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The Rape of Men :

Eschewing Myths of Sexual Violence in War

Don Couturier

Rape is a tool of war used against women, men, and children designed to brutalize and dominate the victim. Underpinning every act of sexual violence is a struggle for the supremacy of gendered identities; in conflict, these power relations heighten in response to the high-stakes nature of war. Those targeted are usually done so as part of a strategy to destroy a particular ethnic or religious group. The horrific reports emerging from the former Yugoslavia have forced the international community to address the mass numbers of women being raped in armed-conflict every year. However, sexual violence is a gendered issue affecting men, women, boys, and girls. Dangerous implications exist if the full gamut of sexual violence is ignored. Specifically, the rape of men has been shrouded in secrecy, hidden from national and the international consciousness.

Normative frameworks for conceptualizing gender and violence have constructed a veil of secrecy surrounding male rape. Values embedded in the institutions of global civil society, coupled with cultural constructions of gender, bolster this. Gender analysis discusses rape primarily in terms of women being victimized by hegemonic forms of masculine gender oppression. While valid, this paper argues for a more inclusive perspective that fully recognizes wartime rape as profoundly damaging to both men and women. Male rape remains deeply taboo, protecting traditional gender norms by fostering a culture of

silence. Men are afraid to come forward, restricted by the stigma of homosexuality that emasculates and estranges them from the state. Male rape falls within the objectives of feminism and ought to be included among academic conversations.

Despite common belief, male rape permeates all corners of the globe. Documented cases have been reported in Chile, Greece, Croatia, Sri Lanka, El Salvador, Iran, Kuwait, the former Soviet Union, the Democratic Republic of the Congo, and the former Yugoslavia.¹ Cases are often extreme in nature and gravity. In the former Yugoslavia, the Bosnian-Serb policy of ethnic cleansing involved systematically extinguishing the masculinity of non-Serb men. Victims were castrated and sexually mutilated, forced to rape other men, and forced to perform fellatio and other sex acts on guards.² In Southern Sudan, reports have emerged of boys being held as slaves and subjected to sexual abuse at the hands of government soldiers, including violent gang rape.³ The destruction of masculinity is vital to the domination of a national group. Masculine sexuality and violence are inextricably linked; any analysis of violence and conflict would be remiss to ignore such a central feature of war.

Statistical analysis of male rape is ambiguous at best. Nonetheless, the number of documented cases is telling. Sandesh Sivakumaran notes, “sexual violence against men takes place in nearly every armed conflict in which sexual violence is committed”.⁴ Garnering international attention is difficult without knowing the full extent of the issue. Vague estimations plague accurate data collection, but a reasonable conjecture suggests the problem is even more prevalent than the numbers suggest. Confronting the issue adequately requires further examination. This progressive transition has been marred by the working assumptions of heteronormativity continuing to govern instruments of international politics.

For example, analysis of gender, violence and conflict typically casts men solely as aggressors and perpetrators, and women, conversely, as nonviolent victims. Traditional characteristics associated with masculinity and femininity claim discursive legitimacy and proliferate gender stereotypes, which have become embedded in the operational attitudes of global civil society. Influential human rights forums possess the ability to mobilize political will and resources but instead contribute to the non-recognition of male rape by failing to engage it. The absence of the issue is abundantly clear. One review found that out of 4076 nongovernmental organizations addressing wartime rape and other forms of sexual violence, only 3% mentioned the experience of males, and only as a passing reference.⁵ Human rights bodies have exacerbated ignorance significantly by inadequately recognizing the full scope of gender-based violence. Every resolution, policy and initiative pursuing a one-sided mandate that includes women and excludes men reifies heteronormative assumptions making it more difficult for male rape to generate sincerity.

Language illustrates these internalized beliefs and reflects the deficient understanding of gender ubiquitous in the international arena. One example is U.N. Security Council Resolution 1325. It states, “[e]xpressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict”.⁶ It further asserts that states have a willingness to “incorporate a gender perspective into peacekeeping operations...and include a gender component”.⁷ Evidently, a “gender perspective” is equated with the well-being of women and girls. The framework for understanding gender and violence therefore establishes a victim hierarchy that shifts attention away from male victims and removes them from the “gender component”. Speaking only to women and girls justifies the exclusion of males from the policy-making process.

Since phrases enshrined in legislation affirm gendered assumptions, some suggest the gender-neutralization of language. Phil Rumney advocates for gender-neutral terminology in order to integrate sexual assaults “beyond the male-on-female paradigm”.⁸ However, gender neutrality insufficiently addresses the egregious nature of sexual violence, which necessitates the formal recognition of male-on-female *and* male-on-male rape as separate but interrelated crimes. Consider Article 7(1)(g) of the *Rome Statute* of the International Criminal Court (ICC), establishing “[r]ape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity” as a crime against humanity.⁹ Slanted wording renders men invisible as victims of sexual violence. Thus, language employed by national and international bodies must address the existence of male rape alongside the rape of women. These examples highlight the narrow presumptions continuing to guide contemporary political agents. The perception of sexual violence in armed conflict remains one of domineering men victimizing women unilaterally. Global civil society has thus far utilized an incomplete understanding of gender furthering alienating male victims with gender selective terminology. A balanced perspective is impossible without accepting the existence of sexual violence against men in reports, policies and practices.

If national and international actors possess the capacity to mainstream gender inclusiveness, then movements and conversations informing these institutions must incorporate sexual violence against men under the umbrella of gendered analysis. Discourses of gender and violence have kept the topic off the international agenda by excluding men from rights-based advocacy work. In *Gender Inclusive: Essays on violence, men, and feminist international relations* Adam Jones argues that men are visible as agents of violence and effaced as victims within

feminist discourse. He asserts, “let it be stated plainly: *‘including women’ excludes men*...men remain ‘absent subjects’, entering the narrative only indirectly and by inference, if at all”.¹⁰ Jones’ argument is doubly true when dealing with sexual violence. Not only are men effaced as victims of violence, they are also thought to be invulnerable to rape, an alien phenomenon to normal manifestations of heterosexuality.

Moreover, feminist rhetoric has obfuscated frank conversations about male rape by portraying masculinity strictly as a hegemonic expression tied to the conquest of women. Jones contends,

Feminist attempts to incorporate the gender variable into IR analysis are constrained by the basic feminist methodology and all feminists’ normative commitments...whereby (elite) male actions and (hegemonic) masculinity are drawn into the narrative mainly as independent variables explaining ‘gender’ oppression.¹¹

The gender variable is a multidimensional element of international relations in which the masculine and feminine are subjected to repressive forms of sexualization. Recognizing the complexities of gender construction is imperative to the mitigation of rape warfare; by including women and excluding men, “gender” becomes synonymous with “women”, further fragmenting the place of men in serious discussions about victimhood and sexual violence. Human rights advocates have a responsibility to lobby the institutions of the state and supranational organizations in order to facilitate an expanding consciousness of gender and violence.

Thus, the women's movement has unintentionally cast other forms of sexual violence outside of the male/female paradigm to the periphery. Harmonizing a balanced gender perspective into the canon of feminist analysis demands active self-assessment. Sandesh Sivakumaran advances the notion that male/male rape should be placed in the foreground. Foregrounding does not imply the prioritization of one paradigm of rape over another, but instead "simply seeks the recognition of the multiple dimensions of the problem and invites a more nuanced consideration of the issues".¹² International relations requires scrutiny with a gendered lens, and in turn, the dominant perspectives driving gendered analysis must also be critically evaluated. As Charlotte Hooper argues, "[w]hat is completely inadequate... is the straightforward grafting of a 'gender variable' on to mainstream analysis".¹³ Gender constructions are complexly interrelated and mutually reinforcing. The rape of men constitutes a challenge to traditional feminist discourses to broaden the notion of gender-inclusiveness it seeks to imprint on to international relations.

Inadequate awareness is only partially explained by the feminist disposition. Perhaps the most difficult obstacle involves dispelling the myth that heterosexual men are invulnerable to rape. Animosity hinders open conversations from taking root, reflecting the deeply entrenched views about masculinity inherent in many cultures throughout the world. In a masculinized world dominated by defense intellectuals, military personnel, and male politicians, raising gender issues is difficult enough. Acknowledging the existence of male rape is even more problematic, as it questions the very core of masculine identity. The perception that a man should be able to fight for his security and protect his women and children from outside threat is infused at all levels of political spaces, from the decision-makers in state governance to community leaders to the individual male psyche. Sexual violence perpetrated against men threatens to

fundamentally undermine this belief system. This impasse underscores why very few people are willing to speak on its behalf and raise the issue.¹⁴ Male rape remains a perverse and unnatural occurrence, silenced by heteronormative assumptions muddying the reality of gender-based violence.

The uncomfortable desire to shy away from discussion stands in stark contrast to the public nature of documented incidences. According to Pauline Oosterhoff et al, the sexual torture of men in conflict remains somewhat of an “open secret”. One account from Croatia graphically details:

First they grabbed X and pushed him down by the road. He was the weakest...four men pushed him down and were holding his head, legs and arms. Y approached him, she had a scalpel in her hand. The men who pushed him down took his trousers off. She castrated him. We had to watch. I was watching, but I was so scared I did not see much...¹⁵

Cases of sexual torture often involve public humiliation. In the above report, victim X was castrated by a woman, symbolizing the ultimate form of public humiliation and emasculation. The “open secret” elucidates how gender norms powerfully constrain the actions of individuals. Many brave women from the Balkans came forward to share their experiences of rape and atrocity, but few women or men have articulated the extreme sexual acts carried out against men. Support is virtually nonexistent, including physicians, who have internalized stereotypical gender roles (men as aggressors, women as victims), to the extent that they are unable to recognize male victims of sexual violence and even dismiss them.¹⁶ Persistent ignorance of gender-based violence demonstrates the strength of gender norms

in governing the working presumptions of society and the danger of leaving these standards unquestioned.

In addition, heteronormativity is intensified by widespread homophobia, which not only renders male victims invisible, but also further persecutes them for being “gay”. A case in point is South Africa, which remains highly homophobic, so much so that the distinction between consensual male-male sex and male rape is blurred.¹⁷ Coerced same-sex acts elicit a similar response to xenophobic apprehensions about homosexuality. The negative consequences are twofold—the perpetrator revels in the knowledge that he imposes the disgrace of homosexuality on the victim, and afterwards the victim must choose between ostracization from his community or suffering alone in silence. Rape victims therefore experience a paralytic trepidation to come forward lest they be branded homosexual. If cultural taboos surrounding the rape of men are unable to be overcome, human rights advocates will fail to achieve a politics of recognition in any capacity.

In the context of armed conflict, it is a fallacy to view male rape as something born out of the sexual desires of deviant homosexual men. Denial stems from the perception that incidences are few and far between, arising only in extraordinary circumstances. Sexual violence within the male/male paradigm transpires for the same reason as the male/female: the struggle for power. Power relations figure centrally as the perpetrator strives to exert their masculine dominance over the feminized, or in the case of male/male rape, emasculated *and* feminized victim. A man raped by another man is thus fundamentally stripped of their masculine identity, vitiated into submission and forced to assume the role of the “woman”. Similarly, in instances of sexual torture, men who are castrated lose their strongest physical association with manhood. It is therefore incorrect to claim only homosexual

men rape other men; by reaffirming one's masculinity through imposing a feminized role on the subordinated individual, the perpetrator maintains their heterosexual status. In a geopolitical battle for military control, the feminized male loses his standing as combative warrior once the enemy vanquishes his masculine identity.

Male rape has little to do with the sexual orientation of those involved and everything to do with the complex interplay between gendered identities and their associated hierarchies. Rape becomes a tool to strengthen these hierarchies. In times of war, undermining the masculinity of male figures becomes an effective disempowerment strategy. War glorifies the heterosexual man, and "to deviate from this heteronormative male standard is to be 'less' masculine. Thus, to cast aspersions on the individual's gender or sexuality would be to subordinate the victim to the perpetrator and strip him of his masculinity".¹⁸ For combatants subscribing to hegemonic expressions of war and masculinity, the ability of the soldier to maintain his auxiliary masculine traits forms the basis for his belief in himself as a protector.

Conflict begets chaos and the disintegration of social order, which inflames the struggle for power and desire to establish the dominance of one group over another. The Hobbesian regression of war creates an environment in which acts of violence are often public in nature. Militaries utilize this as a medium to drive a message into the community at large. With sexual violence directed against men, the public nature of these defilements further stigmatizes the male, "and the community is informed that their male members, their protectors, are unable to protect themselves...the manliness of the man is lost and the family and community are made to feel vulnerable".¹⁹ Symbolically, male rape is sometimes used as a method of emasculating the male "leaders" of a community, rendering them powerless. The

inclusion of sexual emasculation as a tactic of war exemplifies the pivotal role gender plays in armed conflict. Other theories of international relations, such as realism, neoliberalism, and marxism, insufficiently address these gendered dimensions. As has been argued here, so too does traditional gender analysis. Male rape falls through the cracks of theoretical analysis because no lens addresses it, and therefore the issue has difficulty gaining traction.

The gendered foundations of male rape also indicate a closely intertwined relationship with constructions of nationalism, extremist doctrines, and ethnic cleansing. In different ways, the sexualization of women and men in armed conflict embodies the nation. Men come to embody the guardian of an ethnic group's national territory and the stronghold that must be toppled in order to emerge victorious. Exposing the men of a particular ethnic group to sexual violence is akin to feminizing the symbols of strength and virility inherent to the group. Ethnic cleansing employs various tools, including the impregnation of women; castration performs a similar task, seeking to ensure a nation's men are unable to reproduce future generations. Conflicts defined by ethnic tension are rife with displays of gendered hierarchies asserting the domination/subordination dichotomy. As in the former Yugoslavia, ethnic cleansing and ultranationalism were adopted in Serbian policies. Politics are greatly influenced by the gendered undertones driving national leaders, whether sexual violence is committed against women or men.

Sexual norms traditionally governing military settings are pervaded when rape warfare becomes widely and systematically used. Marysia Zalewski contends, "military life works with and depends on quite specific understandings about what counts as 'normal' sexual relations or behaviors; one of these being the idea that (heterosexual) men will normally (in many senses) look

at/lust after (heterosexual) women".²⁰ Incidents in the former Yugoslavia, sub-Saharan Africa, and others attest to the notion that sexual violence in war constitutes a practice separated from physiological sex attributions. Constructions of normalized gender roles are maintained and buttressed by the masculine/feminine relationship, but the corporeal sex and sexual preference of the perpetrator and victim are devalued in the gendered struggle for power.

Power relations within male rape speak volumes about the importance of the issue to feminist international relations. Male rape is aligned with the feminist objective of ending gender inequality and the dominance of hegemonic masculinities over the feminine. Through the emasculation of the male victim, constructions of gender in male/male rape closely parallel those manifesting themselves in the rape of women. A gendered perspective advocating for the protection of women from sexual violence but casting men as involved only insofar as they refrain from acting as aggressors is incomplete, discriminatory, and potentially dangerous. Confronting the issue requires broadening the gendered lens to include a more nuanced approach considering women and men victims of hegemonic masculinity. To champion women's rights in the context of sexual violence without recognizing the profound affect it also has on men further alienates male victims.

The need to delineate the distinction between gender and sex is ever-present. Male rape in armed-conflict underscores how this is sometimes forgotten. As Cynthia Enloe states, "[t]here needs to be a feminist consciousness informing our work on gender. A feminist consciousness is what keeps one taking seriously—staying intellectually curious about—the experiences, actions, and ideas of women and girls".²¹ While Enloe acknowledges the need to analyze masculinity, this passage

explicitly equates the feminine consciousness with women and girls. A feminist consciousness is concerned with the construction of feminine gender roles within international relations; as such, it needs to encompass the way in which these notions of femininity are attributed to men and boys as well. Since male rape seeks to reverse and assert certain gendered attributes to the male victim, sexual violence against men falls within the scope of this movement.

Reports emerging around the world confirm that male rape is not a localized or sporadic phenomenon. It happens in every conflict in which sexual violence is commonplace, and yet it has received almost no international attention from global civil society. The language used by nongovernmental organizations and supranational bodies continue to frame acts of sexual violence exclusively in terms of men violating women. These international institutions wield resources and political will, and are perhaps the most important arenas in which the issue of male rape must achieve recognition. Like most movements in need of gaining momentum, the path to recognition must start from simultaneous efforts from grassroots human rights activists as well as influential scholars. Addressing male rape still has much headway to gain in this respect.

Gender analysis surrounding wartime rape, focusing on the victimization of women, has effaced men as victims leaving them visible only as agents of violence. For this effect to be reversed, concepts like “gender-based violence” must be discursively expanded to include men rather than being equated solely with women. Since the human rights agenda values increasing and equitable human security, the probability of it being amenable to this suggestion is favourable. A more difficult concern lies in counteracting deeply entrenched beliefs about traditional gender norms and masculinity that shape and influence social

organization and political processes. These factors transcend cultures and territorial boundaries. The international community is quick to condemn the actions of military operations and extreme nationalist ideology, but it is more challenging to induce a shift in the paradigm of heteronormative thought when these values permeate all levels of politics, even the benign and democratic. As more men hesitantly come forward with their stories, one can only hope that the organizations supporting them give voice to their plight.

Notes

- ¹ Laura Stemple, "Male Rape and Human Rights," *Hastings Law Journal* 60, no. 3 (2010): 605-645.
- ² Ibid.
- ³ Ibid.
- ⁴ Sandesh Sivakumaran, "Sexual Violence Against Men in Armed Conflict," *European Journal of Human Rights* 18, no. 2 (2007): 255.
- ⁵ Stemple, "Male Rape and Human Rights".
- ⁶ United Nations Security Council Resolution 1325, 2000.
- ⁷ Ibid., 2.
- ⁸ Phil Rumney, "Gender Neutrality, Rape and Trial Talk," *International Journal for the Semiotics of Law* 21, no. 2 (2008): 144.
- ⁹ Rome Statute of the International Criminal Court, 2002.
- ¹⁰ Adam Jones, "Effacing the Male: Gender, Misrepresentation, and Exclusion in the Kosovo War," in Jones, *Gender Exclusive: Essays on violence, men, and feminist international relations*, (New York: Routledge, 2009): 94
- ¹¹ Jones, "Effacing the Male: Gender, Misrepresentation, and Exclusion in the Kosovo War," 77.
- ¹² Sandesh Sivakumaran, "Male/Male Rape and the 'Taint' of Homosexuality," *Human Rights Quarterly* 27, no. 4 (2005): 1279.
- ¹³ Charlotte Hooper, "Masculinities, IR and the 'gender variable': a cost-benefit analysis for (sympathetic) gender sceptics," *Review of International Studies*, 25 (1999): 491.
- ¹⁴ Sivakumaran, "Male/Male Rape and the 'Taint' of Homosexuality".
- ¹⁵ Pauline Oosterhoff., Prisca Zwanikken., and Evert Ketting, "Sexual torture of men in Croatia and other conflict situations: an open secret", *Reproductive Health Matters* 12, no. 23 (2004): 75.
- ¹⁶ Oosterhoff et al.
- ¹⁷ Sasha Gear, "Behind the Bars of Masculinity: Male Rape and Homophobia in and about South African Men's Prisons", *Sexualities* 10, no. 2 (2003): 209-227.
- ¹⁸ Sivakumaran, "Sexual Violence Against Men in Armed Conflict," 270.
- ¹⁹ Ibid., 269.
- ²⁰ Marysia Zalewski, "Feminist International Relations: Making Sense...", in L.J. Shepherd (Eds.), *Gender Matters in Global Politics: A Feminist Introduction to International Relations*, (New York: Routledge, 2010): 34.
- ²¹ Cynthia Enloe, "'Gender' Is Not Enough: The Need for a Feminist Consciousness", *International Affairs* 80, no. 1 (2004): 97.

Cooperation in *Republic and Politics*

Melody Ajaman

Most principles adopted in contemporary political theory originate from classical political thought. Democracy and justice - these ideas are synonymous with the works of both Plato and Aristotle, and our contemporary political landscape would not exist without them. Another idea that both philosophers allude to that is essential to every political association is cooperation. Cooperation is an essential concept in contemporary politics. Without it, the structure of international relations could not operate. International organizations exist on the basis of international cooperation as the means to achieve the most beneficial political, economic, and social policies worldwide. Although both Plato and Aristotle deal with the topic of cooperation indirectly, this topic plays a role in many of their fundamental arguments and aims. Plato's *Republic* and Aristotle's *The Politics* both work towards finding the path to the attainment of the best life, and I argue that one of the main ways they seek to achieve this is through cooperation. They indirectly regard it as the means to the best life. Platonic and Aristotelian virtues, such as courage, wisdom, moderation and justice, are to be incorporated in this process in order for cooperation to succeed. Although both philosophers appear to be in favor of cooperation and view it as the key to the best life, there are differences in their opinions on methods that enable cooperation, and both fail to propose the correct formula for cooperation to succeed. They assume that this required cooperation will be flawless and do not explain the potential problems that might occur within cooperation. The first part of this analysis looks

at Plato's viewpoint on cooperation and its influence on society. The second part looks at Aristotle's viewpoint on cooperation, as well as the key similarities and differences that emerge between the two theorists when dealing with cooperation and methods of cooperation. In the third part of the analysis, I offer an assessment of the strengths and weaknesses of the analyses of cooperation given by Plato and Aristotle, which shows what their approaches to cooperation lack.

First of all, let us consider Plato's ideas. In Book II of the *Republic*, Plato describes Socrates introducing the idea of the formation of the city in the dialogue. The idea of the formation of the city itself is Plato's first sign of favoring cooperation. In his dialogue with Adeimantus, Socrates sets out the attributes of the ideal city and emphasizes the importance of the accurate division of labor. He argues that people of the city have to practice specialization, where citizens perform the task that each is suited for.¹ Through this division of labor, citizens will perform these jobs in the finest way, allowing for the highest efficiency. Through specialization, the craftsmen are dedicated to crafting, farmers to farming, rulers to ruling, and so on. Even the weakest of the citizens have jobs in accordance to their abilities, such as working in the business of exchange as Socrates proposes.² The potential for the highest efficiency in the ideal city indirectly implies that cooperation among citizens through this specialization is needed to have the best possible city. The citizens need each other and cannot reach the best outcome without helping one another. Therefore, as Plato indirectly proposes, by working together and dividing tasks among each other in the finest way, the citizens would be able to reach the potential of the ideal city.

Another illustration of cooperation through the division of labor is Socrates' myth of metals. Socrates clarifies his explanation of the division of labor when he explains that people are mixed with different types of metals at birth based on their capacities. He explains that people mixed with gold at birth are the rulers, people mixed with silver are the auxiliary, and people mixed with bronze and iron are the craftsmen and farmers of the city.³ This metaphor justifies people's social statures in society. Therefore, the farmers and craftsmen are the best producers of their products, the guardians are the fittest to protect the city, and the rulers are undoubtedly the best to rule the city. Socrates finds this aspect of the city of such importance because an inaccurate division of labor would never allow the highest benefit for all. The key point in Socrates' discussion of the division of labor is that his idea of the perfect city and the desire to attain it enables cooperation, and more importantly, leads to the benefit of the whole. The system allows something for everyone, rather than only benefiting the rulers and guardians. In this perfect city, the craftsmen and farmers are happy because they are ruled and protected by the most just rulers and guardians, and the rulers and guardians are happy because they have established a great and just city, and as such, all the different classes are able to share the benefits of the system.

Throughout book III of the *Republic*, Socrates focuses on the idea of 'benefiting the whole.'³ In his idea of founding the city, the guardians and rulers of the perfect city are "not looking to the exceptional happiness of any one group among us but, as far as possible, that of the city as a whole".⁴ They will not be concerned with their own well-being, but rather with the well-being of the entire city. Plato argues that in order for them to ensure this outcome, the rulers and guardians should have no private property and they should "live in common".⁵ Socrates elaborates on this

point and explains the reason they should live like this is that “whenever they’ll possess private land, houses, and currency, they’ll be householders and farmers instead of guardians, and they’ll become masters and enemies instead of allies of the other citizens; hating and being hated, plotting and being plotted against, they’ll lead their whole lives far more afraid of the enemies within than those without.”⁶ What Plato is implying here is that the guardians and rulers must cooperate, share, and live with each other on the same level and standard of living. The reason why he argues against private property is to give the guardians and rulers the ability to cooperate and benefit the city. To do this, they must be allies, respectful and honest with each other – and these are precisely the timeless characteristics of any group willing to cooperate, and by extension, the qualities of a cooperative society. What private property enables is the exact opposite of these qualities: hatred, dishonesty, and enmity. This would result in the lack of cooperation among the guardians and rulers, which would in turn result in the opposite of Plato’s goal; the rulers benefiting themselves, rather than benefiting the whole. To benefit the whole the guardians and rulers must cooperate, and for them to cooperate, they must share common property.

Aristotle, like Plato, shows evidence of favoring cooperation in *The Politics*. Aristotle explains different associations in a society, which include the family, the household, the village, and the state. He argues that the state exists by nature, and that it is “the end of those others, and nature is itself an end; for whatever is the end-product of the coming into existence of any object, that is what we call its nature – of a man, for instance, of a horse or a household”.⁷ To Aristotle, each individual, family, and household are all part of the state, and these individual parts cannot function unless they are joined with the whole. For this reason, he claims

“the state has a natural priority over the household and over any individual among us. For the whole must be prior to the part”.⁸ He clarifies this further by using the analogy of the hand,⁹ which implies that a single hand is useless unless it is attached to the body. Aristotle’s key point in this argument is that only the end product reaches self-sufficiency. This recognition of the end product being the truly efficient association in itself favors cooperation, because it implies that no individual on his or her own can function or accomplish anything unless it joins a larger association. This implication shows Aristotle’s indirect desire for cooperation. He argues that an individual cannot achieve self-sufficiency because the individual is the useless part. Aristotle understands self-sufficiency in accordance with the good life.¹⁰ As cooperation among the minor associations in society leads to self-sufficiency in the state, it also leads to the good life.

There is a key similarity between Plato and Aristotle regarding the concept of efficiency. Aristotle makes his arguments in a very economic-oriented way, and Plato does give adequate attention to the effect of the economy on the city. Both philosophers are in favor of specialization, in which jobs are allocated accordingly and are performed in the finest way possible. Though they both agree that specialization leads to efficiency, Aristotle focuses more on the idea of the entire city being the only efficient association, whereas Plato simply implies that specialization depends on each individual carrying out his or her job in the best way. In other words, Plato argues that if each individual does his or her part in the economy, the outcome will benefit the whole. Aristotle suggests the same concept, but with a more specific focus on the state as the only sufficient association.

Aristotle's distinction of different associations in society differs from Plato's view of these associations. In the dialogue between Socrates and Glaucon, Socrates regards the application of a quality to an individual as equivalent to the application of the same quality to the city and the family.¹¹ The implication is that Plato understands the structures of different associations in society to be equal. Aristotle disagrees with this view, saying that the structure of the family is much simpler than that of the polis. In *The Politics*, the city is much more complex.¹² It is concerned primarily with economic benefits, followed by military benefits, along with the provision of the best life beyond meeting mere economic and military needs. For this reason, Aristotle would say that cooperation in the family cannot be generalized to apply to the whole city as Plato does, because the nature of this cooperation would be much more complicated with greater concerns to consider than the family.

Among oligarchy, democracy and tyranny, Aristotle shows preference to mixed, rather than pure forms of these so-called defective regimes.¹³ His preference is a mixture between oligarchy and democracy because it allows for moderation.¹⁴ This moderation between oligarchy and democracy enables the cooperation of the two regimes, resulting in the most desired realistic regime. This outcome is the result of the extraction of the most desirable features of the two regimes, allowing this amalgamation the best of both sides. This cooperation leads to "the most valuable of principles in a constitution: ruling by respectable men of blameless conduct and without detriment to the population at large".¹⁵ Aristotle regards this constitution as the closest to perfection as a regime can realistically be. In this argument, Aristotle indirectly implies that moderation is the key to the

cooperation between oligarchic and democratic elements, and this type of cooperation enables the best possible life.

Another Aristotelian idea that favors cooperation is his support of private property. Aristotle argues that owning private property is important in a state because private land would be given great care and effort.¹⁶ Furthermore, he explains that common property would be in poor condition because public goods are not cared for, due to a general lacking of a sense of ownership.¹⁷ He argues that we “find more disputes in common than we do among separate holders of possessions, even though, as we can see, the number of those who quarrel over partnerships is small as compared with the great multitude of private owners”.¹⁸ Aristotle also argues “there is a very great pleasure in helping and doing favors to friends and strangers and associates; and this happens when people have property of their own”.¹⁹ Private property allows this pleasure because the effort put into private land results in better food and goods, which in turn generates surplus. Property owners become hospitable and generous with their friends and associates by offering them this surplus, and they gain justifiable pride in this cooperation. Therefore, Aristotle indirectly implies that private property facilitates cooperation, which is enabled by the generosity property owners exhibit to share their surpluses with friends.

Aristotle and Plato have opposing views on the matter of private property. While both philosophers relate the concept of private property to cooperation, they do so in opposite ways. While Aristotle implies that private property facilitates cooperation, Plato implies that private property leads to distrust and the destruction of the idea of the perfect city. He prefers the common ownership of property because he views this common ownership as the

facilitator of cooperation that benefits the whole city. Aristotle, on the other hand, argues that common ownership leads to the poor treatment of the property because no one will truly own the land and care for it. Plato did not consider Aristotle's notion of the surplus to be the result of private ownership. Aristotle regards Plato's argument as unrealistic and impractical.²⁰

Plato and Aristotle both work towards building the perfect life through this concept of cooperation. Both philosophers argue that there are many other factors that contribute to the foundation of the perfect life, but without cooperation, all other factors would be useless. Wisdom, courage, moderation and justice in their purest forms are essential to them both, as well as education, philosophy, politics, and monitoring the economy. I do not overlook any of these factors, nor do I undermine them, because cooperation is the process in which all of these factors work together to attain the best life. This argument complies with both Platonic and Aristotelian thought, as they argue for many policies that enable this kind of cooperation. Though it is not explicitly defined in the *Republic* and *The Politics*, the importance of cooperation among citizens in several different ways is nonetheless implied. Although their analyses of cooperation are implicit, they do thoroughly involve the concept in their arguments.

Plato's clearest approach to cooperation is his introduction of the division of labor. This concept has been an essential tool in maintaining the economy throughout the centuries, and is used by many philosophers after him. In this analysis of the division of labor, Plato introduces two things: the most basic principles to any efficiently functioning economy, and the means by which a society can begin in the process of cooperation. Both of these points are crucial to his formula of the best possible life. Aristotle deals with

the same matters of cooperation as Plato, but in more depth and detail. In some cases, such as the case of the analysis of common property, Aristotle responds directly to Plato. In others, it is more of an indirect response to the concepts Plato proposes. Aristotle's analysis of cooperation regarding the distinction of societal associations is more accurate than the one Plato offers. Plato equates the characteristics and foundations of the individual to the family and the city, and any other association in society. This is an unrealistic method of analysis, and Aristotle accounts for the flaws in Plato's argument. It is critical to note that a family or an individual are much simpler than a village or even a city. A family is based primarily on the nature of relationships and rules within, whereas a city is based on a complex economy, a military, and the need to provide beyond necessities, and it is therefore important to consider these distinctions when analyzing the cooperation each association participates in; the cooperation that takes place in a family is not equal to the cooperation in the larger and more complex city.

Aristotle also picks up on Plato's analysis of common property. He argues that private property is a good thing, especially for cooperation, because it enables surpluses and generosity to others with these surpluses. This is an example of how virtues function within cooperation to lead to the best life, where the generosity in sharing surpluses is a cooperative action that gets a society one step closer to the best life. Aristotle's analysis of private property is more applicable to a realistic city. In Plato's argument of common property among the guardians and rulers, he fails to account for the potential problems that might occur among them despite common ownership. Although he does examine the elimination of competition and distrust among citizens, he does not consider other possible conflicts that might arise among them.

Plato assumes that as long as all the guardians and rulers own everything commonly, there will be no factions among them. This is a false assumption, because it is unrealistic to predict the elimination of factions solely on the basis of common ownership. Factions do not only arise due to competition and private ownership as Plato assumes. For example, factions can arise among the guardians in decision-making, since the auxiliary and rulers are in charge of a city, which inevitably requires large responsibilities such as making impromptu decisions. Under such a circumstance, common ownership would not prevent factions. Indeed it might help in the sense that guardians and rulers would not make decisions based on their own interests but rather for the whole, though here I argue it is the opinion on these decisions made for the whole that will differ. These differences will be based on the differences from one individual to another. Although all rulers will have engaged in philosophy and will have the highest ability to rule, they cannot share the exact same opinions and thoughts about issues. For this reason, I argue that Plato's position on the matter of common ownership is too simplistic. It does eliminate most potential conflicts, but not all. It is also important to note how he disregards the fact that guardians and rulers are human beings with emotions. Plato argues that guardians should be separated from their children at birth, in order to prevent nepotism. But no female guardian or ruler would willingly accept the anonymity of her children. Due to this, I conclude that Aristotle's argument of private property is a more realistic and practical approach to property owning, which will in turn allow attainable results from cooperation.

Aristotle's approach to cooperation appears as a modified and corrected version of Plato's approach, as he is always offering a much more practical way of enabling cooperation. Nevertheless,

both philosophers do propose very strong formulas for reaching the best possible life through cooperation. However, there is one common defect between both of their formulas. They make the dangerous assumption that in all their mechanisms of private or common property, the division of labor, and different societal associations, all individuals will be willing to contribute to the overall process of cooperation. This is the greatest fallacy of all in their arguments, because they do not consider the conflicts that might arise within this process. Both Plato and Aristotle acknowledge the different classes in the city and that the majority of individuals are inferior to the guardians or rulers. Despite this acknowledgement, they assume that these inferior individuals will accept their inferiority, contributing adequately in their jobs and their duties. This is a false assumption, because no inferior individual would be willing to do his or her part as much as a ruler, or someone of a higher position in society. There are no repercussions for an inferior individual to not do so, so there would be no desire to contribute as much. Aristotle makes a very clear distinction between the capacity of a man and his wife and a master and his slave.²¹ In placing the master in a higher position than the slave, Aristotle cannot assume that the slave will be willing to contribute to his duties as much as the master, who is prized for his greater capacity. Plato, in the same way, assumes that all the craftsmen and farmers are willing to contribute to the city as much as the guardians and rulers. Although it is possible that the lower classes of a society are accepting and understanding enough to be willing to make equal contributions, it should not be assumed. Indeed, people have different natures, as well as different capacities. Some men are only productive with physical work, while others are only productive with their minds. It is only natural that some people are capable of greater things than others, but this does not imply that those who are less capable will accept their

inferiority and contribute as much as those who are superior. This is a problem that might occur within a cooperative society, which Plato and Aristotle do not consider when presenting their formulas of cooperation that lead to the best life. Therefore, their approaches are not flawless.

Overall, the *Republic* and *The Politics* implicitly utilize cooperation as the tool to achieve the best life. Both philosophers deal with similar concepts when approaching cooperation, though the methods they use to approach these concepts differ. While Plato sets out the division of labor and specialization among the different groups in society, Aristotle proposes a different view of the extent of cooperation that occurs within specific groups, which is to consider the greater complexity of the city than the family. Also, Plato argues that common ownership is the facilitator for cooperation, while Aristotle disagrees with this, and argues instead that private ownership is the facilitator of cooperation. Plato explains that common ownership will allow the rulers and guardians to benefit the entire city rather than just themselves, whereas Aristotle argues that private ownership will allow for surplus that can be shared. Aristotle adopts a more realistic and practical approach than Plato, and provides a formula that can be used in realistic circumstances. He even considers every aspect of the city regarding cooperation, including economic, political, and social aspects. He proposes a design for the most wholly beneficial regime, which is a mixture between oligarchy and democratic. These regimes are to cooperate with each other to produce the best possible political culture, where respectable and intellectual citizens who have the right to rule are the rulers, and in this regime both the rulers and the ruled benefit. Although Aristotle considers every aspect, he and Plato fail to consider the possible conflicts that might arise in these proposed approaches to cooperation. They

both assume that every individual, despite his or her position in society, would be willing to contribute to his or her duties equally. Cooperation, in a general sense, involves honesty, respect and equality, but most of the people in the cities proposed by Plato and Aristotle are inferior. They fail to consider that it is highly possible that a servant or a craftsman will not enjoy their inferiority to higher classes, despite their lower capacities, and that they will not be willing to contribute their share to the city. This shows that the formulas to reach the best life presented by Plato and Aristotle are not flawless, because they make an unrealistic assumption of the contributions made by each individual in society.

Notes

- 1 Plato, *Republic*, trans. Allan Bloom (New York: Basic Books, 1991), 47.
- 2 Ibid., 48.
- 3 Ibid., 94.
- 4 Ibid., 98.
- 5 Ibid., 96.
- 6 Ibid., 96.
- 7 Aristotle, *The Politics*, trans. T. Sinclair (London: Penguin Books Limited, 1981), 59.
- 8 Ibid., 60.
- 9 Ibid., 60.
- 10 Ibid., 59.
- 11 Plato, *Republic*, 121.
- 12 Aristotle, *The Politics*, 59.
- 13 Ibid., 369.
- 14 Ibid., 369.
- 15 Ibid., 369.
- 16 Ibid., 114.
- 17 Ibid., 114.
- 18 Ibid., 116.
- 19 Ibid., 115.
- 20 Ibid., 116.
- 21 Ibid., 65.

Cooperation in *Republic and Politics*

Melody Ajaman

Most principles adopted in contemporary political theory originate from classical political thought. Democracy and justice - these ideas are synonymous with the works of both Plato and Aristotle, and our contemporary political landscape would not exist without them. Another idea that both philosophers allude to that is essential to every political association is cooperation. Cooperation is an essential concept in contemporary politics. Without it, the structure of international relations could not operate. International organizations exist on the basis of international cooperation as the means to achieve the most beneficial political, economic, and social policies worldwide. Although both Plato and Aristotle deal with the topic of cooperation indirectly, this topic plays a role in many of their fundamental arguments and aims. Plato's *Republic* and Aristotle's *The Politics* both work towards finding the path to the attainment of the best life, and I argue that one of the main ways they seek to achieve this is through cooperation. They indirectly regard it as the means to the best life. Platonic and Aristotelian virtues, such as courage, wisdom, moderation and justice, are to be incorporated in this process in order for cooperation to succeed. Although both philosophers appear to be in favor of cooperation and view it as the key to the best life, there are differences in their opinions on methods that enable cooperation, and both fail to propose the correct formula for cooperation to succeed. They assume that this required cooperation will be flawless and do not explain the potential problems that might occur within cooperation. The first part of this analysis looks

at Plato's viewpoint on cooperation and its influence on society. The second part looks at Aristotle's viewpoint on cooperation, as well as the key similarities and differences that emerge between the two theorists when dealing with cooperation and methods of cooperation. In the third part of the analysis, I offer an assessment of the strengths and weaknesses of the analyses of cooperation given by Plato and Aristotle, which shows what their approaches to cooperation lack.

First of all, let us consider Plato's ideas. In Book II of the *Republic*, Plato describes Socrates introducing the idea of the formation of the city in the dialogue. The idea of the formation of the city itself is Plato's first sign of favoring cooperation. In his dialogue with Adeimantus, Socrates sets out the attributes of the ideal city and emphasizes the importance of the accurate division of labor. He argues that people of the city have to practice specialization, where citizens perform the task that each is suited for.¹ Through this division of labor, citizens will perform these jobs in the finest way, allowing for the highest efficiency. Through specialization, the craftsmen are dedicated to crafting, farmers to farming, rulers to ruling, and so on. Even the weakest of the citizens have jobs in accordance to their abilities, such as working in the business of exchange as Socrates proposes.² The potential for the highest efficiency in the ideal city indirectly implies that cooperation among citizens through this specialization is needed to have the best possible city. The citizens need each other and cannot reach the best outcome without helping one another. Therefore, as Plato indirectly proposes, by working together and dividing tasks among each other in the finest way, the citizens would be able to reach the potential of the ideal city.

Another illustration of cooperation through the division of labor is Socrates' myth of metals. Socrates clarifies his explanation of the division of labor when he explains that people are mixed with different types of metals at birth based on their capacities. He explains that people mixed with gold at birth are the rulers, people mixed with silver are the auxiliary, and people mixed with bronze and iron are the craftsmen and farmers of the city.³ This metaphor justifies people's social statures in society. Therefore, the farmers and craftsmen are the best producers of their products, the guardians are the fittest to protect the city, and the rulers are undoubtedly the best to rule the city. Socrates finds this aspect of the city of such importance because an inaccurate division of labor would never allow the highest benefit for all. The key point in Socrates' discussion of the division of labor is that his idea of the perfect city and the desire to attain it enables cooperation, and more importantly, leads to the benefit of the whole. The system allows something for everyone, rather than only benefiting the rulers and guardians. In this perfect city, the craftsmen and farmers are happy because they are ruled and protected by the most just rulers and guardians, and the rulers and guardians are happy because they have established a great and just city, and as such, all the different classes are able to share the benefits of the system.

Throughout book III of the *Republic*, Socrates focuses on the idea of 'benefiting the whole.'³ In his idea of founding the city, the guardians and rulers of the perfect city are "not looking to the exceptional happiness of any one group among us but, as far as possible, that of the city as a whole".⁴ They will not be concerned with their own well-being, but rather with the well-being of the entire city. Plato argues that in order for them to ensure this outcome, the rulers and guardians should have no private property and they should "live in common".⁵ Socrates elaborates on this

point and explains the reason they should live like this is that “whenever they’ll possess private land, houses, and currency, they’ll be householders and farmers instead of guardians, and they’ll become masters and enemies instead of allies of the other citizens; hating and being hated, plotting and being plotted against, they’ll lead their whole lives far more afraid of the enemies within than those without.”⁶ What Plato is implying here is that the guardians and rulers must cooperate, share, and live with each other on the same level and standard of living. The reason why he argues against private property is to give the guardians and rulers the ability to cooperate and benefit the city. To do this, they must be allies, respectful and honest with each other – and these are precisely the timeless characteristics of any group willing to cooperate, and by extension, the qualities of a cooperative society. What private property enables is the exact opposite of these qualities: hatred, dishonesty, and enmity. This would result in the lack of cooperation among the guardians and rulers, which would in turn result in the opposite of Plato’s goal; the rulers benefiting themselves, rather than benefiting the whole. To benefit the whole the guardians and rulers must cooperate, and for them to cooperate, they must share common property.

Aristotle, like Plato, shows evidence of favoring cooperation in *The Politics*. Aristotle explains different associations in a society, which include the family, the household, the village, and the state. He argues that the state exists by nature, and that it is “the end of those others, and nature is itself an end; for whatever is the end-product of the coming into existence of any object, that is what we call its nature – of a man, for instance, of a horse or a household”.⁷ To Aristotle, each individual, family, and household are all part of the state, and these individual parts cannot function unless they are joined with the whole. For this reason, he claims

“the state has a natural priority over the household and over any individual among us. For the whole must be prior to the part”.⁸ He clarifies this further by using the analogy of the hand,⁹ which implies that a single hand is useless unless it is attached to the body. Aristotle’s key point in this argument is that only the end product reaches self-sufficiency. This recognition of the end product being the truly efficient association in itself favors cooperation, because it implies that no individual on his or her own can function or accomplish anything unless it joins a larger association. This implication shows Aristotle’s indirect desire for cooperation. He argues that an individual cannot achieve self-sufficiency because the individual is the useless part. Aristotle understands self-sufficiency in accordance with the good life.¹⁰ As cooperation among the minor associations in society leads to self-sufficiency in the state, it also leads to the good life.

There is a key similarity between Plato and Aristotle regarding the concept of efficiency. Aristotle makes his arguments in a very economic-oriented way, and Plato does give adequate attention to the effect of the economy on the city. Both philosophers are in favor of specialization, in which jobs are allocated accordingly and are performed in the finest way possible. Though they both agree that specialization leads to efficiency, Aristotle focuses more on the idea of the entire city being the only efficient association, whereas Plato simply implies that specialization depends on each individual carrying out his or her job in the best way. In other words, Plato argues that if each individual does his or her part in the economy, the outcome will benefit the whole. Aristotle suggests the same concept, but with a more specific focus on the state as the only sufficient association.

Aristotle's distinction of different associations in society differs from Plato's view of these associations. In the dialogue between Socrates and Glaucon, Socrates regards the application of a quality to an individual as equivalent to the application of the same quality to the city and the family.¹¹ The implication is that Plato understands the structures of different associations in society to be equal. Aristotle disagrees with this view, saying that the structure of the family is much simpler than that of the polis. In *The Politics*, the city is much more complex.¹² It is concerned primarily with economic benefits, followed by military benefits, along with the provision of the best life beyond meeting mere economic and military needs. For this reason, Aristotle would say that cooperation in the family cannot be generalized to apply to the whole city as Plato does, because the nature of this cooperation would be much more complicated with greater concerns to consider than the family.

Among oligarchy, democracy and tyranny, Aristotle shows preference to mixed, rather than pure forms of these so-called defective regimes.¹³ His preference is a mixture between oligarchy and democracy because it allows for moderation.¹⁴ This moderation between oligarchy and democracy enables the cooperation of the two regimes, resulting in the most desired realistic regime. This outcome is the result of the extraction of the most desirable features of the two regimes, allowing this amalgamation the best of both sides. This cooperation leads to "the most valuable of principles in a constitution: ruling by respectable men of blameless conduct and without detriment to the population at large".¹⁵ Aristotle regards this constitution as the closest to perfection as a regime can realistically be. In this argument, Aristotle indirectly implies that moderation is the key to the

cooperation between oligarchic and democratic elements, and this type of cooperation enables the best possible life.

Another Aristotelian idea that favors cooperation is his support of private property. Aristotle argues that owning private property is important in a state because private land would be given great care and effort.¹⁶ Furthermore, he explains that common property would be in poor condition because public goods are not cared for, due to a general lacking of a sense of ownership.¹⁷ He argues that we “find more disputes in common than we do among separate holders of possessions, even though, as we can see, the number of those who quarrel over partnerships is small as compared with the great multitude of private owners”.¹⁸ Aristotle also argues “there is a very great pleasure in helping and doing favors to friends and strangers and associates; and this happens when people have property of their own”.¹⁹ Private property allows this pleasure because the effort put into private land results in better food and goods, which in turn generates surplus. Property owners become hospitable and generous with their friends and associates by offering them this surplus, and they gain justifiable pride in this cooperation. Therefore, Aristotle indirectly implies that private property facilitates cooperation, which is enabled by the generosity property owners exhibit to share their surpluses with friends.

Aristotle and Plato have opposing views on the matter of private property. While both philosophers relate the concept of private property to cooperation, they do so in opposite ways. While Aristotle implies that private property facilitates cooperation, Plato implies that private property leads to distrust and the destruction of the idea of the perfect city. He prefers the common ownership of property because he views this common ownership as the

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Plato and Aristotle both work towards building the perfect life through this concept of cooperation. Both philosophers argue that there are many other factors that contribute to the foundation of the perfect life, but without cooperation, all other factors would be useless. Wisdom, courage, moderation and justice in their purest forms are essential to them both, as well as education, philosophy, politics, and monitoring the economy. I do not overlook any of these factors, nor do I undermine them, because cooperation is the process in which all of these factors work together to attain the best life. This argument complies with both Platonic and Aristotelian thought, as they argue for many policies that enable this kind of cooperation. Though it is not explicitly defined in the *Republic* and *The Politics*, the importance of cooperation among citizens in several different ways is nonetheless implied. Although their analyses of cooperation are implicit, they do thoroughly involve the concept in their arguments.

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the same matters of cooperation as Plato, but in more depth and detail. In some cases, such as the case of the analysis of common property, Aristotle responds directly to Plato. In others, it is more of an indirect response to the concepts Plato proposes. Aristotle's analysis of cooperation regarding the distinction of societal associations is more accurate than the one Plato offers. Plato equates the characteristics and foundations of the individual to the family and the city, and any other association in society. This is an unrealistic method of analysis, and Aristotle accounts for the flaws in Plato's argument. It is critical to note that a family or an individual are much simpler than a village or even a city. A family is based primarily on the nature of relationships and rules within, whereas a city is based on a complex economy, a military, and the need to provide beyond necessities, and it is therefore important to consider these distinctions when analyzing the cooperation each association participates in; the cooperation that takes place in a family is not equal to the cooperation in the larger and more complex city.

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Plato assumes that as long as all the guardians and rulers own everything commonly, there will be no factions among them. This is a false assumption, because it is unrealistic to predict the elimination of factions solely on the basis of common ownership. Factions do not only arise due to competition and private ownership as Plato assumes. For example, factions can arise among the guardians in decision-making, since the auxiliary and rulers are in charge of a city, which inevitably requires large responsibilities such as making impromptu decisions. Under such a circumstance, common ownership would not prevent factions. Indeed it might help in the sense that guardians and rulers would not make decisions based on their own interests but rather for the whole, though here I argue it is the opinion on these decisions made for the whole that will differ. These differences will be based on the differences from one individual to another. Although all rulers will have engaged in philosophy and will have the highest ability to rule, they cannot share the exact same opinions and thoughts about issues. For this reason, I argue that Plato's position on the matter of common ownership is too simplistic. It does eliminate most potential conflicts, but not all. It is also important to note how he disregards the fact that guardians and rulers are human beings with emotions. Plato argues that guardians should be separated from their children at birth, in order to prevent nepotism. But no female guardian or ruler would willingly accept the anonymity of her children. Due to this, I conclude that Aristotle's argument of private property is a more realistic and practical approach to property owning, which will in turn allow attainable results from cooperation.

Aristotle's approach to cooperation appears as a modified and corrected version of Plato's approach, as he is always offering a much more practical way of enabling cooperation. Nevertheless,

both philosophers do propose very strong formulas for reaching the best possible life through cooperation. However, there is one common defect between both of their formulas. They make the dangerous assumption that in all their mechanisms of private or common property, the division of labor, and different societal associations, all individuals will be willing to contribute to the overall process of cooperation. This is the greatest fallacy of all in their arguments, because they do not consider the conflicts that might arise within this process. Both Plato and Aristotle acknowledge the different classes in the city and that the majority of individuals are inferior to the guardians or rulers. Despite this acknowledgement, they assume that these inferior individuals will accept their inferiority, contributing adequately in their jobs and their duties. This is a false assumption, because no inferior individual would be willing to do his or her part as much as a ruler, or someone of a higher position in society. There are no repercussions for an inferior individual to not do so, so there would be no desire to contribute as much. Aristotle makes a very clear distinction between the capacity of a man and his wife and a master and his slave.²¹ In placing the master in a higher position than the slave, Aristotle cannot assume that the slave will be willing to contribute to his duties as much as the master, who is prized for his greater capacity. Plato, in the same way, assumes that all the craftsmen and farmers are willing to contribute to the city as much as the guardians and rulers. Although it is possible that the lower classes of a society are accepting and understanding enough to be willing to make equal contributions, it should not be assumed. Indeed, people have different natures, as well as different capacities. Some men are only productive with physical work, while others are only productive with their minds. It is only natural that some people are capable of greater things than others, but this does not imply that those who are less capable will accept their

inferiority and contribute as much as those who are superior. This is a problem that might occur within a cooperative society, which Plato and Aristotle do not consider when presenting their formulas of cooperation that lead to the best life. Therefore, their approaches are not flawless.

Overall, the *Republic* and *The Politics* implicitly utilize cooperation as the tool to achieve the best life. Both philosophers deal with similar concepts when approaching cooperation, though the methods they use to approach these concepts differ. While Plato sets out the division of labor and specialization among the different groups in society, Aristotle proposes a different view of the extent of cooperation that occurs within specific groups, which is to consider the greater complexity of the city than the family. Also, Plato argues that common ownership is the facilitator for cooperation, while Aristotle disagrees with this, and argues instead that private ownership is the facilitator of cooperation. Plato explains that common ownership will allow the rulers and guardians to benefit the entire city rather than just themselves, whereas Aristotle argues that private ownership will allow for surplus that can be shared. Aristotle adopts a more realistic and practical approach than Plato, and provides a formula that can be used in realistic circumstances. He even considers every aspect of the city regarding cooperation, including economic, political, and social aspects. He proposes a design for the most wholly beneficial regime, which is a mixture between oligarchy and democratic. These regimes are to cooperate with each other to produce the best possible political culture, where respectable and intellectual citizens who have the right to rule are the rulers, and in this regime both the rulers and the ruled benefit. Although Aristotle considers every aspect, he and Plato fail to consider the possible conflicts that might arise in these proposed approaches to cooperation. They

both assume that every individual, despite his or her position in society, would be willing to contribute to his or her duties equally. Cooperation, in a general sense, involves honesty, respect and equality, but most of the people in the cities proposed by Plato and Aristotle are inferior. They fail to consider that it is highly possible that a servant or a craftsman will not enjoy their inferiority to higher classes, despite their lower capacities, and that they will not be willing to contribute their share to the city. This shows that the formulas to reach the best life presented by Plato and Aristotle are not flawless, because they make an unrealistic assumption of the contributions made by each individual in society.

Notes

- 1 Plato, *Republic*, trans. Allan Bloom (New York: Basic Books, 1991), 47.
- 2 Ibid., 48.
- 3 Ibid., 94.
- 4 Ibid., 98.
- 5 Ibid., 96.
- 6 Ibid., 96.
- 7 Aristotle, *The Politics*, trans. T. Sinclair (London: Penguin Books Limited, 1981), 59.
- 8 Ibid., 60.
- 9 Ibid., 60.
- 10 Ibid., 59.
- 11 Plato, *Republic*, 121.
- 12 Aristotle, *The Politics*, 59.
- 13 Ibid., 369.
- 14 Ibid., 369.
- 15 Ibid., 369.
- 16 Ibid., 114.
- 17 Ibid., 114.
- 18 Ibid., 116.
- 19 Ibid., 115.
- 20 Ibid., 116.
- 21 Ibid., 65.

Politics in Living Standards: *The Ideology and Subject Formation of the Human Development Index*

Rudolf du Toit

Humans make assumptions. Many assumptions become embedded in society's collective thought, language, and power dynamics. They even extend to laden concepts like human development in the form of the central United Nations (UN) Human Development Index (HDI). But consequences are more far-reaching; lack of critical engagement with seemingly explicit measures of relative human development may result in phenomena like latency or inferiority complexes. Both the Human Development Report itself and its critics ask conventional questions like how can we measure human development or improve countries with lower scores.¹ Such lines of questioning start the conversation about human development and health at a point past questions of what the HDI really is. More insidiously, such discussions conceal what the HDI truly is; that is, an abstract ideological measure rather than a concrete appreciation of relative human health. Human development is an artefact. "Artefact" refers to a worldly product of human work, which consists of all artificially produced things.¹ Although we may assume them to be so, these things are not a part of the life process but rather are distinctly different from people's natural surroundings. By analyzing the historical development of thought, language, and power surrounding this artefact of global human development and health standards, it may be revealed how the HDI shapes today's language of human development and health, and how it

¹ For examples, see Ricardo Martinez, "Inequality and the New Human Development Index," *Applied Economics Letters* 19 (6): 533-5; Satya R. Chakravarty, "A Generalized Human Development Index," *Review of Development Economics* 7 (1): 99-114; Kenneth Harttgen and Stephan Klasen, "A Household-Based Human Development Index," *World Development* 40 (5).

conditions people into certain kinds of subjects. It will be argued that the historical development of global living standards into the ideological artefact of the UN Human Development Index and its subsequent subject formation problematizes health by excluding human agency from assessing health and human development.

The historical development of thought, language, and power surrounding the artefact of global living standards formed a certain kind of subject or, in other words, has presupposed what it is to be a productive human being. “Thought, language, and power” refers to dynamic processes of not only what is explicitly written about a concept² but also deeper meanings embedded and assumed within the collective conscience of society in the form of thought, language, and power. This thought, language, and power includes bio-power, nation-states, the concept of human development and a human rights regime, and the concept of agency in health, all of which shaped the UN HDI as an artefact. In turn, the HDI shapes today’s language of human development, which can be demonstrated by drawing connections between the HDI and an

2 Examples of explicit materials about the HDI include information in United Nations Human Development Reports and in face-value critiques of the HDI. See United Nations Human Development Reports, “Human Development Index,” last modified 2011, <http://hdr.undp.org/en/statistics/hdi/>; Martinez, “Inequality and the New Human Development Index”; Chakravarty, “A Generalized Human Development Index”; and Harttgen and Klasen, “A Household-Based Human Development Index.” Endnote references may be divided into the sections of “Bibliography” and “Materials.” Althusser, Arendt, Brown, and Foucault would be in the “Bibliography” section, and all other references would be in the “Materials” section. This distinction is in relation to the designation of “thought, language, and power.” “Materials” points to explicit materials that are mainly “facts” and lack deeper critical thinking; in contrast, “Bibliography” points to a deeper level of analysis that critically engages with the embedded meanings and assumptions within the collective conscience of society.

“ideological state apparatus.”² Its engagement with concrete individuals and abstract geographical boundaries then forms certain kinds of subjects. The HDI conditions people into subjects who face an abstract ideology, a universal reduction of living standards, and lack of human agency due to the use of statistics and nation-states. “Human agency” refers to the degree of a person’s ability to act in a matter; in this case, agency refers to the degree to which people can assess the matter of global living standards themselves. Overall, the HDI will be outlined as an artefact; followed by an analysis of these politics in living standards – historical developments that led to the HDI’s formation, the nature of its language and ideological structure, and subject formation; and the argument that this political process is a problematization of health that excludes human agency from assessing health and human development.

The Human Development Index is the UN’s measure of human development. It consists of health – life expectancy, education – mean and expected years of schooling, and living standards – GNI per capita.³ These three measures are expressed in a single statistic with a value between 0 and 1, which contains goalpost minima and maxima. Countries are then measured on this relative scale and ranked in their performance relative to each other. Despite this measure’s direct explanation that living long, being educated, and having money constitute human development, its true goal is indirectly exposed in the HDR’s explanation of uneven development. It states:

National wealth has the potential to expand people’s choices. However, it may not. . . . People and their capabilities should be the ultimate criteria for assessing the development of a country.⁴

These statements suggest that human development and health consist of a human's degree of choice, and that living long, being educated, and having money are the specific indicators that comprise the capabilities able to influence the degree of a human's choice within certain geographical areas. It is important to note what the HDI is *not* suggesting in this statistical measure of choice. For example, the HDI does not account for alternative views of human development other than the idea of choice. The HDI also does not account for other potential indicators of the degree of someone's choice, such as a human's own perception. In fact, it could be said that the HDI does not measure human development; rather, it uses choice as a stand-in for whatever "human development" may be. I will argue that this artefact problematizes health by excluding human agency in assessing health and human development through the following exploration of the politics in living standards' historical development, the nature of the HDI's language and ideological structure, and subject formation.

The historical development of thought, language, and power that formed the concept and now measure of global living standards in the UN HDI consists of multiple parts. These include bio-power, nation-states, the concept of human development and the human rights regime, and the concept of agency in health. The first part of global living standards, "bio-power," was most famously observed by Michel Foucault. "Bio-power" refers to the increasing historical engagement of biology and politics, as power was increasingly being exercised at the level of life itself. For example, wars were waged in the name of a particular population's life necessity.⁵ Rather than questioning juridical boundaries of sovereignty, politics began putting the living being into question. The old "power of death" was supplanted by the new "power over life."⁶ The HDI may be considered an example of bio-power

because it makes a political measurement at the level of life – human development, in this case. The HDR’s above statement that capabilities determine the development of a country is a demonstration of this power over life because it emphasizes that countries must be assessed in how well they administer the capabilities necessary for choice – in other words, an assessment of the administration of life. Furthermore, the HDI uses statistics, which hides the abstract ideologies of choice, capabilities, and nation-states to provide a political measure of health and human development. Hannah Arendt’s exploration of the public and private spheres helps to explain why it is difficult to see the seemingly normal “nature” of the HDI. She argues that we find it difficult to distinguish between the public (the *polis*) and private (the household) spheres because

We see the body of peoples and political communities in the image of a family whose everyday affairs have to be taken care of by a . . . nation-wide administration of housekeeping.⁷

This suggests that we find the line between the public and private blurred because the public partly manages the private, just as bio-power suggests that politics (the public) now operates at the level of life (the private). Arendt finds that this development stems from the scientific thought of “national economy” or “social economy,” wherein a collective of families are economically organized into “the facsimile of one super-human family...[which] we call ‘society,’ and its political form of organization is called ‘nation.’”⁸ Thus, it is easy to assume that it is natural for a political authority like the UN to measure life itself because the line between the public and private spheres is blurred by the administrative practices of Western political systems.

The second part of global living standards is the development of countries or “nation-states,” which the UN and HDI use as parameters in its measurement of human development. The modern state system is commonly argued to have originated in Western Europe in 1648 when the Peace of Westphalia was agreed upon by the major powers involved in the Thirty Years’ War.⁹ Among other principles, it yielded the recognition of sovereignty, which is to have supreme jurisdiction within a geographical boundary. The nation developed next from the 18th and 19th centuries onwards.¹⁰ The HDI “measures the average achievements in a country in three basic dimensions of human development,” which states simply that human development is measured using the parameters of countries or “nation-states.” The historical development of the nation-state provided the foundation of the United Nations as an international organization and, so, provides statistics with these abstract geographical boundaries. The use of specifically nation-states to assess health and human development is significant because it suggests who may be held responsible for the provision of capabilities. As stated, “The HDI can also be used to question national policy choices.”¹¹ That nation-states are given the responsibility of health provision means that the world’s populace does *not* have agency in agreeing whether or not to have global living standards, nor in agreeing on what those standards might be. Most people did not formally agree to global living standards despite their derivation from statistical averages of the world’s populace. Thus, the nation-state, as a part of the historical development of living standards, contributes to the argument that the HDI excludes human agency in assessing health and human development by making health provision a governmental responsibility.

The concept of “human development” and the human rights regime are the third part of the historical development of global living standards. It is beyond the scope of this paper to delve into the history of human development as it stems from multiple political theorists like Machiavelli, Hobbes, Rousseau, etc. whom wrote conjectural histories of development, and from other movements like humanism. Nevertheless, this concept suggests that humans develop or “unfold” along a similar trajectory.¹² In addition, a feeling of entitlement largely stems from the human rights regime upon which the United Nations built itself.¹³ The UN states that all humans possess human rights, making them entitled to human development as though it is a concrete object that can be grasped if the conditions that we believe shape this particular kind of human development are present. What is significant about human development and the human rights regime is that they abstract human development from its practice. Similarities can be drawn between Brown’s discussion of “freedom” and this part of living standards to help illustrate this position.¹⁴ She asserts that the liberal rendering of freedom as a concept abstracts it from its historical or contextual practice in which it is rooted.¹⁵ Similarly, the UN established human development and living standards as independent concepts instead of subjective practices. This abstract concept of human development and the feeling of entitlement generated by the human rights regime partly informed the formation of the HDI and its consequent suggestion that the “problem” of health and human development can be potentially “solved.”

The last key part of the historical development of global living standards is the suggestion and simultaneous removal of human agency in health. In collecting statistics to measure a particular kind of human development, the HDI implies that people

have agency in the determination of this health. In other words, the HDI does *not* suggest that health is only natural, or subject to, for example, God or the will of fortune. Arendt makes two arguments about politics that are useful here: first, that politics is now mainly concerned with vanity and not-suffering as opposed to its past concern of immortality-seeking; and second – because of the first – that the modern public sphere is now significantly smaller than it used to be.¹⁶ When applied to the notion of human agency in health, this argument suggests that the strife for human development and health – not-suffering – is characteristic of a declining public sphere. In other words, the HDI's statistics suggest that humans can pursue and achieve something that does not have value beyond the immediate goal of living. This emphasis on immediate living (health or not-suffering) actually removes human agency in assessing health because living is seen as the only problem here on Earth, which is then rationalized by statistics and seen as a problem that can be potentially solved. Thus, the notion of humans being able to alter their health also removes human agency in assessing this health by granting statistics the “job” of measuring and potentially “solving” the “problem” of health.

While these historical developments mutually constitute the thought, language, and power that formed the HDI, the HDI itself also informs the language of global human development and health standards today, and engages with concrete individuals and abstract geographical boundaries to form certain kinds of subjects or productive human beings.

The current nature of the language of global human development and health standards can be understood by considering Louis Althusser's article “Ideology and Ideological

State Apparatuses.”¹⁷ The HDI can be compared to an “ideological state apparatus” (ISA), which is a plurality of institutions that are based on and shape ideology in both the public and private spheres.¹⁸ Althusser elaborates that ideology constitutes or “interpellates” or “hails” concrete individuals as subjects or “ideological subjects.” Recognition of subjects is based on ideology, which then constitutes an ideological subject as is evidenced in material practices and rituals.¹⁹ The HDI is comparable to an ISA because the concepts used in its language are ideological rather than independent scientific variables based in statistics, and it is the product of an international public institution based on the nation-states and human rights regime that inform its parameters. For example, as stated above, the HDI does not measure human development; to ascertain what “human development” is, is an ideological formation or stand-in for human development rather than the concept itself. Statistics help in legitimizing this ideological structure of indicators by making it appear to scientifically deduce from “real-world” numbers that some geographical areas better provide for health and human development than others. However, these statistics are pre-supposed by the idea of *choice*, where one’s capabilities determine the degree of one’s choices and, therefore, supposedly also the degree of one’s human development. Thus, Althusser’s exploration of ISAs reveals the nature of the language of global human development and health standards as an ideological structure legitimizing itself with statistics and nation-states. Althusser also notes that ISAs, given their basis on and shaping of ideology, engage in subject formation.

The HDI engages with concrete individuals and abstract geographical boundaries to condition subjects whom face an abstract ideology, a universal reduction of living standards, and

lack of human agency due to the use of statistics and nation-states. This abstract ideology consists of the HDI's ideas of choice, capability, and nation-states being the determinants of health and human development. It is an abstract recognition of the conditions of people's biology within certain geographic boundaries, and causes the individual to conceptualize human development as an individual assessment of variations in living in different geographical areas with the best provision of health. The HDI also reduces what constitutes a "healthy" human – truly what constitutes the capabilities that yield a high degree of choice – to three indicators of supposedly universal factors. This reduction may cause people to feel inferior or superior within certain geographical areas as they react negatively or positively to the HDI's ranking system.²⁰ Lastly, individuals lack human agency because of the statistical justification of an ideology rendering human participation in the discussion of global living standards null. In addition, the use of nation-states' geographical boundaries further removes human agency in assessing health standards by suggesting that it is the responsibility of governments to provide for health. These three features of the HDI's subject formation occur through Althusser's "interpellation" or "hailing" of concrete individuals because

[w]hatever touches or enters into a sustained relationship with human life immediately assumes the character of a condition of human existence. This is why men . . . are always conditioned beings.²¹

This statement suggests that people's interaction with the HDI causes both to condition one another. Therefore, the HDI conditions people into subjects who face an abstract ideology, a

universal reduction of living standards, and lack of human agency due to the use of statistics and nation-states.

The above politics in living standards – historical developments that led to the HDI's formation, the nature of its language and ideological structure, and subject formation – problematize health because human agency is excluded from assessing health and human development. Health and human development are designated as problems to be solved. The HDI's thought, language, and power form subjects whom may find it difficult to see this problematization of health. The use of *choice* as a stand-in for human development is deceptive because it is truly an ideology which formed through the historical development of bio-power, nation-states, the abstraction of human development from its practice, and the notion of human agency in assessing health. The seemingly natural measurement of health and human development by the UN is partly due to the bio-power development of Western political systems administering people's lives, and is supported by the blurry line between the public and private spheres.²² This appearance of legitimization of the HDI is complemented by the UN's establishment of human development and living standards as independent concepts instead of subjective practices, which suggests the potential attainability of solving a "problem" like health and human development. Furthermore, the notion of humans being able to alter their health removes human agency in assessing this health by granting statistics the "job" of measuring the "problem" of health. And lastly, the HDI's use of nation-states complementarily suggests that governments have the responsibility of "solving" or providing for health.

A comparison of Althusser's ideological state apparatuses with the HDI further reveals that this artefact's current language of

global living standards, which is based on an ideological structure legitimizing itself with statistics and nation-states, makes it difficult to distinguish how human agency is excluded. This is because, as the globe's central authority on measuring global living standards, the HDI's language is based on and shapes a particular ideology of human development and health. Throughout the HDI's interaction with concrete individuals it conditions people into subjects who face this abstract ideology, a universal reduction of living standards, and lack of human agency due to the use of statistics and nation-states. Thus, the historical development of global living standards into the ideological artefact of the UN Human Development Index and its subsequent subject formation problematizes health by excluding human agency in assessing health and human development. While the normative question of whether or not humans *should* have agency in assessing global living standards is not the aim of this paper, this critique shows that the HDI is an abstract ideological measure rather than a concrete appreciation of relative human health.

Notes

- 1 Hannah Arendt, *The Human Condition* (Chicago: University of Chicago, 1998), 7-8.
- 2 Louis Althusser, "Ideology and Ideological State Apparatuses: Notes Towards an Investigation," *Lenin and Philosophy and Other Essays*.
- 3 United Nations Human Development Reports, "Human Development Index," last modified 2011, <http://hdr.undp.org/en/statistics/hdi/>.
- 4 "Human Development Index."
- 5 Michel Foucault, "The Right of Death and Power over Life," *The History of Sexuality: Histoire De La Sexualité*, edited by R. Hurley (New York: Vintage Books, 1980), 137.
- 6 Foucault, "Right of Death and Power over Life," 140.
- 7 Arendt, *The Human Condition*, 28.
- 8 *Ibid.*, 28-29.
- 9 Carl Mosk, *Japanese Economic Development: Markets, Norms, and Structures* (New York: Routledge, 2008), 82.
- 10 Mosk, *Japanese Economic Development: Markets, Norms, and Structures*, 82-83.
- 11 "Human Development Index."
- 12 "Inferiority Complex," *Oxford English Dictionary*, 2011.
- 13 United Nations, "Universal Declaration of Human Rights," <http://www.un.org/en/documents/udhr/index.shtml>.
- 14 Wendy Brown, "Introduction: Freedom and the Plastic Cage," in *States of Injury: Power and Freedom in Late Modernity* (Princeton: Princeton University Press, 1995).
- 15 Brown, "Introduction: Freedom and the Plastic Cage," 6.
- 16 Arendt, *The Human Condition*, 55.
- 17 Althusser, "Ideology and Ideological State Apparatuses: Notes Towards an Investigation."
- 18 *Ibid.*, 80.
- 19 *Ibid.*, 85-86.
- 20 "Inferiority Complex." *Oxford English Dictionary*. 2011.
- 21 Arendt, *The Human Condition*, 9.
- 22 Foucault, "The Right of Death and Power over Life."

Comprehensive Senate Reform: *Why We Shouldn't Give Up*

Shamus Reid

From its outset, the Canadian Senate was meant to perform two critical functions. First, it was meant to be a legislative check on the House of Commons and particularly the Executive, in order to protect against the tyranny of the majority and facilitate cautious long-term planning in the policy-making process. Second, it was meant to enhance the intra-state nature of Canada's federalism by offering a regional perspective in federal government policy-making. It has generally performed admirably in the first role; but has sometimes over-stepped the bounds of democratic legitimacy or allowed partisanship to obscure its mandate, leading to a severe deficit in public support. It has utterly failed in its second role.

This paper takes account of the full context of the Senate's purposes and performance in examining popular proposals for abolition or reform. The paper argues that the two goals of Senate reform should be popular legitimacy of the second chamber and a step toward renewal of intrastate federalism in Canada, while retaining the Senate's strength as a house of sober second thought. Legitimacy is the most complex of the two goals; as such, much space is used assessing how reformation of the composition, selection and powers of the Senate could enhance its legitimacy. The ensuing analysis rejects abolition and simplistic proposals for reform, such as the so-called "Triple-E" Senate. It also rejects the defeatism widely expressed by academics in regard to constitutional reform of the Senate since the failure of the Charlottetown accord. It argues that not only is more complex constitutional reform of the Senate likely to produce the best outcome, but that it is possible. The paper concludes by reminding

the reader of the success of major constitutional amendment under Prime Minister Trudeau, and suggesting lessons that can be applied to enhance the prospects for constitutional amendment of the Senate.

Contextualizing Canada's Senate

A thorough analysis of proposals for Senate reform must be contextualized. Before one should consider reform, the following questions must be answered: What were the original purposes of the Senate? How was it meant to achieve those purposes? Where and how has it succeeded and/or failed? With the proper context, the informed reader can then move to consideration of the following: Were the original purposes appropriate and are there other purposes that the Senate should fulfill? Are there better ways of structuring the Senate to achieve its purposes? While scholars rarely neglect the necessary context, they often lament the lack of context provided in political manifestos aimed at Senate reform (CITE)—political manifestos that, of course, are more likely to capture media attention and inform the broader public discourse on reform. In order to properly contextualize the discussion, the following section examines the general role of second chambers in both federal and non-federal states as well as the specific history and unique purposes of the Canadian Senate. It provides answers to the first three questions before moving on to the final two.

Sober Second Thought

Very broadly, second chambers perform one core function in all bicameral states: they offer a second opinion. Whether elected or appointed, federal or unitary, invested with additional functions

or not, the second chamber is meant to be a cautionary check in the legislative process to guard against bad—broadly interpreted—decision-making.¹ In Canada’s popular political parlance, the Senate provides “sober second thought.” All discussion of composition, selection, powers and so on is therefore discussion of how best to assure a legitimately and rigorously developed second opinion and how much weight to give that second opinion in relation to the “house of confidence.” Proposals for abolition of a second chamber are inherently an expression of confidence in the power of the House of Commons, non-governmental institutions and the electorate to adequately assess and pass judgment on the full ramifications of government policy, almost exclusively originating from the Executive and generally under relatively short timelines.

In Canada, the Senate was intended to provide sober second thought through composition by appointed “propertied interests.”² The minimum age requirement of 30 and the minimum property value requirement of \$4,000 (in the context of the much lower average age of mortality and income equivalents of the time) were intended to ensure senators held “a more contemplative world view.”³ While these two exact qualifications are effectively moot today, they remain a constitutional reminder of the contemplative purpose of the Senate, which, as will be discussed below, is very much alive in its culture of deliberation today.

Moreover, lifetime appointment (now mandatory retirement at 75) was meant to free senators from electoral and partisan pressures, allowing them to engage in longer investigatory and deliberative processes with a more long-term scope. This includes examination of important issues that for political reasons would go

unexamined by the House of Commons.⁴ Lifetime appointment was also intended to reduce turnover vis-à-vis the House of Commons, creating a more experienced class of legislators.⁵

The Prime Minister is given free reign in the Constitution to nominate any individual believed to fit the Senate's mandate, allowing for the reparation of potential deficits of professional perspective in the policy-making process.⁶ For example, the Prime Minister could select experts in the field of business, arts and culture, or science.

Lastly, the very nature of a second body, with a different mandate and a different method of composition, brings a different perspective to the policy-making process that may add value.⁷ Conversely, by emphasizing sober second thought, the Senate would allow the House of Commons to do what it does best: address pressing matters in a timely and efficient manner and sustain the government.⁸ As Smith notes, the Senate must be viewed as part of the overall system of governance designed by the Founders.⁹

Intrastate Federalism Through Regional Representation

While not always explicitly referenced, a primary role of Canada's Senate was to serve as a vehicle for intra-state federalism in order to represent regions and "propertied interests" within the federal government's legislative process. In particular, the Senate helped satisfy Québec's anxieties regarding the protection of francophone culture by ensuring it would have equal representation to Ontario, while the House of Commons would be structured according to representation by population.¹⁰

Intra-state federalism was an important principle to John A. MacDonalD, who sought to structure a highly centralized federation. As he wrote to the lieutenant-governor of Nova Scotia:

The representatives of Nova Scotia as to all questions respecting the relations between the Dominion and Province sit in the Dominion Parliament, and are the constitutional exponents of the wishes of the people with regard to such relations. The Provincial members have their powers restricted to the subjects mentioned in the *BNA Act* and can go no further.¹¹

In this view, the Senate would be a federal body that could legitimately represent regional interests and perspectives, and would be the only body that could do this in balance with the good of the whole country.¹² Regionalism alone, the only mandate that could be expressed by individual provinces, would inevitably lead to the loss of the benefits of confederation.

Other Senate Functions

The Senate as originally structured has also led to other ideas about its function. Related to the objective of sober second thought, the Founders envisaged the Senate as being the “representative” body of Canada.¹³ That is, while the House of Commons would directly represent the electorate, the Senate, through appointment, would be more broadly representative of the make-up of Canada.

Of course, notions of who merited representation were a lot more constricted at the time of Confederation. The idea of the Senate as the representative body is now generally interpreted as meaning the Senate ought to reflect the diversity of Canada in a way that is difficult to be achieved through the majority-reflective directly elected House of Commons. Because there are minimal restrictions on the Prime Minister's prerogative to appoint Senators, gender, ethno-cultural background and so on can factor into the appointment process. Indeed, since women have been allowed to serve in the Senate, they have consistently had greater representation within it than within the House of Commons.¹⁴ A more representative Senate, in addition to ensuring underrepresented perspectives are brought to bear on policy-making, could be a legitimizing force for the unelected chamber if Canadians see themselves reflected in its makeup.

The Senate's Performance

Sober Second Thought

On balance, the Senate has lived up to its mandate in providing effective and sober second thought. Even in the rare times when it has been perceived to have over-stepped the bounds of democratic legitimacy it has usually had reasonable arguments for doing so.¹⁵ Unfortunately, an unelected body imposing its will on the elected House of Commons is untenable in the eyes of the majority of Canadians and the Senate has not helped its case by subordinating *sober* to *partisan* in some high-profile cases. Consequently, the lifetime appointment process has failed to completely achieve many of the aims it was expressly designed to

achieve while suffering from an accumulated deficit of public legitimacy.

On the positive side of the equation, the Senate is well known for its many excellent policy studies among those who follow policy development closely. Because of low turnover and more freedom from partisan pressure and electoral duties, its policy studies are broader, longer, more technical and on the whole better than those of the House of Commons.¹⁶

The Senate does also reflect the diversity and expert representation needed for good policy development better than the House of Commons.¹⁷ It has also shown itself to be independent, both exercising a check on the lower chamber under double and single majority eras.¹⁸ Unfortunately, there are numerous, and sometimes extreme, deviations from the above, owing to systemic factors in the selection of Senators.

The source of many of the problems is the partisan nature of selection. Nearly all Senate appointments are based on the political party of the Prime Minister. This supports the notion that the number one reason appointments are made is patronage, not reflection of sober second thought, independence, diversity and regional representation.¹⁹

The most recent use of the Senate's legislative veto provides a glaring example of how partisanship still pervades Senate deliberations. After being passed by a coalition of the second and third parties in the House of Commons under a minority government, a bill regarding climate change was killed without debate by the Conservative government majority in the Senate, at

the behest of the Prime Minister.²⁰ Certainly no independent check on the Executive was exhibited, nor sober second thought, as the bill was never even debated in the Senate.

Regional Representation and Intrastate Federalism

The particularities of Canadian federalism have thoroughly undermined achievement of intra-state federalism through regional representation in the Senate, despite the Founders' intentions. In fact, numerous scholars note that the Senate's performance as a representational force for the regions of Canada is its greatest failing.²¹

Soon after Confederation, the Judicial Committee of the Privy Council significantly devolved power to the provincial governments, negating most of the federal government's power to impose its will on the provinces. Arrangements under Executive Federalism and the increase in Western population and economic strength without a commensurate increase in Senate representation exacerbated the trend of provincial governments exercising the legitimate voice of provinces and regions within Canada.²² Canada is now recognized as the most decentralized federation in existence and the Senate has become essentially irrelevant as a body of regional representation.²³ Watts even goes as far as to assert that Canada's Senate members have the least credibility as spokespeople for regions of all bicameral states.²⁴

Broader Legitimacy Problems

Often related to its problems of adequately providing a vehicle for regional representation and sober second thought, the Senate has suffered from numerous legitimacy issues over the

years, leading to a general loss of confidence among Canadians. For example, the Senate's conflict of interest rules are less strict than the House of Commons', allowing Senators to sit on corporate boards while serving in the Senate. The rules even allow Senators to sit on committees that deal directly with industries within which they are corporate directors.²⁵ Seemingly, such rules would be easy to amend without the need for deeper reform, but the fact that they have not, speaks to a larger perception held by a substantial minority of the population of the Senate as an often borderline corrupt and entirely unaccountable institution. Those that hold such a perception are able to furnish far more evidence than just the conflict of interest rules. Infrequent attendance by certain Senators in the past, criminal charges brought against members, including in cases of election fraud, and extensive partisan electioneering on the taxpayer's dime are just a few of the more recent and high-profile instances that can be pointed to.²⁶

The result of the Senate's failures is a dismal credibility rating with the public. Polling firm Angus Reid has tracked Canadians' views on Senate reform for years. The most recent polling shows that just 5% of Canadians polled support an unreformed Senate, while over a third support abolition.²⁷ While defenders of the Senate point out that the media fixates on scandal and rarely reports on the extensive good work that the Senate engages in,²⁸ this is a red herring. The media does the same thing with the House of Commons. While it may result in low approval ratings of politicians in general, it has not resulted in any calls for significant reform to the powers of the House of Commons or any support for its abolition, only some support for a proportional representation voting system. The House of Commons has a fundamental democratic legitimacy that the Senate lacks.

Abolition is not the Answer

The lack of legitimacy of the Senate and frustration with the lack of reform has led to a fairly strong abolition movement. The modern movement for abolition of the Senate has primarily been given voice through the New Democratic Party of Canada. Now the Official Opposition, its most recent election platform proposed a nationwide referendum on abolition of the Senate and the implementation of proportional representation in the House of Commons. The NDP points to the fact that the provinces long ago abolished their second chambers without negative consequences as evidence that Canada can as well.²⁹ It is important to note that the NDP's support for abolition is inextricably linked with its support for electoral reform in the House of Commons, thus allowing for a representative House of Commons to make up for the lack of a more representative Senate. Nevertheless, Watts warns that the abolition movement is borne of frustration with the lack of reform not academic rigor and its success would do more harm to Canada than good.³⁰

First, in terms of the NDP proposal, whatever the merits of proportional representation, it does not facilitate regional representation.³¹ As previously discussed, the goal of reform to Canada's federal government institutions should be to enhance intra-state federalism through robust regional representation. Abolition would provide an even greater foundation for decentralized federalism dominated by provincial executives.

Scholars are fond of pointing out that only two large modern federations—Nigeria and Pakistan—have adopted unicameral legislative bodies and both abandoned them in favour of

bicameralism after disastrous results.³² In the case of Pakistan, for example, its split in 1971 was linked to unicameralism's inability to adequately represent its regionally concentrated diversity.³³ Moreover, unicameral countries tend to be unitary and territorially small, with relatively small and homogenous populations.³⁴ Such comparative analysis is instructive for Canada's purposes. Canada is both territorially massive and ethno-culturally diverse. As an example of the consequence of abolition for Canadian federalism, the resultant concentration of power in the House of Commons would mean Ontario would dominate the legislative process and Atlantic Canada would be effectively excluded from it.³⁵ Abolition would also concentrate power further in the Cabinet and Prime Minister's Office.³⁶

Finally, abolition would require the unanimous approval of the provinces³⁷, which make the prospect of its realization effectively nil. With the option of Senate reform, public support for abolition is not even close to a majority across Canada, meaning it would surely fail if it ever came to a referendum.³⁸ Thoroughly unfeasible and damaging to Canadian federalism, abolition of the Senate is not worth pursuing.

The Triple-E Senate

Clearly, the way forward is through reform, but of what sort? The most popular proposal for reform, originating from the West, is the Triple-E Senate, standing for elected, effective and equal. The Triple-E Senate was popularized by the Reform Party movement that eventually swept Stephen Harper's new Conservative Party to power. It is associated with equal seat distribution for all provinces, term limits and a directly elected

membership. It would essentially mirror the American form of bicameralism within a parliamentary context.³⁹

Shying away from constitutional amendment, the Conservative government under Prime Minister Harper has adopted a moderated proposal that does not address seat distribution. His government has introduced a bill to limit Senators' terms to eight years and a separate bill to authorize Prime Ministerial Senate appointments following a direct election process at the provincial level.⁴⁰

Problems with a Directly Elected Senate

As Stilborn and others argue, while election would certainly confer popular legitimacy on the Senate, it would also change the Senate to a chamber that “duplicate[s], rather than complement[s], the representation of the House of Commons.”⁴¹ With equal claim to democratic legitimacy for each chamber, Canada's legislative process would become more characterized by deadlock between the chambers. Partisanship and full engagement in the electoral process would also characterize the new Senate, undermining its role as an independent and contemplative body.⁴² One need only look to the hyper-partisan legislative gridlock of the United States to see clearly how sober second thought would suffer under a directly elected Senate.

So What, Then?

Keeping in mind the twin goals of greater popular legitimacy and intra-state federalism, while maintaining effective sober second thought, this paper proposes more robust change to the

Senate than is currently proposed. Though it proposes much more extensive reform than Smith, it is also guided by his thoughtful principles of Senate reform that proposals should: 1) demonstrably improve governance as a whole; 2) ensure balanced power within the political system; 3) ensure the Senate's strength is enhanced as a complementary body to the House of Commons; 4) respect the "fundamental features and essential characteristics of the Senate" as set out by the Founders (these being independence, continuity, long-term perspective, professional and life experience and policy investigation); 5) provide the Senate with sufficient powers; 6) ensure the capability of members of the Senate; and 7) improve public confidence.⁴³ Broadly, it suggests a more representative and advisory body, with appointments devolved to non-partisan appointment commissions in each province. Below is a sketch of some of the significant proposals for reform.

Suspensive Veto

The fact is legislative power on its own creates a compelling philosophical argument for direct democratic representation. If the legislative powers of the Senate can be curtailed in such a way that the Senate is still able to provide effective sober second thought, the Senate can attain popular legitimacy within Canada's democratic framework without the problems that direct election would bring. In fact, such a proposal is not out of line with the natural evolution of the Senate's use of its powers.⁴⁴

There are those that worry that removing the veto power of the Senate for exceptional circumstances would significantly undermine its effectiveness as a check on the Executive.⁴⁵ However, Thomas notes three conventions for use of the Senate's

veto: 1) very controversial bills without an electoral mandate; 2) bills that likely violate the Constitution or the Charter; and 3) bills that violate fundamental rights of minorities.⁴⁶ The last convention seems to be the same as the second, as any violation of a fundamental right would violate the Charter. Ultimately, there is clear and effective recourse through the courts to nullify any such bill. While a court challenge would be costly, its necessity would likely also be rare if the Senate exercised its suspensive veto, clearly communicated the reasons a bill might violate the Constitution and suggested amendments if applicable. In terms of the first Senate convention, one must return to the principle of the house of confidence and confidence in the electorate. It is rare that a non-constitutional matter can have a very long term effect on the country and not be undoable after a subsequent election. The Senate should certainly exercise its suspensive veto in such cases; but in order to retain its legitimacy should not have power to overrule the house of confidence.

Provincial Appointment Commission

Devolution of appointments to provincial commissions could serve to reinvigorate intrastate federalism, while maintaining other fundamental characteristics of the Senate, such as independence, capability, professional and life experience and so on.

Evidence from the German model suggests that bringing direct provincial representatives together in a federal body with a mandate to work in the interest of the whole country serves to co-opt these representatives while maintaining their public legitimacy as sub-national spokespeople. In fact, some provincial leaders have rejected this model of Senate selection in the past precisely

because they viewed it as a threat to their power within the federation.⁴⁷

Watts, too, is hesitant to recommend the German model, as it was designed to facilitate the significant devolution of administrative powers to the sub-national units that is a hallmark of German federalism.⁴⁸ However, with the administration of criminal justice and the welfare state devolved to Canada's provinces, as well as significant areas of shared jurisdiction, a similar model would not at all be out of place in Canada.

Seat Distribution

Given the scope of this paper, it does not endorse or suggest a specific proposal for seat distribution, but rather summarizes the challenges. The Constitution breaks Canada up into five regions: Ontario, Québec, Western Canada, the Maritimes (now including Newfoundland and Labrador and more appropriately titled Atlantic Canada) and the territories. Each region has twenty-four Senate seats, except for the territories, which have one seat each. The redistribution of Senate seats is a very difficult proposition because numerous interests must be balanced. The small Atlantic Canada provinces desire a strong voice, the growing Western provinces desire fairer distribution of seats and demographically declining Québec requires protection of Québécois nationhood through a powerful voice. It should also be acknowledged that the massive regional distribution no longer reflects the distinct differences between each province in those regions, particularly in the case of the West. Many of the seat distribution suggestions originate from one of these interests. All provinces must come together to find a suitable resolution.

Non-Partisanship

Without expounding upon the statement, Watts argues that proposals to make the Senate non-partisan “neglect the fundamental importance of parties in policy formation within parliamentary systems...”⁴⁹ The reality is parliamentary systems are part of an overall governance system that includes partisan elected officials and numerous non-partisan institutions, such as the judiciary and civil service. A key argument in favour of bicameralism is the ability to have an *independent* second chamber in the legislative process that is composed in a separate fashion and therefore complements the work of the House of Commons. Replicating partisan attachments in the second chamber, as demonstrated in an earlier section of this paper, serves more to undermine those essential goals. Furthermore, the Senate as it exists is a bastardization of party representation. For example, the New Democratic Party has formed government in numerous provinces and for lengthy periods of time, is currently the Official Opposition and has had a substantial share of the popular vote in federal elections for decades; yet not one Senator represents the NDP.

By ending partisan appointment in the Senate, political parties would remain of fundamental importance to Canada’s parliamentary system, just not of overwhelming importance. As an example, Franks notes that policy investigations originating in the Senate tend to have more credibility not only because of their exhaustiveness but because they are less influenced by partisanship than House of Commons investigations are.⁵⁰ This of course would be strengthened if partisanship were formally removed from the Senate.

Representativeness

As Rémillard notes in his review of the Senate's purposes, the Senate was not meant to “‘represent’ the people” but to be “‘representative’ of the people”.⁵¹ There is no question that it accomplishes this better than the House of Commons, but it is still far from reflective of Canada's diversity. Watts argues that “genuine representativeness” is key to legitimacy and it is also endorsed in the Wakeham Report on House of Lords reform in the UK.⁵² Because territorial representation does not represent disbursed groups, such as women, Aboriginal peoples and so on, reserved seats through the appointment commissions could be implemented to make the Senate more representative.⁵³

Term Limits

Term limits have been widely endorsed as an important means of enhancing Senate accountability and therefore legitimacy.⁵⁴ This, of course, must be balanced with the long-term scope of the Senate. The Harper government has proposed eight-year term limits, which should be a minimum level.

There are undoubtedly ideas not contemplated here, particularly in terms of the minutia of Senate functioning and relation with the House of Commons. However, the preceding articulates a selection of major reform proposals that in concert with one another address the goals identified.

The Challenge of Major Constitutional Amendment

Suggestions for fundamental Senate reform have largely fallen out of favour with scholars because of the perceived difficulty of constitutional amendment.⁵⁵ The Supreme Court has established that changes to the “essential characteristics” or “fundamental features” of the Senate cannot be completed by Parliament alone.⁵⁶ This has the potential to be interpreted fairly broadly. Even the Harper government’s proposed legislation to significantly reduce Senators’ terms of office may be open to challenge for a perceived impingement on the fundamental feature of sober second thought. Certainly any change in the selection process or composition would require invoking the amending formula of passage in the Senate and House of Commons and by at least two-thirds of the provincial legislatures representing 50% of Canada’s total population.⁵⁷

The disastrous results of the Meech Lake and Charlottetown conferences on constitutional reform seem to have put a chill on any major effort at constitutional amendment; yet the pessimists forget about the very successful, if arduous and sometimes painful, process undertaken just ten years before Charlottetown that repatriated Canada’s constitution and gave it an amending formula and the Charter of Rights and Freedoms. Meanwhile, the Senate faces a crisis of popular legitimacy that affects Canada’s democratic system as a whole and that, as demonstrated above, requires more thorough reform than can be achieved through non-constitutional means. Instead of throwing up their hands, Canada’s political leadership must learn from the contrasts between the Trudeau and Mulroney eras of constitutional negotiation.

As Jeffrey shows, the Trudeau-era amendment process, while containing errors, was marked by openness, transparency, flexibility, length and deliberation and most importantly, a focus on limited content. Trudeau communicated openly and clearly with the Canadian people and they were kept engaged throughout the process, ensuring provincial participation even when negotiations were limited to areas the provinces did not necessarily have an interest in discussing. The process was also evidently solicitous of and responsive to expert opinion. In sum, the process was a “force for political integration.”⁵⁸ In contrast, the Mulroney-era of constitutional talks was characterized by its closed and inflexible nature, its lack of focus and lengthy deliberation and the fear-mongering and bully tactics of the Prime Minister.⁵⁹

The lesson is particularly apt for Senate reform, as there is a distinct lack of public awareness and appreciation of the good work that the Senate does do. By focusing public attention on just Senate reform in a deliberative and non-demonizing process, open constitutional negotiation could serve to inform the public about the myriad benefits of the second chamber and provide a foundation of confidence that the Senate will perform its important roles even better in the future.

This paper has demonstrated that the Senate suffers from a clear crisis of democratic legitimacy and structures that have inhibited its achievement of the purposes for which they were fashioned. In particular, the Senate has utterly failed to provide geographic representation, facilitating the extreme decentralization of Canadian federalism, despite its constitutional foundations. The appointment process of the Senate could also do much more to engender a contemplative and representative legislative body that

is complementary to the House of Commons. It has also demonstrated that simplistic proposal for abolition and reform would severely undermine important fundamental roles of the Senate within Canada's whole system of governance.

Yet, scholarly and popular pessimism toward deeper reform is pervasive, and the federal government is now pursuing much smaller non-constitutional means of reform. It has been twenty years since the last major round of constitutional negotiations and an entirely new generation of political leaders are now elected federally and provincially. It is time to remember the lessons of past successes in constitutional reform, as well as failures, and come together to forge a better future for Canada's democracy.

Notes

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