

# ***The Representative Function of the Senate: The Socio-demographic Dimension***

*The political debate now raging in the Senate has rekindled the harshest kind of criticism of this parliamentary institution. On the one hand, it is accused of being elitist and partisan, while on the other, its legislative review function is questioned. This is the second in a series of articles highlighting the different aspects of the representative function of the Senate.*

When the Senate was established in 1867, one of the aims of the Fathers of Confederation was to ensure not only the presence of property owners in Parliament, but also the presence of individuals who personified the moderating element in society - experienced, conscientious and responsible individuals whose judgement would not be clouded by electoral considerations or financial worries. The Fathers of Confederation therefore decided to limit the power to appoint members to this Chamber by setting down a series of conditions which are spelled out in section 23 of the *Constitution Act, 1867*.

One of the conditions was that senators be at least thirty years of age. The table on the following page shows that most were already well past this age when appointed to the Upper Chamber. It also shows the number of women who have been appointed to the Senate since Confederation. In fact, women were not appointed to the Upper House until 1929.

Barely sixty years ago, women had to fight to gain admittance to the Senate. They had to prove that they were persons under the Canadian Constitution. Some opponents pointed to the repeated use of the pronoun "he" to designate senators and

concluded that half of the population of Canada should therefore be denied the right to sit in the Upper House. Others, however, noted that the *British North America Act* allowed "persons" to be appointed and felt that the term included women. Five Albertan women took this case all the way to the Supreme Court which ruled against them. They then decided to appeal to the British Privy Council in London which ruled in their favour and confirmed that women were indeed persons under the Canadian Constitution. On February 15, 1930, Cairine Wilson became the first woman to be appointed to the Senate. Since then, two other women have served as speaker: the Hon. Muriel McQueen Ferguson, who occupied the chair from December 1972 to 1974, and the Hon. Renaude Lapointe, who served as speaker from September 1974 to October 1979. Currently, there are 15 women sitting in the Senate.

The age of senators has always prompted many comments. Every opportunity is taken to stress the effects of old age. Humorists often employ various metaphors when speaking about the Senate. On two occasions, Canada had the distinction of having the oldest active parliamentarian in the world. There

was the Hon. David Wark who died in 1905 at the age of 101, and the Hon. Georges-Casimir Dessaulles who died in 1930 at the age of 102. The youngest ever was the Hon. William Miller who was 32 years of age when appointed on October 23, 1867. In 1965, retirement became mandatory for senators at the age of 75. However, this rule applied only to those appointed after June 2, 1965. (At present there are four senators over 75.) Since this provision first took effect, the average age of senators, which was around 70 in 1965, has declined, indicating the presence of a larger number of youthful senators.

The Senate brings together men and women from diverse backgrounds

## **Average Age of Senators**

1975	1980	1985	1990*
64	63.53	62.21	61.90

\* October 1990

Sources: Library of Parliament compilations.

## Age of Senators at time of Appointment

Prime Minister	Appointed Years	30-39	40-49	50-59	60-69	70-79	80+	Total	Women
1867		3	18	29	18	4	1	73	
John A. Macdonald	1868-1873	5	6	15	3	1	1	31	
Alexander MacKenzie	1873-1878	1	7	3	5			16	
John A. Macdonald	1879-1891	3	17	21	15	4		60	
John C. Abbott	1892		2	2	2			6	
John D. Thompson	1892-1893		1	3	1			5	
Mackenzie Bowell	1895-1896		1	6	4	2		13	
Charles Tupper	1896		1					1	
Wilfrid Laurier	1896-1911	3	13	25	28	10	2	81	
Robert L. Borden	1911-1920		18	21	20	3		62	
Arthur Meighen	1921		2	7	4	2		15	
Mackenzie King	1922-1930	1	7	21	13	2		44	1
Richard B. Bennett	1931-1935		6	12	8	7		33	1
Mackenzie King	1935-1948	1	5	26	26	1		59	
Louis St-Laurent	1948-1957		3	18	25	9		55	4
John G. Diefenbaker	1957-1963	1	6	16	10	4		37	2
Lester B. Pearson	1963-1968	3	12	11	10	3		39	1
Pierre E. Trudeau	1968-1979		14	23	21	2		60	9
Joe Clark	1979	1	3	2	5			11	1
Pierre E. Trudeau	1980-1984	1	10	6	4			21	3
John N. Turner	1984		1	1	1			3	
Brian Mulroney	1984...		7	20	14	1		42	10
<b>TOTAL</b>		<b>23</b>	<b>160</b>	<b>288</b>	<b>237</b>	<b>55</b>	<b>4</b>	<b>767</b>	<b>32</b>

Sources : The *Canadian Directory of Parliament 1867-1967*, the *Canadian Parliamentary Guide*, and statistics compiled by the Senate Information Services and the Library of Parliament.

who for the most part have achieved recognition in their respective fields. In looking at the composition of the Upper Chamber, regardless of the period involved, we can see that prior to their appointment, the majority of the senators distinguished themselves in the federal or provincial political arena. Often, they had outstanding careers as professionals, business people, authors or journalists. Some even excelled in two or three fields. Nearly all received a post-secondary education and the majority (82%) have earned a university degree. Professions represented in the Senate

run the gamut from business leader, lawyer, dentist and doctor to farmer, journalist, union leader, accountant and teacher.

The primary function of the Senate is to examine legislation originating in the House of Commons. In this respect, the amount of legislative experience that senators have at the time of their appointment is an important asset. It is also an acknowledged fact that the vast amount of experience senators have acquired in public and private life makes them excellent investigators. Over the past several years, the Senate

has earned a reputation for itself owing to the investigations conducted by its standing or special committees. The government has even taken certain initiatives following the release of a Senate report. Because they do not have to concern themselves with getting re-elected, Senators remain on the job for many years and thus become considerable experts in their field.

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The Senate