

**HOW LONG IS THE SOBER SECOND THOUGHT?
A study of government bill duration in the Canadian Senate¹**

John R. McAndrews

Department of Political Science
University of British Columbia
mcandj@interchange.ubc.ca

ABSTRACT

This paper evaluates the performance of the Canadian Senate as a deliberative institution. It does so by conducting event history analyses (a set of statistical techniques applied to time series data) of the amount of time it takes the Senate to act on (i.e. pass or reject) a government bill. The analyses employ original data collected on all government bills originating in the Commons that were considered by the Senate between January 2001 and May 2008. The findings suggest (1) that, on average, government bills are passed without amendment more quickly during periods when the governing party has a majority in the Senate, and (2) that, on average, as the government becomes more popular among voters, the Senate actually takes longer to pass government bills – particularly government bills that receive high levels of newspaper coverage. This presents a mixed evaluation of the Senate's deliberative capacity. On the one hand, partisanship appears to compromise the duration of Senate deliberations. On the other hand, the Senate appears to reserve greater scrutiny for, or at least takes more time to deal with, government bills when the government of the day is riding high in the polls.

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Despite its veto power over virtually all federal legislation, the Senate is often an afterthought in the study of the Canadian Parliament (Smith 2003). Furthermore, when academics and non-academics alike do study the Senate, they typically devote most of their attention to the consideration of Senate reform.² The result is a highly normative discourse about the Senate, but a paucity of empirical work that evaluates the actual performance of the Senate in light of these normative objectives.

This paper seeks to redress in part this imbalance by focusing on one particular normative goal: that the Senate serve as a deliberative counterweight to the House of Commons, freed of the often intense partisan and electoral pressures that beset the lower house. It does so by examining how long the Senate considers the government's legislative proposals. Between January 2001 and May 2008 (all of the 37th and 38th Parliaments, and most of the 39th Parliament), the Senate passed 197 government bills originating in the Commons (a further 29 such bills died in the Senate when Parliament was either prorogued or dissolved for an election).³ More importantly, the time taken to pass these bills (i.e. the time between first reading and third reading) varied from one day to 33 weeks. This wide variation begs the question: why does the Senate speed some bills through the legislative process but delay others? The answer helps us to evaluate the Senate's performance as a deliberative institution.

Of course, the quantity of deliberation (as measured by the duration that a bill is before the Senate) is not synonymous with the *quality* of deliberation, the primary concept of interest here. It is theoretically possible for a bill that is before the Senate for only a short period of time to be scrutinized carefully and for a bill that is before the Senate for an extended period to be scrutinized poorly. However, I argue that, in this context, quantity and quality are highly correlated. The hallmarks of thoughtful scrutiny – e.g. organizing committee hearings, listening to a diverse set of witnesses, reading a variety of prepared briefs, proposing and considering amendments, engaging in vigorous and informative floor debate – all take time. As such, an analysis of bill duration in the Senate is a useful “first cut” at the evaluation of the Senate's deliberative performance.⁴

There are two additional reasons to undertake this kind of analysis. First, formally speaking, the Senate is institutionally powerful. Except in constitutional matters, the upper house wields an absolute veto over federal legislation. This means that every day a government bill sits in the Senate – and, as noted above, some bills can sit for nearly two-thirds of a year – is another day that the policy of an elected government, for better or worse, goes unlegislated. Thus, understanding when a bill is adopted promptly

² The standard academic text on Parliament – Franks's (1987) highly-regarded *Parliament of Canada* – is a case in point: it dedicates only 16 of its 269 pages to the Senate and of those 16 pages half deal explicitly with possible reforms.

³ Although some government bills originate in the Senate, the vast majority begin in the Commons. For the sake of clarity, all references to government bills in this paper refer to government bills originating in the Commons.

⁴ Additional “cuts” might include the evaluation of deliberation quality more directly. Mucciaroni and Quirk (2006) offer one possible way of doing so. Here, the authors evaluate the volume and veracity of claims made by members of the US Congress about the effects of proposed legislation.

by the Senate, and when it is not, is of practical importance for understanding when a bill becomes law.

Second, an analysis of bill duration affords us an opportunity to test two recent arguments made about the Senate by public figures. The first claim, made by then opposition leader Stephen Harper (Cons., Calgary Southwest) in the final days of the 2005-2006 federal election campaign, is that even if his party were elected with a majority of seats in the Commons, the Liberal-dominated Senate (along with the federal public service and the courts) would act as “checks on the power of a Conservative government” (Galloway, Clark, and Laghi 2006). While intuitively satisfying, this widely-reported claim – suggested by some to have cost the Conservatives their majority in that election (Laghi 2006) – is untested. This paper seeks to test Harper’s claim by determining whether, all else equal, government bills are dealt with faster by the Senate if the governing party has a majority in the upper house.

The second claim – made, among others, by then Quebec intergovernmental affairs minister Benoît Pelletier (Lib., Chapleau), the *Globe and Mail* editorial board, C.E.S. Franks, and Senator Wilfred Moore (Lib., N.S.) – is that the Conservative government’s policy between 2006 and 2008 of leaving Senate vacancies unfilled (in the absence of senatorial elections) would eventually impair the ability of the Senate to function properly.⁵ Once again, this claim is intuitively satisfying but untested. While the proper functioning of the Senate could be examined in a variety of ways, this paper does so in terms of the capacity of the upper chamber to act on legislative proposals in a timely fashion. Thus, it tests whether, all else equal, the Senate acts more slowly on government bills as the number of vacant seats rises.

The paper is organized as follows. First, drawing on the limited international literature on the duration of legislative proposals, I describe how the data for this paper were collected, how each variable was measured, and my expectations with respect to the likely effect of each covariate. Second, I present and interpret the quantitative results. I conclude the paper by discussing the implications of these results for the evaluation of the Senate as a deliberative institution and for Senate reform.

Data and Theoretical Expectations

In order to evaluate the Senate as a deliberative institution, as well as to test the two additional claims set out above, I create a new dataset of all government bills that were introduced in the Senate from the beginning of the 37th Parliament (29 January 2001) to 28 May 2008 (just over two years into the 39th Parliament). This yields a total of 226 bills.

⁵ Minister Pelletier is quoted in a Canadian Press article dated 23 May 2008. The *Globe and Mail* editorial appeared on 22 May 2008. Professor Franks is quoted in a *Globe and Mail* article on 19 May 2008. Senator Moore made his remarks in connection with a bill he sponsored on the subject (*Debates of the Senate*, 12 February 2008).

This is the first systematic study of bill duration in the Canadian Senate. In the absence of previous Canadian work on this topic, the modest international literature provides a useful point of reference. Previous work in this area has focused on the consideration of presidential nominees before the US Senate (e.g. McCarty and Razaghian 1999, Binder and Maltzman 2002, and Shipan and Shannon 2003), the consideration of the European Commission's legislative proposals before the Council of the European Union (e.g. Schulz and König 2000), and the consideration of bills in parliaments with coalition governments (e.g. Martin and Vanberg 2004). In what follows, I draw on these works while setting out how my data were collected and measured.

Dependent Variable

The typical conceptualization of the dependent variable in the literature is the amount of time elapsed between when a proposal (e.g. a nomination or a bill) is first introduced and when a final decision is made. This paper is in keeping with that tradition. The duration of government bills in the Senate is measured by counting the number of calendar days between when the bill receives first reading in the Senate (the first legislative action) and when the Senate makes a decision at third reading (the last legislative action).⁶

In the language of event history analysis, a bill becomes at risk upon receipt of first reading in the Senate. In this case, the "risk" is of a final decision by the Senate on the bill (i.e. the Senate cannot make a final decision on a bill that has yet to be introduced).⁷ Conversely, a bill is no longer "at risk" when the Senate makes a final decision at third reading.⁸ This exit from the risk period can take one of two main forms: (1) the bill is passed without amendment (and thus proceeds to royal assent), or (2) the bill is passed with amendments (and thus requires further action by the Commons).⁹

In addition to these two ways in which a bill exits the risk period, there is a third possible outcome: right-censoring. This type of censoring takes place when the time of the Senate's final decision at third reading is not observed. Right-censoring occurs in this dataset when either: (a) the bill did not receive third reading by the time Parliament was prorogued or dissolved, or (b) the bill did not receive third reading by 28 May 2008, the end of the study period. In these cases, we know that the bill was before the Senate up till either the end of the session or the end of the study period (as the case may be) but do

⁶ The first and third reading dates of each bill are obtained from the parliamentary website at <http://www.parl.gc.ca/39/2/parlbus/chambus/senate/deb-e/prog-e.htm>. I consider bills that received first and third readings on the same calendar day to have a duration length of one day.

⁷ The first reading of a bill is automatic and requires no notice, pursuant Senate Rules 23(2) and 59(12).

⁸ The Senate could theoretically make a final decision on a government bill prior to third reading (e.g. by rejecting a motion for second reading or by concurring in a committee report recommending that the bill not be proceeded with). This was not the case during the period of study.

⁹ A bill could also exit the risk period by being rejected by the Senate (e.g. the motion for third reading is negated). During the period of study, the Senate did not reject outright any government bills. However, the Senate did split C-10 (37-2), concerning animal cruelty and firearms, into two bills and proceeded to consider each separately. I do not consider this action a case of bill rejection by the Senate.

not know when a decision might have been made if either the session had continued, or if we had extended the study period. This approach is again consistent with Martin and Vanberg (2004). Event history analysis is particularly well-suited to dealing with the problem of right-censoring (Box-Steffensmeier and Jones 2004).

As noted above, the units of analysis are government bills originating from the Commons. Each bill is observed on every calendar day between the date of its first reading and the date of its third reading (or, in the case of right-censored bills, until the end of the session or the end of the study period, whichever is first). Each row in the dataset consists of observations related to one bill on one calendar day during the period in which the bill is at risk. Thus, the total number of rows in the dataset (i.e. 10,985) equals the total number of bills (i.e. 226) times the total number of calendar days that each bill was at risk.

There is some debate in the literature over the correct measure of duration in a legislative setting. For example, Binder and Maltzman (2002) and Shipan and Shannon (2003) count all intervening calendar days, while McCarty and Razaghian (1999) count only those days on which the US Senate sat. The latter approach is predicated on the notion that the US Senate could only act on a nomination when it was sitting. In the case of the Canadian Senate, there is reasonable theoretical justification for either type of measure. The recess periods of the Canadian Senate are longer and more frequent than the US Senate, suggesting that duration be measured in terms of sitting days. However, Canadian Senate Rule 17(1) empowers the speaker of the Senate to reconvene the Senate “if the Speaker is satisfied that the public interest requires that the Senate meet at an earlier time than that provided in the motion for such adjournment” (Rules of the Senate of Canada, October 2005). This suggests that a bill is still at least theoretically at risk even during recess periods. Although it would be useful to conduct separate analyses of bill duration in terms of calendar days and sitting days, I restrict myself to calendar days for the purpose of this paper.

Of the 226 government bills before the Senate during the study period, the Senate gave third reading to 197 (87 percent). The remaining 29 are right-censored. Of the 197 bills that received third reading, the Senate passed 176 without amendment and the remaining 21 with one or more amendments.

Main Independent Variables of Interest

United Control

I employ this variable to (1) test the extent to which shared partisanship between the Senate majority and the government impairs the Senate’s deliberative capacity, and (2) evaluate Harper’s related claim that a Liberal-dominated Senate would act as a break on a Conservative majority government. Unfortunately, with respect to this second point, the dataset does not contain bills proposed by a Conservative majority government and

considered by a Liberal-held Senate.¹⁰ However, we can still gain some purchase over the question by testing whether or not government bills take longer when the governing party lacks a majority in the Senate.

In keeping with the literature on the consideration of presidential nominees before the US Senate, I measure *united control* as a dichotomous variable where 1 is if the governing party in the Commons has a majority in the Senate and 0 otherwise. The analogous concept in the US literature is *divided government*, typically operationalized as a dichotomous variable where 1 is when the Senate and the presidency are controlled by different political parties and 0 is otherwise.

During the entire period of study, the Liberal Party held a majority of Senate seats.¹¹ Thus, united control occurs in the 37th and 38th Parliaments (when the Liberals formed governments under Jean Chrétien and Paul Martin), but not in the 39th Parliament (when the Conservatives formed a government under Stephen Harper). The Senate considered 159 government bills under conditions of united control and 67 under divided control.

Consistent with Binder and Maltzman (2002) and Shipan and Shannon (2003), who find that the US Senate takes substantially longer to act under conditions of divided government, I expect that, all else equal, government bills should, on average, be acted on faster by the Senate under united control compared with divided control. There are two, potentially complementary, theoretical causal mechanisms through which united control may speed a bill's passage. The first is that, by virtue of being proposed by a like-minded government, the bill is already acceptable to the government's co-partisans in the Senate, who constitute a majority and quickly pass the bill. The second is that the government exerts pressure on its co-partisans in the Senate to pass the bill. However, it is important to stress that the governing party leadership does not wield the same carrots and sticks (e.g. promotion, the dissolution of Parliament, refusal to sign nomination papers, etc.) with respect to senators and its does with respect to members of the Commons. I return to this point in the discussion section.

Government Popularity

I employ this variable to test the extent to which electoral pressure impairs Senate deliberations. Of course, being an unelected body, the Senate is – by definition – insulated from direct electoral pressure. However, I argue that the Canadian Senate is nevertheless sensitive to the government's popularity because its *unelected* status undermines its democratic legitimacy in the minds of many citizens. As a consequence, I

¹⁰ The last time this occurred was in 1990 when the Progressive Conservatives had a majority in the Commons but the Liberals had a majority in the Senate.

¹¹ Strictly speaking, a Senate majority consists of 53 or more seats (in a chamber of 105 seats). During this period, the Liberals dipped below 53 only briefly (in February 2001). However, because of the high number of vacancies at the time, the Senate Liberal caucus still constituted a majority of senators. Party standings in the Senate are available from the parliamentary website at <http://www2.parl.gc.ca/Parlinfo/lists/PartyStandingsHistoric.aspx?Menu=SEN-Politic&Section=b571082f-7b2d-4d6a-b30a-b6025a9cbb98>.

contend that Canadian senators recognize that delaying a government bill comes at a cost to the Senate in the eyes of the public in terms of institutional reputation and legitimacy. This cost, I argue, is low when the government is unpopular and high when it is popular. I therefore expect that the Senate will act faster on government bills when the government is popular.

I measure the popularity of the governing party during the time each bill is before the Senate. It is analogous to Binder and Maltzman's (2002) measure of the president's popular approval. The covariate is recorded as the percentage of decided voters who report that they would vote for the governing party (i.e. the Liberals during the 37th and 38th Parliaments and the Conservatives during the 39th Parliament) if an election were held on that day. The survey data were obtained from 35 Environics national surveys between 22 December 2000 and 13 March 2008.¹² I record the governing party's popularity for each calendar day that each bill is in the risk set. For simplicity, I assume that the government's popularity is fixed during the interval between Environics surveys.¹³ The governing party's popularity varies from 27 percent (Lib., 11 April 2005 to 12 May 2005) to 51 percent (Lib, 11 December 2003 to 29 March 2004). The mean popularity is 40.75 percent.

Bill Salience

Not all bills have the same public profile. Some are purely administrative and routine (like supply bills); others generate considerable press coverage (e.g. bills on same-sex marriage, anti-terrorism measures, etc.). I incorporate bill salience into my analysis to test further my argument that indirect electoral pressure risks harming the Senate's deliberative capacity. Given the argument set out above (i.e. that the Senate incurs reputation-related costs for delaying a popular government's bills), I contend that these costs are greater when the bill is salient because the Senate's delay is more readily observable to the mass public. I test this supplemental claim by interacting this covariate with the preceding measure of government popularity. I expect that the effect a one percentage point increase in government popularity will have a much larger negative effect on bill duration at a high level of bill salience than at a low level of bill salience. In other words, the cost of delay and further scrutiny is highest when the government is popular *and* the bill is salient.

I measure the salience of the 226 bills in the study period by counting the number of related newspaper articles in three major newspapers for each day each bill is before the Senate.¹⁴ The vast majority of bills received no newspaper coverage. The highest

¹² The survey data were obtained from Environics press releases available at http://erg.environics.net/media_room/.

¹³ The interval between surveys ranges from 2 weeks to 4 months. I define the interval as the time between the date on which the survey goes into the field and the date on which the next survey goes into the field.

¹⁴ I do so by using the Lexis-Nexis online search tool to search for each bill number in newspaper articles from the *National Post*, the *Globe and Mail*, and the *Toronto Star* during the date range between which the bill is before the Senate (i.e. between first and third reading).

number of articles per bill per day is 6. The highest total number of articles per bill is 78.¹⁵ The mean number of articles per bill per day is .023.

Vacancies

I employ this covariate to help test the suggestion that Senate vacancies impair the ability of the Senate to function properly. I measure *vacancies* by recording the number of vacant Senate seats for each calendar day that each bill is at risk.¹⁶ During the study period, the number of vacancies varied from a low of 2 (in December 2003 and again in September 2005) to a high of 16 (in January 2005).¹⁷ The mean number of vacancies is 9.54.

Control Variables

Bill Complexity

Some bills simply require more scrutiny than others. As such, this control variable is designed to assist in the evaluation of the Senate's deliberative performance. I argue that, if the Senate is performing its deliberative functions appropriately, it should – all else equal – take longer to deal with more complex bills than less complex bills. Moreover, by holding bill complexity constant in the model, we are better able to assess whether united control and government popularity undermine the Senate's deliberative capacity.

For the purpose of this paper, I employ an easily quantifiable and comparable measure of complexity: the number of pages in the bill.¹⁸ I assume that the longer the bill, the more complex the bill. While not wholly satisfying (in theory, short bills can be relatively complex and long bills can be relatively simple), I expect this assumption to hold in the main. The shortest bills in the dataset contain four pages. The longest bill is 918 pages. The mean length is 70.96 pages. I expect that, all else equal, complex bills (by assumption, lengthy bills) will spend more time before the Senate, on average, than simple bills (by assumption, short bills).

Workload

¹⁵ The bill with the highest total number of articles was C-10 (39-2). The bill, among other things, modifies the criteria by which the government awards tax incentives for film production.

¹⁶ The number of Senate vacancies is available from the parliamentary website at <http://www2.parl.gc.ca/Parlinfo/lists/PartyStandingsHistoric.aspx?Menu=SEN-Politic&Section=b571082f-7b2d-4d6a-b30a-b6025a9cbb98>.

¹⁷ Surprisingly, the number of vacancies during the period of study was highest under the Martin Liberal minority government, not the Harper Conservative minority government.

¹⁸ I obtain the number of pages by downloading the PDF version of each bill, as passed by the Commons, from the parliamentary website at <http://www.parl.gc.ca/common/bills.asp?Language=E>. I obtain the PDF version of appropriations bills from the Treasury Board Secretariat website at <http://www.tbs-sct.gc.ca/est-pre/estime.asp>. The measure is a little noisy. While the font size and format of each bill is constant over the study period, some bills contain a blank back cover page while others do not.

The chief purpose of this control variable is again to assist in the evaluation of the effects of the main covariates of interest. By controlling for the entirely plausible alternative explanation that it is the Senate's workload that slows Senate deliberations, I am better able to assess the independent effects of shared partisanship, indirect electoral pressure, and vacancies on the rate at which the Senate makes a final decision regarding government bills.

I measure the workload of the Senate by computing, for each calendar day, the number of government bills before the Senate (i.e. bills that have received first reading but not third reading). This is analogous to McCarty and Razaghian's (1999) and Binder and Maltzman (2002)'s counts of the number of unconfirmed judicial nominees before the US Senate. In my dataset, the lowest value is 1 (i.e. one pending bill). The highest value is 15. On average, during the period of study, the Senate had 6.6 government bills awaiting final disposition.

Age of the government

McCarty and Razaghian (1999) and Binder and Maltzman (2002) find that the age of the president's administration is an important predictor of how long the US Senate will take to confirm the president's nominees. Consequently, I control for the age of the government by recording – at the date each bill receives first reading – the number of calendar days since the last federal general election. Consistent with these US findings, I expect that the older the government, the longer the Canadian Senate takes to act on their bills.

Time remaining until summer recess

I also incorporate a measure of the time remaining until the last scheduled sitting day before the start of the Senate's annual summer recess. This covariate is roughly analogous to Binder and Maltzman (2002)'s and Shipan and Shannon (2003)'s measure of the time remaining before the end of the annual congressional session. During the study period, the last scheduled sitting day varied from June 27 to June 30 of each year.¹⁹ I measure the variable by subtracting the date of the first reading of each bill from the date of the last scheduled sitting day before the annual summer recess. For example, Bill C-2 (39-1), the Accountability Act, received first reading in the Senate on 22 June 2006, eight days before the last scheduled sitting day before the 2006 summer recess on 30 June. Thus, the value of this covariate for C-2 (39-1) is eight.

In keeping with Binder and Maltzman (2002) and Shipan and Shannon (2003), I expect a modest effect in which, all else equal, bills introduced earlier in the parliamentary year take longer, on average, than bills introduced shortly before the summer break. Such a finding would be consistent with anecdotal evidence that the Senate, under pressure from the government, occasionally rushes bills through the legislative process as the summer recess approaches.

¹⁹ I obtain these scheduled recess dates from the Senate calendar available at <http://www.parl.gc.ca/information/about/process/senate/calendar/cal2008-e.htm>.

Institutional-related controls

Finally, I include three institutional and procedural-related controls, dealing with aspects particular to the Canadian parliamentary system. First, *previous session* is a dichotomous variable that equals 1 if the bill (or a substantially similar bill) was debated at second reading in the Senate in a previous parliamentary session and equals 0 otherwise.²⁰ Twelve of the 226 bills (5 percent) studied met this criterion. Given that the Senate has previously debated these bills, I expect that, on average, they will be acted on faster than bills that were not considered in a previous session.

Second, *appropriation* is an indicator variable that records whether or not a bill was an appropriations bill.²¹ Appropriations bills, also known as supply bills, grant the government the authority to spend the amounts prescribed in the budget estimates for that year (House of Commons Compendium 2006). Such bills constituted just over 12 percent of the bills studied. Appropriations bills often solicit minimal debate and, by convention, are not considered in committee. Consequently, I expect that, all else equal, appropriations bills will be acted on faster by the Senate than non-appropriations bills.

Third, *prestudy* is a dichotomous variable that equals 1 if the Senate studied the bill before it received first reading and equals 0 otherwise.²² Senate Rule 74(1) permits the study of Commons bills before they reach the Senate (i.e. while they are still being considered by the lower house). While a common occurrence in the 1980s, the pre-study of government bills during the period under examination is quite rare. Only two bills were pre-studied: C-36 (37-1), the Anti-terrorism Act, and C-28 (39-2), a budget implementation bill.²³ Given that the Senate studied these bills in advance of first reading, I expect, all else equal, that they will be dealt with faster once formally put before the Senate than bills that were not pre-studied.

The Results

Dependent variables measured in duration time, as is the case in this paper, are typically modeled in terms of their hazard function or hazard rate. The hazard rate is simply a different way of describing the distribution of the dependent variable. It is expressed mathematically as:

²⁰ This information is available for each bill from the parliamentary website at <http://www.parl.gc.ca/LEGISINFO/index.asp?Language=E>.

²¹ I identify appropriations bill using their bill title. All appropriations bill titles begin with the words “An Act for granting to Her Majesty certain sums of money...”

²² Information on Senate prestudies are available up to 15 January 2007 from the parliamentary website at <http://www2.parl.gc.ca/Parlinfo/compilations/HouseOfCommons/Legislation/PreStudyBySenate.aspx?Language=E>. To cover the period from 16 January 2007 to 28 May 2008, I consulted the individual bill information pages on the Library of Parliament’s Legisinfo website at <http://www.parl.gc.ca/LEGISINFO/index.asp?Language=E>.

²³ The pre-study of C-36 (37-1) began one month before the bill reached the Senate. The pre-study of C-28 (39-2) began only one day before the bill reached the Senate.

Equation 1 $h(t) = \lim (\text{as } \Delta t \text{ approaches } 0) \text{ of } [\Pr(t \leq T \leq t + \Delta t \mid T \geq t)] / \Delta t,$

where T is a positive random variable representing survival time and t is some value of time. To be clear, survival time, in the case of this paper, refers to the number of calendar days that a given bill is before the Senate (i.e. the amount of time a bill “survives” from first reading until its final disposition at third reading). The hazard rate can be interpreted as the instantaneous probability an event will occur (i.e. the instantaneous probability of a bill receiving third reading) in the infinitesimally small area bounded by t and $t + \Delta t$, given that the event has not already occurred. I model the hazard rate as a function of both time, known as the baseline hazard, and the set of covariates set out in the preceding section. To avoid stipulating the shape of the baseline hazard in advance, I employ the Cox proportional hazards technique.²⁴

²⁴ This choice is consistent with both Box-Steffensmeier and Jones’s (2004) and Golub’s (2007) advice.

Table 1 – Cox estimates of Bill Duration in the Canadian Senate by risk type

Covariate Name	Pooled Risk	Without Amendment only	With Amendment only
United Control	.229	.363*	-1.401*
	(.194)	(.215)	(.728)
Government Popularity	-.095***	-.098***	-.083
	(.016)	(.017)	(.057)
Bill Salience	2.678**	3.129**	-33.851
	(1.266)	(1.503)	(20.643)
Government Popularity*Bill Salience	-.065*	-.076*	.726*
	(.034)	(.042)	(.428)
Vacancies	-.069**	-.046	-.430***
	(.027)	(.029)	(.129)
Bill Complexity	-.001	-.001	-.001
	(.001)	(.001)	(.003)
Workload	.103***	.159***	.424***
	(.034)	(.0304)	(.107)
Age of Government	.0002	.0004	-.003
	(.0003)	(.0003)	(.002)
Time until summer recess	-.0005	-.001	.006**
	(.0009)	(.001)	(.003)
Previous Session	-3.277***	-.546*	2.522**
	(1.260)	(.325)	(1.281)
Appropriations Bill	2.319***	2.248***	—
	(.263)	(.277)	
Prestudy	2.749**	2.781**	—
	(1.237)	(1.337)	
Workload* <i>t</i>	.002***	—	—
	(.0005)		
Previous Session* <i>t</i>	.055***	—	—
	(.016)		
Log Likelihood	-788.907	-746.138	-45.395
LR Chi ²	235.24*** (df=14)	159.47*** (df=12)	24.55*** (df=20)
Number of cases	226	226	226
Number of failures	197	176	21

Results reported in Cox coefficients. Robust standard errors reported in parentheses.
*p < .1, **p < .05, ***p < .01.

Table 1 presents the Cox proportional hazard estimates.²⁵ Given that there are multiple ways for the Senate to dispose of a government bill, I estimate competing risk models. That is, I analyze the effect of the covariates on the hazard rate separately for government bills that are passed by the Senate without amendment as well as for government bills that are passed by the Senate with one or more amendments.²⁶ The first column of results in Table 1 – marked pooled risk – presents the estimates for all bills in the dataset. The second column of results only presents the estimates for passage without amendment. The final column only presents the estimates for passage with amendment.²⁷

All three models presented in Table 1 satisfy the proportional hazards assumption.²⁸ However, for the pooled risk model, satisfying this assumption requires interacting two covariates – *workload* and *previous session* – with analysis time (t).²⁹ Furthermore, a simple link test suggests all models may suffer from some misspecified or omitted covariates. Consequently, the estimates should be interpreted with caution at this time. Full details regarding estimation diagnostics are available from the author.

A Cox regression coefficient represents the change in the log-hazard ratio for a unit change in the covariate. Thus, a positive coefficient increases the hazard rate, signifying a *shorter* duration in the Senate, and a negative coefficient *decreases* the hazard rate, signifying a longer duration in the Senate.

While this approach allows us to interpret the direction and statistical significance of the estimates set out in Table 1, it still gives us no insight into the substantive magnitude of the effects. To facilitate interpretation, I report the percentage change in the hazard rate for a specified change in the value of one covariate of interest. Specifically, I change dichotomous covariates in the model from 0 to 1 and continuous covariates from their 25th to 75th percentiles. Table 2 presents the results of these calculations for all covariates of substantive importance for which statistically significant coefficients are reported in Table 1.

²⁵ I manage ties in the dataset using the Efron method instead of the Breslow method. The estimates produced by each method are nearly identical.

²⁶ Competing risk models incorporate a latent survival time logic by estimating separate models for each possible outcome and treating cases that did not experience the particular outcome as randomly right-censored. Thus, when estimating a Cox model for “passage without amendment” failures only, those bills that were passed with amendments are right-censored (and vice versa).

²⁷ No appropriations or prestudied bills were passed with amendments during the period of study so I drop these two covariates when estimating this risk type.

²⁸ This is based on a Grambsch and Therneau global test. I cannot reject the full model proportional hazards null hypothesis at the .05-level.

²⁹ This is consistent with Box-Steffensmeier and Jones’s (2004) advice (p. 136).

Table 2 – Magnitude of the substantive effects (from Table 1)

Covariate Name	Change in X (from, to)	Percentage Change in Hazard Rate		
		Pooled Risk	Without Amendment only	With Amendment only
United Control	0 to 1	—	44	-75
Government Popularity at Low Bill Salience (0 articles per day)	36 to 46	-61	-63	-56
Government Popularity at High Bill Salience (1 articles per day)	36 to 46	-80	-83	63058
Vacancies	7 to 12	-29	—	-88
Workload	4 to 9	—	121	732
Workload on Day 16	4 to 9	91	—	—
Workload on Day 76	4 to 9	215	—	—
Time until summer recess	30 to 212	—	—	211
Previous Session	0 to 1	—	-42	1145
Previous Session on Day 16	0 to 1	-91	—	—
Previous Session on Day 76	0 to 1 .041724	147	—	—
Appropriations Bill	0 to 1	917	850	—
Prestudy	0 to 1	1463	1513	—

On the face of it, united control appears to have no effect on the amount of time government bills spend in the Senate (i.e. the Cox coefficient in the pooled risk model is not statistically significant). However, this finding conceals a more interesting distinction between the risk of bills passing with or without amendment. In particular, the results suggest that a bill's hazard rate of passage without amendment increases by 44 percent under conditions of united control. This means that the risk of passing without any changes is greater (and takes less time) when the government of the day has a majority in the Senate. Furthermore, the results suggest that a bill's hazard rate of passage *with* amendment *decreases* by 75 percent under conditions of united control. While we should be particularly cautious in interpreting this final column of estimates

(given that only 21 bills were passed with one or more amendments during the period of study), this would nevertheless indicate that the risk of passing with amendment is lower when the government has a majority in the Senate. Overall, these results are consistent with Harper's suggestion that a Senate dominated by the opposing party acts as a break on the legislative power of the government.

The effects of government popularity are highly inconsistent with the expectations set out earlier. Since the measure of government popularity is interacted with bill salience, the estimated effects of popularity are first reported at a low level of bill salience (when no newspaper articles were written about the bill on a given day) and then again at a higher level of bill salience (when one article was written about the bill on a given day). The results indicate that when a bill is not salient, a 10 percentage point increase in the government's popularity reduces the hazard rate of passage in the pooled risk model by 61 percent. The result is more or less stable across the two separated risk models. The finding suggests that as the government becomes more popular, the Senate takes longer to pass government bills.

Furthermore, salience appears to exacerbate the delaying effects of government popularity. The same change in government popularity for a salient bill reduces the hazard rate of passage by 80 percent – i.e. an additional 19 percentage points over a nonsalient bill (the enormous positive increase in the hazard rate in the amendment only model is entirely attributable to one case and should be ignored).

The result with respect to the effect of Senate vacancies is consistent with arguments made by Pelletier, Franks, Moore, and the *Globe and Mail* editorial board. Specifically, the estimate suggests that a five-vacancy increase reduces that hazard rate of bill passage by 29 percent. In other words, all else equal, as the Senate loses members, it takes longer to pass government bills.

Consistent with the findings of McCarty and Razaghian's (1999) with respect to the US Senate and Golub's (1999) findings with respect to the EU, an increased workload in the Canadian Senate prompts an increase in the hazard rate of bill passage. In the case of the pooled risk model, the measure of workload is interacted with duration time (to accommodate the proportional hazards assumption). The results suggest that on Day 16, a five-bill increase in workload raises the hazard rate by 91 percent. The same change on Day 76 leads to an increase of 215 percent.³⁰ These results are similar to those in the separated risk models (although, again, the estimate with respect to the amendment only model should be treated cautiously). Put simply, the finding suggests that, as the Senate gets more work, all else equal, it does the work faster.

The effect of time remaining until summer recess is only statistically significant in the last model (i.e. with amendments only). However, the findings nevertheless make sense. The hazard rate of passage with amendments increases by 211 percent as the time remaining before the summer break increases from 30 to 212 calendar days. Put

³⁰ Day 16 and 76 represent the 25th and 75th percentiles of duration time respectively.

differently, as summer approaches, the risk of passage with one or more amendments declines.

As with the results regarding government popularity, the effect of the Senate's consideration of a bill in a previous session is surprising and inconsistent with earlier expectations. On Day 16, a bill considered in a previous parliamentary session has a 91 percent lower hazard rate of passage than a bill not previously considered by the Senate. However, on Day 76, a previous considered bill has 147 percent higher hazard rate. This finding may indicate that the *previous session* covariate – rather than simply capturing whether or not the Senate had previously considered a bill – is also picking some latent measure of the possibly more controversial or extreme nature of such bills. In other words, it may be that some of these bills were reintroduced in a new parliamentary because the Senate was reluctant to pass them in the previous parliamentary session. This would account for their low risk of passage early in their duration before the Senate and their much higher risk once they had been before the Senate for a longer period. Regardless, only 12 of the 226 bills in this dataset were considered in a previous session and thus we should avoid reading too much into this particular result.

The effects of the final two covariates – appropriations bills and prestudied bills – are as expected. Appropriations bills have a much higher risk of passage than non-appropriations bills. Likewise, prestudied bills are sped through the Senate much faster than bills not studied in advance of their introduction. However, as with the *previous session* covariate, the exact magnitude of these effects should be treated with caution given that they rely on a very small number of observations.

Discussion

What can we infer from these results about the performance of the Senate as a deliberative institution? First, shared partisanship between the Senate majority and the government of the day appears to compromise Senate deliberations. The findings strongly suggest that the Senate passes bills without amendment more quickly under conditions of united control than divided control. Unfortunately, the analysis is unable at this time to distinguish between the two theoretical causal mechanisms responsible for the effect – namely, that the Senate majority is more likely to approve quickly of government bills under conditions of united control (1) because they are proposed by like-minded individuals in the government, or (2) because the governing party exerts pressure on its members in the Senate to pass its bills.³¹

That said, I argue that we do not necessarily need to distinguish between these explanations in order to conclude that *united control* weakens the Senate's deliberative capacity. This is because *united control* exerts an effect even after holding *bill*

³¹ It may be possible to distinguish between these two plausible explanations by controlling for the ideological distance between each bill and the median member of the majority party in the Senate. If *united control* continued to have a positive effect on the hazard rate, even after holding this distance constant, it would strongly suggest that the government is pressuring its co-partisans in the Senate. Unfortunately, I am unable to construct such a measure at this time.

complexity constant in the model. To see this, imagine two bills of equal complexity (and thus warranting, in theory, equal time for senators to consider and deliberate over their content). The first bill is proposed when the government has a majority in the Senate, the second is proposed when it does not. If the Senate passes the first bill without amendment faster than the second (as it does, on average, in the analysis set out above), then we can still reasonably conclude that something about *united control* (whether it is related to ideological agreement between the Senate majority and the government or related to pressure exerted by the government on the Senate majority) undermines the Senate's willingness to deliberate equally over bills warranting equal deliberation.

Second, in contrast, the findings suggest that the Senate's deliberative capacity is actually resistant to indirect electoral pressure: it takes longer to pass government bills – especially newsworthy bills – when the government is popular. One possible explanation for this finding is that a popular government is more apt than an unpopular government to “push the envelope” and send more extreme bills to the Senate. In this sense, the Senate is arguably performing in a highly desirable manner – reserving additional scrutiny for when the government rises in the polls.

The result of this analysis is a mixed evaluation of the Senate as a deliberative institution. Partisanship appears to compromise its deliberative capacity, while its unelected status appears to strengthen it. It follows that Senate reforms that increase electoral pressure on senators (such as changes that permit the election, and especially *re-election*, of senators) may well weaken this capacity. Instead, if the pre-eminent objective of reform is to protect and enhance the Senate as a chamber of sober second thought (over, for example, alternative goals like improved regional representation or direct electoral mandate), then efforts are better directed at weakening the role of partisanship – for example, by transferring the power to make Senate appointments from the government to an independent body.

Works Cited

- Binder, S.A., and Maltzman, F. 2002. Senatorial Delay in Confirming Federal Judges, 1947-1998. *American Journal of Political Science* 46(1): 190-199.
- Box-Steffensmeier, J.M., and Jones, B.S. 2004. *Event History Modeling*. Cambridge: Cambridge UP.
- Canadian Press*. 23 May 2008. "Quebec willing to go to court if necessary to block Harper's Senate reform." Available at http://canadianpress.google.com/article/ALeqM5j-bv0Hcc2tqVVh_OyRENdDmDJ8lw.
- Curry, B., and Laghi, B. *Globe and Mail*. 19 May 2008. "Saskatchewan plans to elect senators; In a victory for Harper, it follows Alberta's lead with legislation that would combine Senate elections with the provincial ballot." Page A1.
- Franks, C.E.S. 1987. *The Parliament of Canada*. Toronto: University of Toronto Press.
- Galloway, G., Clark, C., and Laghi, B. 18 January 2006. *Globe and Mail*. "Harper: Don't fear a majority; Liberal-dominated Senate and judiciary will act as a 'check' on Tories, he says." Page A1.
- Globe and Mail*. 22 May 2008. "The back door is the wrong way." Page A20.
- Golub, J. 1999. In the Shadow of the Vote? Decision Making the European Community. *International Organization* 53(4): 733-764.
- Golub, J. 2007. Survival Analysis and European Union Decision-Making. *European Union Politics* 8(2): 155-179.
- House of Commons. 2006. *Compendium of Procedure*. Available at http://www.parl.gc.ca/compendium/web-content/c_a_index-e.htm
- Laghi, B. 20 January 2006. "Has he squandered his shot at a majority?" *Globe and Mail*. Page A1.
- Martin, L.W., and Vanberg, G. 2004. Policing the Bargain: Coalition Government and Parliamentary Scrutiny. *American Journal of Political Science* 48(1): 13-27.
- McCarty, N. and Razaghian, R. 1999. Advice and Consent: Senate Responses to Executive Branch Nominations 1885-1996. *American Journal of Political Science* 43: 1122-1143.
- Mucciaroni, G., and Quirk, P. 2006. *Deliberative Choices: Debating Public Policy in Congress*. Chicago: University of Chicago Press.

- Senate of Canada. October 2005. *Rules of the Senate*. Available online at http://www.parl.gc.ca/information/about/process/senate/rules-e/senrules_00-e.htm.
- Senate of Canada. 2007. Senate Calendar 2007. Available online at <http://www.parl.gc.ca/information/about/process/senate/calendar/cal2007-e.htm>.
- Senate of Canada (Moore, W.). 12 February 2008. *Debates of the Senate*. Page 739.
- Shipan, C.R., and Shannon, M.L. 2003. Delaying Justice(s): A Duration Analysis of Supreme Court Confirmations. *American Journal of Political Science* 47(4): 654-668.
- Smith, D.E. 2003. *The Canadian Senate in Bicameral Perspective*. Toronto: University of Toronto Press.
- Schulz, H., and Konig, T. 2000. Institutional Reform and Decision-Making Efficiency in the European Union. *American Journal of Political Science* 44(4): 653-666.