

Law, Public Administration, and Challenges to Democracy: A Conference in Honour of Allan E. Blakeney

NOV. 6-7, 2015
RM 150, LAW BUILDING
U OF S CAMPUS

As a politician, public administrator, lawyer and professor, The Honourable Allan E. Blakeney, former Premier of Saskatchewan, cared passionately about improving all aspects of Canadian democracy. As such, the theme of the conference is challenges facing democracy in Canada at the start of the 21st century.



Conference at a glance

DAY 1 FRIDAY, NOVEMBER 6

12-1:30PM	REGISTRATION	
1:30-2PM	Greetings from the University of Saskatchewan	Russ Isinger Brent Cotter Neil Hibbert
2-3PM	Opening Address Experts, Politicians and Public Opinion: Who Speaks for the People?	Simone Chambers
3-3:30PM	COFFEE BREAK	
3:30-5PM	The Law and Democracy in Canada	Hugo Cyr John Whyte

DAY 2 SATURDAY, NOVEMBER 7

9-10:30AM	Democracy, Federalism, and Diversity	Reg Whitaker Kathy Walker Dwight Newman
10:30-10:45AM	COFFEE BREAK	
10:45AM-12:15PM	Elections, Voting, and Democracy in Canada	John Courtney David Coletto Melanee Thomas
12:15-1:30PM	LUNCH	
1:30-3PM	Public Administration and Democracy	Michael Atkinson Alex Himelfarb Greg Marchildon
3-3:30PM	COFFEE BREAK	
3:30-5PM	Social Justice and Social Democracy	Nelson Wiseman David McGrane Roy Romanow
5-5:15PM	What is the role of the Broadbent Institute in Canadian Politics?	Josh Bizjak
5:15-7PM	Closing reception sponsored by Broadbent Institute in College of Law Atrium	

Law, Public Administration, and Challenges to Democracy: A Conference in Honour of Allan E. Blakeney

Friday, November 6

🕒 1:30–2PM

Greetings

Russ Isinger, University of Saskatchewan
Brent Cotter, College of Law
Neil Hibbert, Department of Political Studies

🕒 2–3PM

Opening Address

Simone Chambers, University of Toronto

EXPERTS, POLITICIANS AND PUBLIC OPINION: WHO SPEAKS FOR THE PEOPLE?

ABSTRACT: Allan Blakeney was both a policy expert and an elected representative. In the role of expert, he was accountable to the truth. In the role of politician, he was accountable to the public. This paper investigates the tension between these two roles in light of evidence that the public rarely possesses the truth, and, indeed is often misinformed. Can elected representatives be responsive to public opinion at the same time as pursuing policies that they think are the most rational? Yes, they can, but to understand how this works we need to rethink ideas of democratic responsiveness in deliberative terms.

Chair: David McGrane
Department of Political Studies, St. Thomas More College,
University of Saskatchewan

🕒 3-3:30 PM

Coffee Break ☕

🕒 3:30-5 PM

The Law and Democracy in Canada

Chair: Colleen Bell

Department of Political Studies, University of Saskatchewan

Hugo Cyr, Université du Québec à Montréal

THE DISTINCTIVE FEDERAL IMAGINARY

ABSTRACT: This presentation will examine the distinctive federal imaginary. The imaginary associated with a concept refers to the worldview that makes it possible, which in turn shapes the concept itself. It is the repertory of possible actions and thoughts that make sense, that are plausible, that are readily accessible from within the worldview. I will, thus, examine what might be conceived as the distinctive internal point of view of federalism. My inquiry will attempt to flesh out what kind of background assumptions make the practice of federalism possible, especially in a democratic context. I hope to demonstrate that a 'federation' is a political form that does not rely on the idea of sovereignty, nor on a somewhat contractual theory associated with confederations. Rather, federations are political forms built around ideas such as loyalty and solidarity between intertwined, nested, and political communities.

John Whyte, University of Regina

DEMOCRACY'S PERILS

ABSTRACT: Democracy is widely considered to be the superior instrument for legitimating exercises of the state's coercive powers and for preserving the core value that inheres in any nation's people - the capacity to be self-determining. This could be true, but only if democracy's potential for tyranny is tamed through restraints grounded in both moral vision and instrumental complexity. This paper looks at such restraints and explores how they are embedded in political culture and state practice.

Saturday, November 7

🕒 9–10:30AM

Democracy, Federalism, and Diversity

Chair: Erika Dyck
Department of History, University of Saskatchewan

Reg Whitaker, University of Victoria:

TROUBLED MARRIAGE: LIBERAL DEMOCRACIES AND RELIGION

ABSTRACT: Liberal democracies and religion are in permanent tension with one another. Religion is different from other cleavages in that religions offer transcendent narratives that sometimes collide with pluralist accommodation. Adding to this complexity is the coexistence of different faiths and differing, sometimes, conflicting narratives. Democratic decision-making must adjudicate conflicts but sometimes must have to close down debate and enforce compliance when compromise fails.

Katherine Walker, University of British Columbia:

THE DUTY TO CONSULT: CREATING POLITICAL SPACE FOR FIRST NATIONS?

ABSTRACT: The duty to consult is a key thread within Aboriginal legal rights discourse that arguably creates 'political space' within federalism for the consideration of First Nations' rights and interests. I explore the potential for using this space to reconcile the rights and interests of First Nations and the provincial Crown on lands and resources, vis-à-vis the treaties. Practical policy considerations on shared decision-making from British Columbia are analyzed as well as the Saskatchewan policy environment.

Dwight Newman, University of Saskatchewan

ALLAN BLAKENEY AND THE DIGNITY OF DEMOCRATIC DIALOGUE ON RIGHTS

ABSTRACT: As a committed democrat with a deep respect for parliamentary institutions, Allan Blakeney was a major proponent of the notwithstanding clause in the Canadian Charter of Rights and Freedoms. That position has faced strong challenges from many who sided and worked with Blakeney on many other issues. In this paper, I will try to make an argument rehabilitating the notwithstanding clause as rooted in an ultimate respect for democratic institutions and for the rich ways in which democratic participation affirms the dignity of all people more than judicial rights adjudication does.

🕒 10:30–10:45AM

Coffee Break ☕

 **10:45AM-12:15PM**

Elections, Voting, and Democracy in Canada

Chair: Charles Smith

**Department of Political Studies, St. Thomas More College,
University of Saskatchewan**

John Courtney, University of Saskatchewan

**FEDERAL ELECTORAL BOUNDARY REDISTRIBUTIONS: WHAT'S RIGHT,
WHAT'S WRONG, AND WHAT CAN BE DONE ABOUT IT?**

ABSTRACT: Since the 1960s, parliamentary electoral district boundaries have been drawn every ten years by independent, arms-length commissions. Prior to that, decadal redistributions were conducted by elected politicians and, accordingly, were highly politicized (and heavily criticized) events. The replacement of political with non-partisan redistributions was a definite improvement. Based on Canada's experience to date with commission-designed redistributions, this presentation asks three questions: what is right about the current process, what is wrong with it, and what can be done about it?

David Coletto, Abacus Data and Research

PARTY FINANCE, ELECTIONS, AND DEMOCRACY

ABSTRACT: Since 2003, Canada's election and party finance system has changed substantially. This presentation will chart the changes in party finance since 2003 and explore the impact of these changes on the party system, party competition, the electoral process, and Canadian democracy in general.

Melanee Thomas, University of Calgary

STALLED, UNFINISHED BUSINESS: GENDER AND DEMOCRACY IN CANADA

ABSTRACT: Like the proverbial canary in the coalmine, women's position in Canadian politics shows that Canadian democracy is unwell. Though there are no more formal, legal barriers to women's political participation, women are still not found in any political institution at anything close to their demographic weight. This systematic exclusion of an identifiable group of citizens suggests formidable, informal barriers to women's participation in electoral politics persist. This presentation assesses those informal barriers in formal institutions, political parties, and with individuals' own engagement with politics, concluding that most of the effective obstacles to women's political equity rests with political parties.

 **12:15-1:30PM**

Lunch 

🕒 1:30–3PM

Public Administration and Democracy

Chair: John Whyte
University of Regina

Michael Atkinson, University of Saskatchewan

DEMOCRACY AND GOOD GOVERNMENT

ABSTRACT: Does democracy promote good government? Or are there reasons to think that good government suffers from the excesses of democracy? This paper will review some well-established positions on this topic and on the matter of what constitutes good government. There are many reasons for thinking that whatever the definition, good government faces significant obstacles, only some of which are rooted in the practice of democratic politics. In fact, democracy may make a signal contribution to good government if we are able to capitalize on its capacity to recruit competent leaders.

Alex Himelfarb, Former Clerk of the Privy Council Office of Canada

AUSTERITY, TAXES AND THE WEAKENING OF THE COLLECTIVE

ABSTRACT: Over the past couple of decades, the size of the federal government relative to the size of the economy has shrunk to levels we have not seen for over fifty years and is projected to decline even further. This presentation explores how we got here and what the implications are for the role of government- i.e. the purpose of governments and for whom they govern.

Greg Marchildon, University of Toronto

THE BLAKENEY STYLE OF CABINET GOVERNMENT: LESSONS FOR THE 21ST CENTURY?

ABSTRACT: The working style of the Blakeney government was inherited from the working principles first forged by the Douglas government in order to permit extensive policy planning. Its characteristics included:

- 1) institutionalized and evidence-based cabinet decision-making;
- 2) annual cabinet planning retreats that set the longer-term agenda;
- 3) extensive use of cabinet committees and central agencies with supporting expertise;
- 4) an articulation of the ideal working relationship between the senior public service and politicians in the policy making process;
- 5) a deference to the history and traditions of the conventions of Westminster parliamentary government; and
- 6) the central role of cabinet ministers in determining political viability of policy in terms of the party and local constituencies.

Although he adhered to these principles, Blakeney put his unique own stamp on the government. The DNA of the Blakeney government was then passed on the Romanow government of the 1990s. What can we learn from these elements of government? What elements remains relevant in the 21st century and what aspects would have to be changed in order to be effective in today's political, policy and communications environment.

🕒 3–3:30PM

Coffee Break ☕

🕒 3:30–5 PM

Social Justice and Social Democracy

**Chair: Michelle Beveridge,
Board Member, Broadbent Institute**

Nelson Wiseman, University of Toronto

SOCIAL DEMOCRACY AND THE CANADIAN WELFARE STATE

ABSTRACT: The ethical judgments and ideals of social democrats have been pivotal in the construction and defence of the welfare state. This paper contrasts classical conservative, liberal, and socialist views of welfare and details the role of the CCF-NDP in the launch of federal and provincial welfare programs. The party has had symbiotic relationship with the federal Liberal party and references are made to primitive old age pensions in the 1920s, unemployment insurance and family allowances in the 1940s, hospital insurance in the 1950s, medicare and a universal pension in the 1960s, and elder and child care programs subsequently.

David McGrane, St. Thomas More College, University of Saskatchewan

THE PURSUIT OF EQUALITY: THE POLITICAL THOUGHT OF ALLAN BLAKENEY

ABSTRACT: Allan Blakeney was both a political thinker and a political actor. He took his political ideas and transformed them into political action. This presentation will concentrate on the four main strands of Blakeney's political thought: gas and water socialism; western alienation; liberal multiculturalism/liberal feminism/indigenous self-determination, and democratic elitism. It will be argued that a commitment to equality- in the broadest sense- is the overriding principle organizing Blakeney's thought and the truest expression of his commitment to social democracy ideology.

Roy Romanow, University of Saskatchewan

PRINCIPLED PRAGMATISM: SASKATCHEWAN'S POLICY FOR MANAGING ITS' NATURAL RESOURCES AND SOCIAL DEMOCRACY

ABSTRACT: This paper examines conflicts between the Government of Canada and the Government of Saskatchewan over the regulation of natural resources during the 1970s, culminating in a compromise, as set out in the 1982 Constitution- a compromise grounded in Allan Blakeney's vision of democratic socialism and Canadian federalism.

🕒 5–5:15PM

What is the role of the Broadbent Institute in Canadian Politics?

Presentation by Josh Bizjak, Director of Outreach and Development for the Broadbent Institute

🕒 5:15–7PM

Closing reception sponsored by Broadbent Institute in College of Law Atrium

Presenter Biographies

Michael Atkinson

Michael Atkinson is currently a professor in the Johnson-Shoyama Graduate School of Public Policy at the University of Saskatchewan campus. Previously, he served as the school's inaugural executive director (2008-2015).

He has held a number of academic administrative appointments including associate vice president academic at McMaster University (1995-97) and provost and vice president academic at the University of Saskatchewan (1997-2007). He has also held visiting appointments at Duke University, Western University and the Université de Strasbourg and served as editor of *Governance: An International Journal of Policy and Administration*.

His academic background is in political science and he has published extensively in that field and in public administration and public policy.

He is a past-president of the Canadian Political Science Association and in 2012 was awarded the Lieutenant Governor's gold medal for achievement in public administration. His research interests include public sector compensation, political ethics and the broad topic of good governance.

Simone Chambers

Simone Chambers is a Professor of Political Science at the University of California, Irvine. She received her BA from McGill University and her MA and PhD from Columbia University. Prior to moving to Irvine she was Director of the Centre for Ethics at the University of Toronto.

She is the author, editor, and co-editor of a number of books including most recently *Dissent on Core Beliefs: Religious and Secular Perspectives* (Cambridge, 2015). Her primary areas of scholarship include democratic theory, ethics, secularism, rhetoric, civility and the public sphere. She is presently writing a book entitled *An Ethics of Public Discourse*, which investigates the relationship between political speech and democracy.

David Coletto (Abacus Data)

David Coletto is CEO and a founding partner of Abacus Data, a full-service market research and public opinion research firm based in Ottawa.

With almost a decade of experience in the industry, David and his partners founded Abacus 5 years ago, and since then it has grown into one of Canada's most respected market research firms. Earning a doctorate in Political Science from the University of Calgary in 2010, David is an Adjunct Professor at the Arthur Kroeger College of Public Affairs at Carleton University where he teaches polling, public affairs strategies, and research methods.

John C. Courtney

John Courtney is Professor Emeritus of Political Studies and Senior Policy Fellow of the Johnson-Shoyama Graduate School of Public Policy at the University of Saskatchewan in Saskatoon.

A former President of the Canadian Political Science Association and Co-editor of the *Canadian Journal of Political Science*, he is the author or editor of ten books and numerous articles and chapters in books on elections, redistricting, leadership selection, and representational and electoral systems.

His two most recent books are *Elections* (UBC Press, 2004) and *The Oxford Handbook of Canadian Politics* (Oxford University Press, co-edited with David E. Smith, 2010).

Hugo Cyr

Hugo Cyr, LL.B., B.C.L. (McGill), LL.M. (Yale), LL.D. (U. de Montréal), is Dean and Professor of Public Law and Legal Theory at the Université du Québec à Montréal and a member of the Québec Bar. He is a member of the Centre de recherche interdisciplinaire sur la diversité et la démocratie (CRIDAQ).

He has been a Boulton Fellow at McGill University, a Schell Fellow at Yale Law School, a law clerk at the Supreme Court of Canada, and a Visiting Researcher at the European Academy of Legal Theory. Professor Cyr has also taught at McGill University and the Université de Montréal.

He is the author of *Canadian Federalism and Treaty Powers: Organic Constitutionalism at Work* (Brussels: Peter Lang, 2009).

Alex Himelfarb

In a 28-year career with the federal government, Alex held a succession of senior positions, including Executive Director of the National Parole Board, Associate Secretary of the Treasury Board, and Deputy Minister of Canadian Heritage, culminating in his appointment as Clerk of the Privy Council and Secretary to the Cabinet, the most senior public servant in the federal government.

He served as Clerk for three Prime Ministers from 2002 until 2006 when he was appointed Canada's Ambassador to Italy with concurrent accreditation to Albania, San Marino, and as High Commissioner to Malta.

Alex has published extensively on Canadian public policy, with a particular focus on issues of social justice.

Greg Marchildon

Greg Marchildon is Ontario Research Chair in Health Policy and System Design and Professor at the Institute of Health, Policy and Evaluation at the University of Toronto. He also has a teaching cross-appointment at the School of Public Policy and Governance, University of Toronto.

He is a Fellow of the Canadian Academy of Health Sciences, a member of the editorial board of the *European Observatory on Health Systems and Policies* and an originating member of the Pan-Canadian Health Reform Analysis Network (PHRAN).

He is the author of numerous journal articles and books on comparative health policy and the history of Medicare in Canada.

David McGrane

Dr. David McGrane was born and raised in Moose Jaw and completed his Ph.D. in political science at Carleton University in Ottawa. He is now an Associate Professor of Political Studies at St. Thomas More College and the University of Saskatchewan.

He has published in several academic journals and his most recent research is a book entitled *Remaining Loyal: Social Democracy in Quebec and Saskatchewan* published by McGill-Queen's University Press. His research interests include multiculturalism, provincial elections, and childcare. He currently holds a Social Sciences and Humanities Research Council grant to write a book on the federal NDP.

He serves his community through his membership on the Board of Directors of the Saskatoon Open Door Society and sitting on the City of Saskatoon's Environmental Advisory Committee.

Dwight Newman

Dwight Newman, BA (Regina), JD (Saskatchewan), BCL, MPhil, DPhil (Oxford), is Professor of Law and Canada Research Chair in Indigenous Rights in Constitutional and International Law at the University of Saskatchewan. He is currently on sabbatical as a Visiting Fellow in the James Madison Program at Princeton University.

He is a member of the Ontario and Saskatchewan bars and carries on some practice work, principally providing advice on constitutional dimensions of resource development. Dr. Newman has published around 75 articles or book chapters, 5 peer-reviewed think tank reports, and 8 books, with his books including *Revisiting the Duty to Consult Aboriginal Peoples* (Purich Publishing, 2014), *Community and Collective Rights: A Theoretical Framework for Rights Held by Groups* (Hart/Bloomsbury Academic, 2011), and a co-authored 900-page treatise, *The Law of the Canadian Constitution* (LexisNexis, 2013).

His writing has been cited by all levels of Canadian courts, including the Supreme Court of Canada.

Roy Romanow

As a lawyer, Roy Romanow was first elected to the Saskatchewan legislature in 1967.

During the Blakeney government, he was Attorney General and Deputy Premier of Saskatchewan during which time he introduced justice reforms, including the provincial legal aid plan and the Saskatchewan Human Rights Commission.

As intergovernmental affairs minister for the Blakeney government, he was heavily involved in negotiating the Constitutional Accord of 1982. He was later Premier of Saskatchewan from 1991 to 2001. Soon after his retirement, he headed the Royal Commission on the Future of Health Care in Canada.

He is currently a Senior Policy Fellow at Political Studies Department at the University of Saskatchewan.

Melanee Thomas

Melanee Thomas is an Assistant Professor in the Department of Political Science at the University of Calgary. Her research investigates the causes and consequences of gender-based political inequality in Canada and other post-industrial democracies.

Current projects include establishing the effects of parental status on political careers, and an exploration of the effects of gender and stereotypes on political engagement.

Katherine Walker

Katherine Walker is a PhD student in political science at the University of British Columbia.

Her research is informed by her broad work experience in the fields of journalism and communications and indigenous policy and program development for various employers, including the Federation of Saskatchewan Indian Nations, Cameco Corporation, CBC, and the federal government. She has published numerous commentary and news articles, primarily on indigenous issues in Canada.

She holds an MBA from Edwards School of Business and an M.A. in political studies from the University of Saskatchewan, as well as a journalism degree from Ryerson University in Toronto. She is Cree from the Okanese First Nation.

Nelson Wiseman

Nelson Wiseman is a Professor of Political Science and Director of the Canadian Studies Program at the University of Toronto.

His books include *Social Democracy in Manitoba*, *In Search of Canadian Political Culture*, and *The Public Intellectual in Canada*.

He is a columnist for *The Hill Times*, Canada's politics and government newsweekly.

Reg Whitaker

Reg Whitaker is a Distinguished Research Professor Emeritus at York University and an Adjunct Professor of Political Science at University of Victoria.

He has written extensively on Canadian politics and on issues of democratic accountability, especially in relation to national security policy and practices.

He is the author of *The Government Party*, *The End of Privacy*, and co-author of the prize winning *Secret Service: Political Policing in Canada from the Fenians to Fortress America*.

John D. Whyte

John Whyte was educated at University of Toronto, Queen's University and Harvard University.

He has taught public law at a number of Canadian law schools and served as Dean of Law at Queen's University. He also served as Director of Constitutional Law and Deputy Minister of Justice in the Government of Saskatchewan.

He is a Policy Fellow at the Johnson-Shoyama Graduate School of Public Policy.