially compete with their male candidates at election time.³⁹ Women Senators have participated as heads of these funds or helped to organize and speak at their annual meeting to raise money each year.

The Liberal Party has two funds, the Judy LaMarsh Fund which was established in 1984 in honour of the late first woman federal Liberal cabinet minister, and the Margaret Campbell Fund which was established in 1984 in honour of a Liberal MPP from Ontario who fought for women's rights. Both funds were established to fund women candidates

³⁹ The current Conservative Party has no fund to assist women candidates.

in the Liberal party. They recognize that women candidates have a more difficult time raising money than male candidates. "Money is still one of the major barriers facing women who would like to run for Parliament."⁴⁰

Its main source of funding comes from an annual fundraiser where female legislators are featured guest speakers.⁴¹ This is one area where women Senators can participate as organizers or as guest speakers to raise money for women candidates. Senator Poy was a speaker at a fundraiser for the Margaret Campbell Fund, stating that "[b]y providing funds to women candidates, we can help remove one of the major barriers to women's participation in political life. We need to encourage more women to enter politics – women of principle who will use their formidable energies to fight for equal rights for all Canadians."⁴² In the 2004 federal election, each woman candidate was provided \$2,400.⁴³ Unfortunately the amount of money given to each candidate is relatively small compared to the amount of money candidates can spend at election time. Regardless, the amount of money has gone up from \$2000 in the previous election and considering each fund is self-funded, it is only to be expected that the amount given to women candidates would be small.⁴⁴

When the Progressive Conservative Party merged with the Canadian Alliance Party, the Ellen Fairclough Fund designed to help Conservative women candidates was abandoned

40 <http://www.nwlc-clfn.ca/JM/about.htm>

41 These speeches and organizational activities also fulfill another function. It is a way of passing on knowledge from older Senators to younger Senators which is an important socialization role.

42 <http://www.sen.parl.gc.ca/vpoy>

43 There were 73 women Liberal candidates.

in the 1990s. This PC fund was named after Canada's first federal woman Minister and had the same objectives as the funds established by the other parties. Although women in the PC party recommended its revival, the Conservative Party has yet to do so.⁴⁵ Moreover, it has not been replaced by any other funding mechanism to assist women candidates in the Conservative Party.

Although many women Senators have spoken at their party's fundraising events in support of these funds, some have gone further and served as the head of the fund or on its executive. For example, retired Senator Marian Maloney was noted for her stewardship of the Judy LaMarsh Fund.⁴⁶

Even though they have no Senatorial involvement, a note should be made about the NDP's fund, the Agnes McPhail Fund. This was the first fund established for women candidates in 1983 and was probably the impetus for the other major parties to implement their own – the Liberals in 1984 and the PC party in 1986. Although recruiting and training women are important extra-parliamentary functions for women Senators, they also support funding organizations within their own parties to assist women candidates in overcoming financial disparity with their male candidates in order to win seats in the legislatures. From this case study, their leadership and support helps to maintain most of these funds.

44 The NDP has the Agnes McPhail Fund to help women candidates and the Progressive Conservative party had the Ellen Fairclough Fund, which give women candidates between \$1,000-\$1,500 at election time.

45 http://www.equalvoice.ca/news_mckay.html

Funding mechanisms for women candidates are only one indicator of the support or lack thereof for women in Parliament. When one examines other variables that would increase the level of women in either the Senate or the House of Commons, there appears to be an ideological difference between all the parties present in Parliament. These ideological variables include, but are not limited to, the following: number of women candidates; presence of a women's caucus; level of women focused policies. Table 6D indicates that each variable appears to be related to the ideology of the party as you move along a left-center-right continuum.

Table 6D: Indicators related to Level of Women in National Parties in Parliament⁴⁷

Variables	NDP	Liberal	Conservative
Funding for Women Candidates	Yes	Yes	No
Presence of Women's Caucus or Committee	Yes	Yes	No
Number of Women Candidates	108	79	38
Women's Issues Prioritized	Yes	Somewhat	No
Percent of Women in Senate Within Each Party	No Recognized Senators	33.8%	33.3%
Percent of Women in House of Commons Within Each Party	41.4%	20.6%	11.2%

Table 6D also demonstrates the difficulty women Senators face within the Conservative party. Not only do they try to raise funds for their female candidates -- now without the support of an official organization -- but they each have to organize within their own

46 http://www.parl.gc.ca/36/1/parlbus/chambus/senate/deb-e/152db_1999-06-17-E.htm?Language=E&Parl=36&Ses=1
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offices how best to fundraise for women candidates. One of the functions of a structure, such as the Ellen Fairclough Fund, is to act as the organizing entity to identify the female candidates running for the party, invite them to national fundraising events where they can meet and be mentored by female Senators and MPs, and distribute money to each female candidate in order to run their campaign. Without such a structure, more than just money for the campaign is lost for the candidate. Those female Senators who want to help these candidates are left to their own devices to identify these candidates and perform all those functions normally performed by the structure.

Even with the disadvantages women in the Conservative party face with regards to support for women candidates, there is still a level of support and it would be interesting for future research to follow this continuing situation to determine if this less formal trend in support for women candidates post-Fairclough Fund continues.

Conclusion

Research on women MPs has concluded that "...the mere increase in the number of women in an institution not only affects the issues that are discussed and legislated on in that institution,⁴⁸ but also provides a voice in that institution for different perspectives that are not necessarily advocated by male politicians."⁴⁹ This finding appears to hold true for the Senate as well. Women cannot be regarded as a unified group with a common set of policy opinions and interests. Within each issue there are multiple

48. Manon Tremblay, "Quebec Women in Politics: An examination of the research," in *supra*. Arscott and Trimble, p 247.

49. Arscott and Trimble, "In the Presence of Women: Representation and Political Power," in *supra*. Arscott and Trimble, p 1

viewpoints women legislators can adopt. Trimble notes, for example, that, "...on the issue of child care, parties operating from a neo-conservative orientation are likely to stress women's needs as mothers and advocate measures designed to strengthen the traditional family model."⁵⁰ It is important to remember that "[m]aking a difference for women" is not just in areas where a majority of women are affected, but it also refers to policy areas where women are affected in a different way than men. Hence, the shift in focus from "women's issues" to a "women's perspective" on issues.⁵¹ With the diversity of issues addressed by female Senators in their extra-parliamentary activities, women's perspectives are present in the Senate.

Most women Senators work on extra-parliamentary issues that are social in nature. This has been an area of identified weakness in earlier research on the Senate. Although the concluding chapter will discuss party and institutional constraints that affect Senators in their chamber business, the fact remains that they are freer to work on issues of concern outside their legislative work. Two types of work women Senators do with women at the grassroots level are to organize them and to act as a conduit to link them to Parliament.

When examining female Senators' acting as bridges for women's groups, Granovetter discussed the importance of bridges as elements that "tie conduits that connect complex social systems in significant ways."⁵² In particular, he examined how weak links (i.e.,

50 *Supra* 1 pg 127

51 *Ibid.* pg 128

52 Granovetter, Mark. The Impact of Social Structure on Economic Outcomes. *Journal of Economic Perspectives*, 19(1) (Winter): 33-50.

only one point linking community actors to the parliamentary process) can in turn result in the "...reach abilities and thereby integrate distant network segments [community actors] into a larger system [parliamentary process]."⁵³

Of importance to this chapter is the fact that some of these community actors only have one Senator as a strong access point for them to link their path to the parliamentary process. Knoke stated that the "[r]emoval of a point also deletes its associated lines. If a point removal results in a disconnected graph, that actor represents a cut point in the network, and the actor appears to play a liaison or broker role in the social system."⁵⁴ Such a line represents a bridge between community actors and the parliamentary process and is the role some female Senators play.

The institutional environment may work against the sorts of transformations it is assumed women can implement; however, the work female Senators do outside the chamber is completely free from these institutional constraints; hence this could explain the high level of gender difference on what issues Senators pursue outside traditional legislative work.

No matter where the inspiration comes from for women Senators to pursue extra-parliamentary activity that would benefit Canadian women, or even whether these Senators self-identity as feminist, this chapter has hopefully demonstrated that the larger percentage of women in the Senate has resulted in more pro-female extra parliamentary

53 Ibid.

54 Supra 15

activity. As Trimble states in her research on women legislators – “...if women are not in positions of political power...they risk being marginalized, since crucial discussion will take place and irrevocable decisions will be made without their input.”⁵⁵

⁵⁵ Supra 22 pg 5.

Chapter 7

Conclusion

The goal of this thesis was to determine whether the increased presence of women in the Senate has had any effect on representational style, issues raised and policy outputs of the Upper Chamber. Furthermore, an attempt was made to determine whether female Senators faced the same institutional constraints of party discipline as their female colleagues in the House of Commons. The existence of any institutional constraints was also explored.

The thesis model was based on Trimble's strategies to implement changes for women in legislatures. Table 7A outlines each and links them to the three hypotheses tested by this thesis. The five strategies a female legislator can use are the following: altering the style and format of political debate; voicing women's diverse experiences ideas and policy needs; advocating on behalf of, and providing information and advice to, women and women's groups; analyzing policy issues with women's interests and perspectives in mind; and, finally, acting to promote women's policy demands and meet women's diverse needs.

These strategies were then linked by research conducted by IDEA that indicated what types of changes could occur if these strategies were implemented. In general, the four changes include: institutional change, which involves making representative institutions more accommodating to women; discourse change, which involves promoting

recognition and validation of women’s perspectives and issues, in all their diversity; impact/output change, which involves modifying legislation in favour of women; and representational change, which involves improving women’s representation in legislatures and politics in general.

Figure 7A: Interrelationship Between the Thesis Hypothesis and Thesis Model

	Hypothesis	Strategy (Trimble)	IDEA’s Types of Change
1	The presence of women in the Senate has a positive effect on the atmosphere of the Upper House	By altering the style and format of political debate	Institutional change Discourse change
2	Women in the Senate have resulted in pro-female policy outputs	By analyzing policy issues with women’s interests and perspectives in mind	Impact/Outcome change Discourse change
3	Women in the Senate have resulted in pro-female extra parliamentary activity.	By voicing women’s diverse experiences, ideas and policy needs. By acting to promote women’s policy demands and meet women’s diverse needs.	Representational change Discourse change

This research has yielded a mix of results. Table 7A above restates the original three hypotheses and explains how they relate to the thesis model. The different hypotheses test different aspects of substantive representation, moving from women’s presence in an institution and the effects that can have, to traditional legislative behaviour in the Chamber and then to acts outside Parliament and the roles they may hold in relation to women’s groups. With respect to the structure of this paper, each hypothesis related to individual chapters. Hypothesis 1 was tested in Chapter 4, hypothesis 2 was covered in Chapter 5 and Chapter 6 examined hypothesis 3. Within each hypothesis different

indicators were used to determine if there was support. If support exists then it can be determined whether the model's strategy and types of change put forth by IDEA occurred.

Hypothesis 1: The Presence of Women in the Senate has a Positive Effect on the Atmosphere of the Upper House

The first hypothesis examined whether the presence of a larger number of women in the Senate had any measurable effects. Several authors have discussed the importance of the presence of women in an institution. Childs' research on women in the House of Lords in Britain, for example, found that "[m]any of the women MPs considered that there was such a thing as a feminized style of politics." The three indicators used to measure this hypothesis were: passing on institutional knowledge; the adversarial nature of Parliament; and Senate attendance and outside employment.

The first indicator described how institutional knowledge, especially rules of Parliamentary procedure, was passed onto new appointees to the Senate through a daylong briefing dubbed the "Senate School". Although Parliamentary officers provide briefings on the general rules of the Senate, one female Senator decided that more information was needed, especially for women Senators who were increasingly coming from backgrounds that were not elected office. Female Senators who have taken this course have overwhelmingly stated that they benefited greatly from it. Those female Senators who were appointed before Senate School existed stated that it took them approximately a year or two to "get up to speed". Examples given in Chapter 4 showed that new female Senators were able to immediately participate in legislative activities.

Furthermore, they did not have a feeling of isolation that other female Senators, who were appointed for some time, talked about during their interviews. These new Senators had a person that they could talk to about any specific procedure question or about other issues they may want to work with. This was also documented in Chapter 4.

The creation of the Senate School supports the first hypothesis – that the presence of women in the Senate has had a positive effect on the atmosphere of the Senate by training new Senators on basic procedure. The positive effect on the atmosphere of the Senate is the new Senators' ability to participate in Senate chamber activity. These Senators are no longer feeling as lost or ineffectual as some of their female colleagues interviewed who did not attend Senate School.

This indicator for hypothesis 1 was related to one of Trimble's strategies – that is, that female legislators alter the style and format of political debate. By educating new appointees on Parliamentary rules, all Senators can fully participate in Parliamentary activities thereby adding newly appointed Senators' style to the institution. It also changes the format of political debate by allowing new Senators to champion their issues in Parliament. The fact that women have accomplished positive steps in this area means this research can conclude that it has resulted in institutional change. The most interesting case was a newly appointed independent Senator with no political background mastering the legislative rules of the Senate to have a committee examine her area of interest.

7B: Relationship Between the Thesis Model & Measurement Indicators

	Hypothesis	Strategy (Trimble)	Measurement
1	The presence of women in the Senate has a positive effect on the atmosphere of the Upper House.	<ul style="list-style-type: none"> • By altering the style and format of political debate 	<ul style="list-style-type: none"> • Passing on Institutional Knowledge. • Less adversarial • Attendance and Full-time Employment
2	Women in the Senate have resulted in pro-female policy outputs.	<ul style="list-style-type: none"> • By analyzing policy issues with women's interests and perspectives in mind 	<ul style="list-style-type: none"> • Examine Bills under review in the Senate chamber. • Examine Committee issues, witnesses, and reports. • Examine caucus committee reports and witnesses.
3	Women in the Senate have resulted in pro-female extra parliamentary activity.	<ul style="list-style-type: none"> • By voicing women's diverse experiences, ideas and policy needs. • By acting to promote women's policy demands and meet women's diverse needs. 	<ul style="list-style-type: none"> • Examine Senators' activities to organize women. • Examine whether Senators' act as a bridge for women's groups to gain access to the Parliamentary process.

The second indicator used to test whether more women in an institution results in less adversarial style. Consistently, as Chapter 4 demonstrated, women Senators interviewed stated that they are more consensual in their decision-making. Although most women did not want to be identified as feminist, they did state that they were different than men, especially in their approach to policy-making. They also believed that they work on more personal projects compared to their male colleagues. Although it is difficult to quantify this claim, if it is added to the success with the other two measures for studying the adversarial nature of the Senate, this research appears to also support Hypothesis 1 – that the presence of women in the Senate has had a positive effect on the atmosphere of the Senate. The evidence, presented in detail in Chapter 4, demonstrated that women

added a different element to the manner in which parliamentary business was conducted – especially with respect to decision-making and what topics were studied in committee. This finding does alter the style and format of political debate as stated by Trimble and does lead to institutional change, since less adversarial methods are used and more congenial work is accomplished.

The third and last indicator used to test hypothesis 1 was that more women than male Senators take their job seriously by attending chamber business and not treating the appointment as another board appointment but instead as a full time job. For this section of Chapter 4 the official attendance records for three random months were used to measure chamber attendance by gender. When no difference was found, observational research was employed and it was discovered that there was a gender difference. In order to count as present for the day, a Senator has to enter the Chamber. Attendance does not keep track of how long the person was present for in the Chamber. Technically, a Senator can just walk into the Chamber, be acknowledged as present by the clerk, and then leave the Chamber. When observations were conducted, it discovered that women stay in the chamber for a longer period of time than men. Although more research needs to be done in this area, the general trend as found in this thesis lends support for this first hypothesis. Chamber attendance also offers legitimacy to the institution by demonstrating to Canadians that Senators are present and participating in policy activities – i.e., the politicians are working and not just collecting salaries for little or no work.

An examination of the three indicators presented in Table 7b demonstrated that all lend support to this first hypothesis centered on women's physical presence effecting institutional change. However, indicator three is weaker than the first two at supporting this hypothesis outright. There is a trend with this last indicator that needs to be explored further in future research.

Hypothesis 2: Women in the Senate have resulted in Pro-Female Policy Outputs

The next hypothesis focuses on legislative activity, specifically whether the larger number of women in the Senate has resulted in pro-female policy outputs. This analysis was divided into three indicators or Parliamentary access points: bills, committee, and caucus. Childs' research has found that Britain's "House of Commons should not be regarded as a single space in which women MPs act."¹ Although the Chamber of the House was not considered particularly conducive to acting for and like women, the women MPs identified other spaces within the House where they could act for women. Therefore, although this chapter has important measures to indicate whether women's needs are being addressed in legislation, this hypothesis's findings, which are somewhat negative, need to be considered in the context of the other two hypotheses.

The first indicator examined House of Commons and Senate initiated bills for the 37th Parliament 3rd Session and found mixed results. It found that women speak similarly to men or proportionately higher than their proportion in the Senate on House of Commons bills related to women's issues. This gender difference is less than women MPs. This relationship did not exist with respect to Senate bills. Speaking to a bill is important,

since it is a method used to raise alternative viewpoints and to offer other solutions for addressing a public policy issue. What is even more interesting with these findings is that ‘Senate inquiries’ have even worse results, even though they are the easiest legislative action to initiate debate on in the Chamber, but women in this particular Parliamentary session did not take advantage of it.

When examining voting behaviour, women traditionally vote along party lines in both chambers. It is only on the rarest of occasions where women legislators will cross party lines with the intention of defeating their party’s bill as was the case with Bill C-43 on abortion. Therefore, both legislative and party constraints are at play with this first indicator of traditional institutional work; however, there also appears to be a lack of will to take advantage of opportunities available in the chamber to address women’s issues.

Therefore, there is mixed support for this hypothesis. When examining speakers to bills, a gender difference only occurred when examining government bills. Furthermore, a gender effect occurred with voting behaviour only in rare cases; therefore, these two instances are the only support for this second hypothesis – that a large number of women in the Senate would result in pro-female policy outputs.

It is important to point out at this stage a common theme that will run throughout each indicator used to test this second hypothesis. It was discovered during the course of research that each access point was associated with institutional constraints. For

1 Childs, S. 2004: A Feminized Style of Politics? Women MPs in the House of Commons. *British Journal of Politics and International Relations*, 6 (1),

example, for bills under review in the Senate, legislators were constrained by party discipline. They are still expected to vote along the party line and although there is a level of freedom in the content of their speeches, Senators still must stay within the boundaries of their party's position or risk discipline. Although this parliamentary access point has a high level of institutional constraint, in extreme circumstances, such as the case study of Bill C-43 on abortion, some women legislators will reject the institutional constraints and vote against their party's position. Although this type of substantive representation only occurs occasionally, for example in the case study used in chapter 5, it was only in the Senate, and not in the House of Commons where cross-party voting occurred.

The second parliamentary access point relates to Senate standing committees. Although there is a higher level of freedom from party discipline in the Senate and the lowest level of institutional constraint, the substantive representation of women is still not at a level one would expect where both a large number of women legislators exist and a low level of institutional constraints exist. As revealed in the case study on the Standing Committee on Human Rights report on First Nations' matrimonial property, even if women legislators act for women they can still be thwarted by party politics. In the case of this report, the Minister of DIAND did not act on the report's recommendations or comment on them. Instead, the Minister referred the issue to the House of Commons committee on Aboriginal Affairs to study it further. Another example of institutional constraint that keeps Senators who want to act for women from substantively representing women is the manner in which women are assigned to committees. Women

can overcome some of these constraints, as was discussed earlier, only when they learn the rules of the institution and play by them. The instance discussed in Chapter 5 concerning the Senator who wanted to study consumer protection had to use the rules of the House in order to get the issue studied by the committee.

The third access point related to the second hypothesis examined Senators' activities within caucus. Although this area is difficult to gain access to, a few Senators were willing to discuss the contributions they have made to public policy making through their work within caucus and caucus committees which study issues before they become a government bill introduced into Parliament. These committees compile the research on a given topic, formulate policy solutions, and provide the guidance for the creation of government bills. This is the most direct method women legislators have to affect public policy; however, only a few have utilized it. Of course, this access point is only available to the government party Senators²; however, other parties also have policy development groups but without the direct result of legislation. Regardless, why are so many female Senators ignoring an important avenue for substantially representing women?

Due to the mixed results, this access point supports the hypothesis that a large number of women in the Senate would result in pro-female policy outputs, but only in a limited way. This is an example of female legislators underutilizing a valuable tool to benefit women's issues and concerns. Of further interest, these poor findings are not a result of

² When studying the 37th Parliament, a majority party formed government. Minority governments allow for more opportunities to use this opportunity structure.

institutional or party constraints, which means they may be related to interest. This needs future research with more in-depth interviews solely on this topic.

Examining all three indicators together, there appears to be only slight support for this hypothesis. Although institutional and party constraints affect some women's ability to represent women in the form of policy outputs, personal interest is probably a factor to be considered as well. Returning to Table 7A on page 2 of this chapter, the thesis model's related strategies for this hypothesis were "analyzing policy issues with women's interests and perspectives in mind". If the female legislators' actions demonstrated that they did in fact support this strategy then one can conclude that there has been an "Impact/ Outcome change".

Revisiting Table 7C, which was introduced in the last chapter, the percentage of women in the Senate from a traditionally center-left party (Liberals) is almost even with the percentage of traditionally right (Conservatives). The effect of ideology on the legislative performance of women Senators may not account for all the differences when measuring this support or lack thereof for this second hypothesis; however, it has one key effect – women in the Conservative party, even the few who self-identified as working for women's interests and/or self-identified as feminist, found it difficult to take a stand on women's issues within a party that did not believe in special support for women within their party or as a policy plank for their party. The indicators in Table 7C below, which were used to demonstrate how party ideology can have an effect on the percentage of women in the House of Commons and the Senate in Chapter 6, demonstrates that when

women are not prioritized within the party it is reflected within their policies that are presented at election time as well as in their daily action within both Parliamentary chambers. Therefore, Conservative women who want to act for women in the Senate find no support from their party and, in the case of C-43 on abortion, hostility for their actions. The importance of ideology in relation to other constraining variables found in this thesis would be of interest for future research in the current minority government to determine if this trend found in studying a majority government still holds true.

Table 7C: Indicators related to Level of Women in National Parties in Parliament³

Variables	NDP	Liberal	Conservative
Funding for Women Candidates	Yes	Yes	No
Presence of Women's Caucus or Committee	Yes	Yes	No
Number of Women Candidates	108	79	38
Women's Issues Prioritized	Yes	Somewhat	No
Per Cent of Women in Senate Within Each Party	No Recognized Senators	33.8%	33.3%
Per Cent of Women in House of Commons Within Each Party	41.4%	20.6%	11.2%

Due to the lack of corroborating evidence, this hypothesis is not strongly supported; therefore, women Senators did not take every opportunity available to influence policy with a women's perspective in mind. Therefore, impact and outcome changes have not materialized to the extent one would have hoped with such a large percentage in the legislature. The only two areas where there was an impact and outcome change was

³ May 2006

committee work and, on occasion, the defeat of legislation from the Chamber that would negatively affect women.

Hypothesis 3: Women in the Senate have resulted in Pro-Female Extra Parliamentary Activity.

This final hypothesis addressed the last area where female legislators could substantively represent women – working in their legislative capacity to assist women and women’s groups outside their chamber responsibilities. Research has shown in the U.K. “...that more than three-quarters [of the female legislators interviewed stated] that their presence had engendered contact between themselves and women’s organizations in the constituency.”⁴ This thesis found that this link between female legislators and women’s organizations is very fruitful. There were two indicators used to test this hypothesis. The first examined whether female Senators helped to organize women around an issue. The second was whether they acted as a bridge for women’s organizations to access Parliament.

For the first indicator, data from Chapter 6 demonstrated that women Senators do help organize women into groups to discuss policy items. The case study around Afghan women documented how women were connected to one another through one Senator’s efforts to organize roundtable discussions about peace and security. Other minor examples were also documented. Although not all female Senators engaged in this behaviour, it was not expected or necessary that they do so. Support for this hypothesis through this indicator is sufficient with the few examples given in Chapter 6. Therefore,

⁴ Ibid.

it can be concluded that women legislators in the Senate do engage in pro-female extra parliamentary activity to benefit women.

The second indicator used to test the third hypothesis was whether female Senators' acted as a bridge for women's groups to gain access to the Parliamentary process. Chapter 6 demonstrated that this is where women Senators substantively represent women the most. Almost every woman interviewed was working as a bridge for a women's group or social activist group. This relationship was one of a conduit where information about Parliamentary activity flowed to the organizations. For several groups the information flowed both ways and provided women with an opportunity to access Parliament through their Senator by appearing before committee or meeting with a government Minister. Interestingly, some of these women's groups did not have contact with Parliament; therefore, if not for these women Senators these particular groups would still not have access. Because of the evidence provided in Chapter 6, it can be concluded that this indicator supports hypothesis three. By acting as a bridge between women's groups and Parliament women Senators have affected pro-female extra-Parliamentary activities.

Hypothesis three appears to have support from both indicators used to test it in Chapter 6. Therefore, Trimble's two strategies of voicing women's diverse experiences, ideas and policy needs as well as women Senators acting to promote women's policy demands and meet women's diverse needs have also found support. With the association women Senators have with women's groups it can be concluded also that representational change has occurred within the Canadian Senate.

Table 7D: Results by Hypothesis

	Hypothesis	Measurement	Results
1	The presence of women in the Senate has a positive effect on the atmosphere of the Upper House.	<ul style="list-style-type: none"> • Passing on Institutional Knowledge. • Less adversarial • Attendance and Full-time Employment 	<ul style="list-style-type: none"> • Supported Hypothesis • Supported Hypothesis • Needs More Research, Trend Supports Hypothesis
2	Women in the Senate have resulted in pro-female policy outputs.	<ul style="list-style-type: none"> • Examining Bills under review in the Senate chamber. • Examining Committee issues, witnesses, and reports. • Examine caucus committee reports and witnesses. 	<ul style="list-style-type: none"> • Weakly Supported Hypothesis • Supported Hypothesis • Weakly Supported Hypothesis, since women legislators not taking advantage of access point.
3	Women in the Senate have resulted in pro-female extra parliamentary activity.	<ul style="list-style-type: none"> • Examine Senators' activities to organize women. • Examine whether Senators' act as a bridge for women's groups to gain access to the Parliamentary process. 	<ul style="list-style-type: none"> • Supported Hypothesis • Supported Hypothesis

It appears from table 7D that most of the hypotheses for this thesis have been supported.

The only hypothesis where there was difficulty was number two which examined the institutional activities of Senators. It appears, once all three hypotheses are examined together, that the hypothesis that is linked strongly to institutional and party constraints is the one that has mixed results and only tentatively supported the hypothesis. For example, in areas that are most constrained by party discipline and legislative constraints, women in most cases voted along party lines. It is only in the most extreme of cases; such as, Bill C-43 on abortion, where this research found that female Senators voted against their party. The further away from traditional Chamber business, the more

success women had at supporting the hypothesis. In fact, hypothesis three, which is the furthest removed from these two types of constraints is actually the most successful.

Do Women in the Senate Make a Difference for Women

Women in the Senate do make a difference for women, but with some constraints.

Women in the Senate do act for women but they are mainly limited to areas such as presence, committee work and extra-parliamentary activities. These differences are mainly with non-legislative representation of women's issues and needs. The difference women Senators make on directly affecting public policy is weak – which is a similar finding to studies of women in other legislatures in Canada. Women need to take advantage of opportunities that will directly affect policy change; such as, caucus committee participation, a more direct relationship with the Prime Minister and Ministers, and representing women's concerns on government bills.

Although this has been a constant challenge for all female legislators, there were easily accessible opportunities that women did not choose for one main reason to pursue.

During the interviews, some women stated that direct legislative action could not be taken, especially defeating government bills, because they were not elected. This lack of legitimacy means that they have to be complementary not adversarial to the House of Commons.

However, if the Senate were elected, women legislators would have the “legitimacy” to act on behalf of women, especially from their ridings, but, this simplistic suggestion does not consider the facts that women’s status in elected legislatures across Canada except Quebec does not exceed 30%. Therefore, there would be fewer women to act for women. Furthermore, as Franks notes, elected legislators carry other constraints especially with the increase in party discipline. With heightened “legitimacy” comes fewer acts for women. These direct legislative acts, documented in the thesis, may be a rare event but they are arguably more useful than an elected institution where these events would be even more rare.

It is important to make a side comment regarding critical mass theory, which was discounted in chapter 2, since it is still used sporadically in party politics. The only evidence in support of the critical mass theory in the Senate was in the committee system. It was found that women on female dominated committees control the agenda and can study women’s issues or at least women’s perspective on issues freely. Women have critical mass in the Senate but yet we do not have an overwhelming women friendly policy agenda or women activism on the Chamber floor speaking to an issue. The main constraints, already discussed in this chapter, that inhibit women legislators from fulfilling the mandate of difference were party discipline and institutional constraints. There also appears to be an activist streak missing, since areas of legislative work that are easily accessible were not taken advantage of.

Shared Legislative Space

Besides the obvious points of interest raised in the previous sections of this chapter, another interesting area of research has emerged for future research – shared legislative space. Within Parliament, women legislators work within two Houses, the House of Commons and the Senate. The former consists of approximately 20% women while about 34% of Senators are female. One way to represent women's needs would be for women in both Houses to work together, and one way to work together is to promote changes to public policy in shared legislative spaces. These spaces in Parliament include: caucus, cabinet committees, and joint standing committees.

Table 7E: Total Number of Women in Senate & House of Commons⁵

Party	# of Female Senators	Female Senators as % of their Respective Parties	# of Female MPs	Female MPs as % of their Respective Parties
Liberal	22	33.8%	21	20.6%
Conservative	8	33.3%	14	11.2%
Independent	4	44.4%	0	0%
Bloc Quebecois	0	0%	17	33.3%
NDP	0	0%	12	41.4%
Total	34	34.7%	64	20.8%

As can be discerned from Table 7E, the Liberal and Conservative parties in the Senate have a larger percentage of women than they each do in the House of Commons. The Liberals have 33.8% in the Senate and 20.6% in the House of Commons. The Conservatives have 33.3% in the Senate, proportionately similar to the Liberal party, but only 11.2% in the House of Commons, which is much lower than the Liberals in the lower house.

⁵ Statistics current to May 15, 2006.

The idea of combining efforts across legislative houses would benefit both parties, but especially the Conservatives who have very low numbers in the House of Commons. When both forces are combined the Liberals would have 21.6% (n = 21/64) percent of women within their party, while the Conservatives would have 11.2% (14/64) percent of women. This situation is much more beneficial for female MPs in both parties, since it raises their levels. Therefore, the idea of female Senators and MPs working together in shared space; such as, caucus, cabinet committee, or joint standing committees is an area where women can make real advances by using their combined numbers.

Each week Parliament is in session, all the parties have meetings where all their MPs and Senators meet to discuss the legislative agenda, party positioning on issues and any special announcements. This is an opportunity for frank discussions since it is held in camera. There are many different ways women MPs and Senators can use this avenue to affect policies. First, they can form a women's caucus, which the Liberal party has, where issues and government legislation are discussed and debated. Although solidarity on voting behaviour is not expected, this can be the result. Over the years of its existence, Ministers have come to respect the authority this committee has. When in power, Liberal cabinet ministers would ask to present controversial legislation to the women's caucus in order to address concerns and criticism before tabling it in the House of Commons. This has been an effective tool which both female MPs and Senators use to promote a women's perspective on legislation.

One female Senator in the Conservative party has been trying for years to start a women's caucus with no success. The only formal organization has been a women's social in a female MPs' office, which actually included female staff as well.

Unfortunately, the Senate side of Parliament was not invited. Also, it was a wine and cheese, so no policy was discussed. These meetings are also sporadic unlike the weekly Liberal women's caucus when Parliament is in session. This one area of research has had only one published piece examining the importance of a women's caucus. Clearly more research needs to be conducted, especially focusing on how women legislators from both Houses work together.

The other area within caucus that is interesting is the Conservative Party's analysis of each government bill through the eyes of how it affects families. This began in the late 1990s under the Reform Party of Canada banner and has continued until today. One MP was in charge of analyzing each piece of legislation and then reporting on how it affected families. This report would be included at the bottom of each bill's summary sheet which first discussed the party's stance and intended support for a bill. If this type of analysis can be done by looking through a family lens, why could it not be done for a gender lens? In fact, government bureaucracies have been implementing gender-based analysis for studying government decisions within departments; however, they have not been utilized for each piece of legislation. This is an area where women in the Senate and House of Commons can take the lead to accomplish the analysis.

A second shared Parliamentary space is cabinet committees. Within each cabinet, a certain number of committees are struck to examine issues in more detail and follow them through the technical route to legislation, while other cabinet committees are for running the day to day business of the House and Senate. Chapter 5 touched on one example of a female Senator working with the child custody and access cabinet committee; she was able to join with both female and male MPs to push forward changes in this area. If female legislators want to pursue a feminist agenda, they can work together to research and formulate legislation using this shared space.

The last shared space discussed here is joint standing committees. Each House of Parliament has its own set of standing committees, as discussed in Chapter 5. As figures demonstrated from that chapter, several committees had high levels of women Senators compared to the House of Commons. In fact, women's levels on quite a few committees were not high. If women from both Houses worked together they could have high level so women on a joint committee as well as have both MPs and Senators working together to investigate an issue. It is possible to have the Senate study the issue since most of their committees have a large percentage of women; however, the idea of a joint committee would solve two problems. It would solve the low representation of women on certain House of Commons committees as well as raise the profile of the issue, which would carry more weight outside the Senate. It would also show solidarity between women of both Houses.

These three areas of shared Parliamentary space are areas for future research to determine if women legislators can work together to benefit women's issues. More data needs to be gathered as well as more extensive interviews in order to determine if shared space does heighten women's representation in Parliament.

Conclusion

There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate and the House of Commons⁶

The thesis began with this quotation, which reminds researchers that Parliament is composed of two legislative houses. This thesis chose to examine the Senate, the house that is traditionally overlooked by academic research. Women have more descriptive representation in the Senate than in the House of Commons; however, this thesis wanted to determine if the same constraints that affect women MPs' ability to perform for women in the House of Commons existed in the Senate.

What this thesis found was that they did to some degree, although there appears to be some level of freedom in the Senate for women Senators to work for women. This freedom appeared most evident in Chapter 6 where extra-parliamentary activity was examined. Women Senators were found to work on issues related to women or general social issues more than their male colleagues. Women Senators also helped organize

⁶ Constitution Act, 1867.

women by issue, such as the Afghan roundtables. Furthermore, they acted as bridges for women to enter into the Parliamentary institution, which was particularly important for groups that did not already have an access point in Parliament.

The other area of success that large numbers of women in the Senate have achieved was discussed in Chapter 4 and related to their presence. The networks women Senators had established with their novice women Senators. The fact that “Senate School” has allowed women to operate in an institution laden with rules and procedures is a prime example of the success women’s presence has had in the institution.

Although there are several other positive findings that have been discussed throughout this thesis and summarized earlier in this chapter, there are disappointing results as well. The most unexpected result was women Senators’ lack of legislative influence. Specifically, they were perceived as editors and supporters of government legislation, instead of adding a substantive voice to legislation. It appears that this will not change unless the appointment process changes to an elected method. This is because in its current system Senators feel that they do not have the legitimacy to substantively change or defeat government legislation since the lower house represents the popular will of Canadians. Having said this, in exceptional cases, such as with Bill C-43 on Abortion, the Senate did defeat it; therefore, these results are mixed. Even with this set back, the large number of women in the Senate has made a difference and researchers should study the effect women legislators have in both parts of the legislatures.

Through this thesis, baseline measures have now been established for future research to expand upon. The vast literature on women in the House of Commons demonstrates the amount of future research that can be expected. The most immediate research project should be an examination of shared legislative space. These are areas where women in the House of Commons and the Senate meet to conduct either party (caucus) or legislative work (Joint Standing Committees). The main finding from this thesis is that the Senate can no longer be ignored.

***This researcher's conduct, will be governed by the Tri-Council Policy Statement:
Ethical Conduct for Research Involving Humans. You may review the Tri-Council
policy at: <http://www.nserc.ca/progrmas/ethics/english/policy.htm>***

Dear Senator [name];

Thank you for taking the time to consider participating in a brief 15 minute telephone interview, which is an integral component of my Ph.D. thesis research requirement.

The telephone interview can be conducted between November and February 2004. It has four main sections, which covers topics concerning gender differences in relation to representation in the Canadian Senate.

An offer to participate in the interview process has been extended to every sitting female Senator, as well as a few recently retired female Senators. I sincerely hope that you will assist me in this academic initiative and express your views by agreeing to participate in an interview.

Participating in the interview is entirely voluntary. You may decline to answer any questions or series of questions without giving a reason. Furthermore, you may withdraw your agreement to participate at any time during the study and have data withdrawn without reprisal. There is no associated risk with this research since the research is solely interested in gender differences. Since you are a public figure with a public record of your political beliefs and opinions, anonymity will not be given.

Please be assured that my thesis supervisor, Dr. Bennett, and myself are the only two individuals who will have access to this data.

The data and material will be stored at Carleton University for the duration of the researcher's Phd studies, thereafter it will be stored with the researcher. It is hoped that future publications and conference papers will emerge from this research.

Please use the following contact information if you have any questions or concerns: smullen@connect.carleton.ca or by phone: 226-1222 or Dr. Scott Bennett sbennett@ccs.carleton.ca or by phone: 520-2600, Ext. 2791.

This research project has been reviewed and received ethics clearance through the Carleton University Research Ethics Committee and those participants with concerns or questions about their involvement in the study may contact the Chair of the Ethics Committee, Prof. Klaus Pohle at 613-520-7434, e-mail klaus_pohle@carleton.ca

Thank you in advance for your participation,

Stephanie Mullen,
Ph.D. Candidate
Department of Political Science

Dr. Scott Bennett
Associate Professor
Department of Political Science

****Please note that not all sections will be covered in an interview, Senators can pick which questions to answer in the 15 minute telephone interview****

Section I - Legislative Behavior

1. Please list which issues you are personally involved with as a Senator/MP in order of greater importance to you (write down a maximum of five issues):

- 1.
- 2.
- 3.
- 4.
- 5.

1a How close are you to your party's positions on ... (each of these particular issues listed above – read them back to participant and have her rate the issue on the following scale. Where a party does not have an official position on an issue, skip it and continue to the next issue)?

(State the following scale verbally)

1	2	3	4	5	6	7
Completely different					Exactly the same	

Issue	Closeness score

2. Have you tried to turn these issues (listed above in question #1) into legislative items?

If Yes, how:

Members' Statement	
Question Period	
Private Members Bill	
Senate Bill	
Committee (Investigation or Report)	

Section II: Some Policy Areas Affecting Women

1. When we talk about public policy issues that affect women, what issues would you define as women's issues.
2. When it comes to issues affecting women, do you speak on issues that directly affect women like Pay Equity, Social Welfare, or Violence against women?
If yes, which traditional issues?
If no, skip to next question.

3. Do you believe that women in general have different perspectives on policy issues; such as, defense, international trade, or finance?
If yes, how are women different than men?
4. Do you speak on these types of non-traditional issues as a Senator?
If yes, elaborate:
If no, skip to next question.
5. Do you think that issues affecting women change over the years – a) from year to year, b) feminist waves over decades, and c) from the time the first female Senator was appointed?
If yes, what?
6. What issues do you think might stay constant as a women’s issue throughout generations?

Section III - Representation

1. Do you find it difficult or easy to have your personal views towards women reflected in your work as a Senator?
2. Are there any party or representative constraints on your ability to speak out on women’s issues that you believe in?

Section IV: Identity/Solidarity

1. Which aspect of your group identity would you label as most important?
2. Is gender a major consideration in the positions that you take on policy and legislation? Yes No
3. In general, what is your attitude towards modern day feminism?
4. Do you consider yourself to be a feminist ? *Yes No*
 - 1a. If Yes, do you consider yourself a feminist *activist* or a *supporter*?
 - 1b. If No, why not?
- 4a. Do you believe that you express your feminist beliefs through your action and activities in the Senate? *Yes No*
 - 2a. If Yes, How?
 - 2b. If No, why not?
5. How would you describe a women’s issue?
6. How do you describe feminism?

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GOVERNMENT BILLS

37th Parliament 1st Session

C-2

An Act to amend the Employment Insurance Act and the Employment Insurance
(Fishing) Regulations

C-3

An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and
the Petro-Canada Public Participation Act

C-4

An Act to establish a foundation to fund sustainable development technology

C-5

An Act respecting the protection of wildlife species at risk in Canada

C-6

An Act to amend the International Boundary Waters Treaty Act

C-7

An Act in respect of criminal justice for young persons and to amend and repeal other Acts

C-8

An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions

C-9

An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act

C-10

An Act respecting the national marine conservation areas of Canada

C-11

An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger

C-12

An Act to amend the Judges Act and to amend another Act in consequence

C-13

An Act to amend the Excise Tax Act

C-14

An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts

C-15

An Act to amend the Criminal Code and to amend other Acts

C-15B

An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act

C-15A

An Act to amend the Criminal Code and to amend other Acts

C-16

An Act respecting the registration of charities and security information and to amend the Income Tax Act

C-17

An Act to amend the Budget Implementation Act, 1997 and the Financial Administration Act

C-18

An Act to amend the Federal-Provincial Fiscal Arrangements Act

C-22

An Act to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax

Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act

C-23

An Act to amend the Competition Act and the Competition Tribunal Act

C-24

An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts

C-25

An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts

C-26

An Act to amend the Customs Act, the Customs Tariff, the Excise Act, the Excise Tax Act and the Income Tax Act in respect of tobacco

C-27

An Act respecting the long-term management of nuclear fuel waste

C-28

An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act

C-30

An Act to establish a body that provides administrative services to the Federal Court of Appeal, the Federal Court, the Court Martial Appeal Court and the Tax Court of Canada, to amend the Federal Court Act, the Tax Court of Canada Act and the Judges Act, and to make related and consequential amendments to other Acts

C-31

An Act to amend the Export Development Act and to make consequential amendments to other Acts

C-32

An Act to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica

C-33

An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts

C-34

An Act to establish the Transportation Appeal Tribunal of Canada and to make consequential amendments to other Acts

C-35

An Act to amend the Foreign Missions and International Organizations Act

C-36

An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities in order to combat terrorism

C-37

An Act to facilitate the implementation of those provisions of first nations' claim settlements in the Provinces of Alberta and Saskatchewan that relate to the creation of reserves or the addition of land to existing reserves, and to make related amendments to the Manitoba Claim Settlements Implementation Act and the Saskatchewan Treaty Land Entitlement Act

C-38

An Act to amend the Air Canada Public Participation Act

C-39

An Act to replace the Yukon Act in order to modernize it and to implement certain provisions of the Yukon Northern Affairs Program Devolution Transfer Agreement, and to repeal and make amendments to other Acts

C-40

An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal an Act and certain provisions that have expired, lapsed, or otherwise ceased to have effect

C-41

An Act to amend the Canadian Commercial Corporation Act

C-42

An Act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety

C-43

An Act to amend certain Acts and instruments and to repeal the Fisheries Prices Support Act

C-44

An Act to amend the Aeronautics Act

C-46

An Act to amend the Criminal Code (alcohol ignition interlock device programs)

C-47

An Act respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores

C-48

An Act to amend the Copyright Act

C-49

An Act to implement certain provisions of the budget tabled in Parliament on December 10, 2001

C-50

An Act to amend certain Acts as a result of the accession of the People's Republic of China to the Agreement Establishing the World Trade Organization

C-53

An Act to protect human health and safety and the environment by regulating products used for the control of pests

C-54

An Act to promote physical activity and sport

C-55

An Act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety

C-56

An Act respecting assisted human reproduction

C-57

An Act to amend the Nuclear Safety and Control Act

C-58

An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act

C-60

An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts

C-61

An Act respecting leadership selection, administration and accountability of Indian bands, and to make related amendments to other Acts

37th Parliament 2nd Session

C-2

An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon

C-3

An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act

C-4

An Act to amend the Nuclear Safety and Control Act

C-5

An Act respecting the protection of wildlife species at risk in Canada

C-6

An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts

C-7

An Act respecting leadership selection, administration and accountability of Indian bands, and to make related amendments to other Acts

C-8

An Act to protect human health and safety and the environment by regulating products used for the control of pests

C-9

An Act to amend the Canadian Environmental Assessment Act

C-10

An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act

C-10A

An Act to amend the Criminal Code (firearms) and the Firearms Act

C-10B

An Act to amend the Criminal Code (cruelty to animals)

C-11

An Act to amend the Copyright Act

C-12

An Act to promote physical activity and sport

C-13

An Act respecting assisted human reproduction

C-14

An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process

C-15

An Act to amend the Lobbyists Registration Act

C-17

An Act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety

C-18

An Act respecting Canadian citizenship

C-19

An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts

C-20

An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

C-21

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003

C-23

An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts

C-24

An Act to amend the Canada Elections Act and the Income Tax Act (political financing)

C-25

An Act to modernize employment and labour relations in the public service and to amend the Financial Administration Act and the Canadian Centre for Management Development Act and to make consequential amendments to other Acts

C-26

An Act to amend the Canada Transportation Act and the Railway Safety Act, to enact the VIA Rail Canada Act and to make consequential amendments to other Acts

C-27

An Act respecting airport authorities and other airport operators and amending other Acts

C-28

An Act to implement certain provisions of the budget tabled in Parliament on February 18, 2003

C-29

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003

C-30

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004

C-31

An Act to amend the Pension Act and the Royal Canadian Mounted Police Superannuation Act

C-32

An Act to amend the Criminal Code and other Acts

C-33

An Act to implement treaties and administrative arrangements on the international transfer of persons found guilty of criminal offences

C-34

An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence

C-35

An Act to amend the National Defence Act (remuneration of military judges)

C-36

An Act to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain Acts in consequence

C-37

An Act to amend the Canadian Forces Superannuation Act and to make consequential amendments to other Acts

C-38

An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act

C-39

An Act to amend the Members of Parliament Retiring Allowances Act and the Parliament of Canada Act

C-40

An Act to amend the Corrections and Conditional Release Act and the Criminal Code

C-41

An Act to amend certain Acts

C-42

An Act respecting the protection of the Antarctic Environment

C-43

An Act to amend the Fisheries Act

C-44

An Act to compensate military members injured during service

C-45

An Act to amend the Criminal Code (criminal liability of organizations)

C-46

An Act to amend the Criminal Code (capital markets fraud and evidence-gathering)

C-47

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004

C-48

An Act to amend the Income Tax Act (natural resources)

C-49

An Act respecting the effective date of the representation order of 2003

C-50

An Act to amend the statute law in respect of benefits for veterans and the children of deceased veterans

C-51

An Act to amend the Canada Elections Act and the Income Tax Act

C-52

An Act to amend the Radiocommunication Act

C-53

An Act to change the names of certain electoral districts

C-54

An Act to amend the Federal-Provincial Fiscal Arrangements Act and the Federal-Provincial Fiscal Arrangements Regulations, 1999

C-55

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004

C-56

An Act to amend the Patent Act and the Food and Drugs Act

C-57

An Act to give effect to the Westbank First Nation Self-Government Agreement

37th Parliament 3rd Session

C-2

An Act to amend the Radiocommunication Act

C-3

An Act to amend the Canada Elections Act and the Income Tax Act

C-4

An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence

C-5

An Act respecting the effective date of the representation order of 2003

C-6

An Act respecting assisted human reproduction and related research

C-7

An Act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety

C-8

An Act to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain Acts in consequence

C-9

An Act to amend the Patent Act and the Food and Drugs Act (The Jean Chrétien Pledge to Africa)

C-10

An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act

C-11

An Act to give effect to the Westbank First Nation Self-Government Agreement

C-12

An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act

C-13

An Act to amend the Criminal Code (capital markets fraud and evidence-gathering)

C-14

An Act to amend the Criminal Code and other Acts

C-15

An Act to implement treaties and administrative arrangements on the international transfer of persons found guilty of criminal offences

C-16

An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts

C-17

An Act to amend certain Acts

C-18

An Act respecting equalization and authorizing the Minister of Finance to make certain payments related to health

C-19

An Act to amend the Corrections and Conditional Release Act and the Criminal Code

C-20

An Act to change the names of certain electoral districts

C-21

An Act to amend the Customs Tariff

C-22

An Act to amend the Criminal Code (cruelty to animals)

C-23

An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts

C-24

An Act to amend the Parliament of Canada Act

C-25

An Act to establish a procedure for the disclosure of wrongdoings in the public sector, including the protection of persons who disclose the wrongdoings

C-26

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2004

C-27

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2005

C-28

An Act to amend the Canada National Parks Act

C-29

An Act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts

C-30

An Act to implement certain provisions of the budget tabled in Parliament on March 23, 2004

C-31

An Act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts

C-32

An Act to amend the Criminal Code (drugs and impaired driving) and to make related and consequential amendments to other Acts

C-33

An Act to amend the Fisheries Act

C-34

An Act to amend the Migratory Birds Convention Act, 1994 and the Canadian Environmental Protection Act, 1999

C-35

An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act

C-36

An Act to prevent the introduction and spread of communicable diseases

C-37

A second Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law

OTHER GOVERNMENT BILLS

Bill C-38 the bill surrounding gay marriage.

Bill C-68 the Gun Control Bill

Bill C-43 on abortion

Bill C-93 on the reorganization of certain boards, agencies, commissions and tribunals

Bill C-28 on the L.B. Pearson International Airport

Bill C-220 on profiting from authorship respecting a crime

SENATE GOVERNMENT BILLS

37th Parliament 1st Session

S-2

An Act respecting marine liability, and to validate certain by-laws and regulations

S-3

An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts

S-4

A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law

S-5

An Act to amend the Blue Water Bridge Authority Act

S-11

An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence

S-16

An Act to amend the Proceeds of Crime (Money Laundering) Act

S-17

An Act to amend the Patent Act

S-23

An Act to amend the Customs Act and to make related amendments to other Acts

S-24

An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence

S-31

An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income

S-33

An Act to amend the Carriage by Air Act

S-34

An Act respecting royal assent to bills passed by the Houses of Parliament

S-40

An Act to amend the Payment Clearing and Settlement Act

S-41

An Act to re-enact legislative instruments enacted in only one official language

37th Parliament 2nd Session

S-2

An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties

S-13

An Act to amend the Statistics Act

37th Parliament 3rd Session

No Government Bills

PRIVATE SENATE PRIVATE & PUBLIC BILLS

37th Parliament 3rd Session

S-2

An Act to prevent unsolicited messages on the Internet

The Honourable Senator Oliver

S-3

An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act
(Speakership of the Senate)

The Honourable Senator Oliver

S-4

An Act to amend the Official Languages Act, 1867 (promotion of English and French)

The Honourable Senator Gauthier

S-5

An Act to protect heritage lighthouses

The Honourable Senator Forrestall

S-6

An Act to amend the Criminal Code (lottery schemes)

The Honourable Senator Lapointe

S-7

An Act respecting the effective date of the representation order of 2003

The Honourable Senator Kinsella

S-8

An Act concerning personal watercraft in navigable waters

The Honourable Senator Spivak

S-9

An Act to honour Louis Riel and the Metis People

The Honourable Senator Chalifoux

S-10

An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage

The Honourable Senator Cools

S-11

An Act to repeal legislation that has not come into force within ten years of receiving royal assent

The Honourable Senator Banks

S-12

An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations)

The Honourable Senator Nolin

S-13

An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions

The Honourable Senator Stratton

S-14

An Act to amend the Agreement on Internal Trade Implementation Act

The Honourable Senator Kelleher

S-15

An Act to amend the Act of incorporation of Queen's Theological College

The Honourable Senator Murray

S-16

An Act to amend the Copyright Act

The Honourable Senator Day

S-17

An Act to amend the Citizenship Act

The Honourable Senator Kinsella

S-18

An Act to amend the Canada Transportation Act (running rights for carriage of grain)

The Honourable Senator Banks

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