

## LAW AND DEMOCRACY WEEK

### Course n°9: Ethics in Public Life (Mary Dawson)



Ms. Dawson holds a BA (Honours Philosophy) and a BCL (Civil Law) from McGill University, an LL.B (Common Law) from Dalhousie University and a Diplôme d'études supérieures en droit (droit public), from the University of Ottawa. She is a member of the Nova Scotia and Ontario Bars and retained her membership in her original Bar, the Quebec Bar, until her retirement from the Department of Justice.

Mary Dawson was appointed Conflict of Interest and Ethics Commissioner under the *Parliament of Canada Act* on July 9, 2007. Prior to her appointment, Ms. Dawson had a long and distinguished career with the Government of Canada, and oversaw a wide variety of legal issues from within the Department of Justice. Ms. Dawson retired in 2005 as Associate Deputy Minister, a position she held since 1988.

Rules on ethics are presented as one of the major sets of instruments in striving for accountability to law. Over the past few decades, in response to perceived ailments in the quality of democracy, a body of legal and quasi-legal rules has emerged, aimed at sanitizing the conduct of public affairs by both elected and appointed public officials. These rules are directed, in one sense, at candidates for public office and at those actually elected to public office. In another sense, they are meant to apply to Cabinet ministers and those in their official entourage who are designated as *public office holders*. In another sense, rules on ethics apply to public servants in general. The rules themselves focus on the avoidance of conflict of interests that might result from the blending of public and private functions. They deal with the misuse of public funds and with the abuse of public office or public authority for personal gain or aggrandizement. Money is often described as a necessary component of political life. This is as true during the conduct of election campaigns as it is for the life-cycles of political parties and incumbent parliamentarians between elections. This class will analyze several of these sets of rules and attempt to gauge whether they advance the cause of democracy. The fundamental question to be addressed is whether rules designed to influence behavior and to guide the conduct of public officials and officers in the public sector improve the democratic nature of the system of government. We may also consider alternatives in several directions. Should other participants in the system be subjected to rules on ethics? Should rules on ethics supplant or complement criminal sanctions? Do rules on ethics ensure institutionalized honesty or frustrate political action? This subject matter is an example of the migration of rules from the political, to policy, and on to the legal realm.