

## LAW AND DEMOCRACY WEEK

### Course n°3: Public Office and Public Service (Louis Davis)



Louis Davis (D.C.S., B.C.L., LL.B; senior counsel, constitutional, administrative and international law section, Department of Justice) has been a constitutional advisor to Her Majesty the Queen in Right of Canada since 1976.

He obtained law degrees at McGill, articulated at the Supreme Court of Canada, and was an executive assistant to the Prime Minister's Constitutional Advisor (1978-1982). He also worked as Departmental Assistant in the office of the Minister of Justice and Attorney General of Canada (1982-1984).

In order to understand the interaction between democracy as a political system and the organization of the state, it is necessary to draw distinctions between the political functions, such as those held by parliamentarians, and the public but non-partisan characteristics of public service. Each component within the overall concept of government has its own functions and methodologies. The fundamental distinctions between public office and public service and the important contributions of each reflect the important concept of independent centres of power and authority within a democratic state apparatus.

This presentation will focus on the distinction between the political world and the concept of public policy, both of them as framed by constitutionalism and legality. Particular topics to be looked at include:

- The tasks and professional methodologies of parliamentarians and political entities;
- The tasks and professional methodologies of various types of public service entities;
- The role of each group vis-à-vis the rule of law; and
- The complementarity of the two groups and the necessity of each.