

York Centre for Practical Ethics

C e n t r e N e w s l e t t e r - S p r i n g 2 0 0 8

Director's File

David Shugarman

This academic year has been a significant one for the Centre for a number of reasons. We took on two major projects, organized and hosted four special noon-hour presentations on controversial issues, were involved in planning our move to the new Research Tower and Ontario Archives Building, and had several members of our Board participate in a search committee to select my successor.

Once again we were fortunate in retaining the services of two able and impressive MA students, Yulia Rzhentchev of Political Science and Michael Schadinger from Social and Political Thought, as our Centre assistants. Michael is largely responsible for the spring newsletter. Both, along with Special Assistants Maggie MacIsaac and Danny O'Rourke – DiCarlo, came through in a big way to help make the Judicial Ethics Roundtable, which is discussed later, go smoothly.

This marks my eighth and final year as director. I have been a member of the Executive and Board of the Centre since its founding 14 years ago in 1994. Over that period I have tried to contribute to the centre in both a supportive and leadership role. This is not the place to recite the myriad workshops, seminar presentations, panel discussions and consultancies that I've been involved with, either as a featured participant or as the organizer. For that, the best place to look is to our yearly annual reports. However, in addition to reviewing the Centre's current year accomplishments, which are considerable, I will take this opportunity to mention a few highlights of my term as director. But first let me review this year's activities.

Last summer, in response to a Request for Proposal, I put together a team of experts from our Centre (YCPE), the York Centre for Asian Studies (YCAR), the Board of Transparency International Canada and the Sheldon Chumir Foundation for Ethics in Leadership and then submitted



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what turned out to be a successful bid for a Canadian International Development Agency (CIDA) ethics project. Our team is the Canadian Implementing Partner of the project and we are responsible for working with a Chinese Implementing Partner (ChIP): representatives of the Chinese government from the Administrative Supervision Research Institute of the Ministry of Supervision of the People's Republic of China.

The collaboration involves meetings both here and in Beijing and two study tours. We'll be taking them to Canadian offices and agencies that contribute to ethical governance in various jurisdictions across Canada. We will be arranging special presentations, workshops, technical advice and assistance on priority issues related to Canada's ethics developments in the public sector. We hope that what we provide our Chinese Implementing Partner will prove useful to them in their research and recommendations to contribute to China's reform agenda.

The project, known formally as CIDA's Policy Option Project, POP-2007-10 focuses on assisting the Chinese representatives with their stated objectives of strengthening ethical conduct within China's government and building an honest and efficient administrative system in conjunction with its policy reform agenda.

Director's File Continued

The team that has been brought together for this initiative has extensive knowledge and expertise in analyzing the strengths and weaknesses of Canada's various ethics regimes and practices. It also has members familiar with Chinese governance reform. In addition to myself, the team includes: York University Professors Wes Cragg, Ian Greene (both of whom are long-standing members of the YCPE Executive and Board) and Bernie Frolic (of YCAR), Kernaghan Webb of Ryerson University, Mr. James Klotz of Davis and Co., Ms Joy Kennedy of the United Church of Canada and Ms Janet Keeping and Ms Heather MacIntosh, both of whom are from the Sheldon Chumir Foundation for Ethics in Leadership which is headquartered in Calgary. Early work on the project benefited considerably from the experience and talents of Professor Gregory Chin. Regrettably, he was unable to remain actively involved on the team after October. The first study tour by a delegation, twelve members from China's Ministry of Supervision, is scheduled to take place from May 11 to May 24.

The second major project the Centre undertook was the Roundtable on Judicial Ethics, which was held the last weekend in October. It addressed key issues in judicial ethics. Both its scope and the substantive matters discussed were based on input from senior Canadian judges involved in monitoring the existing, official ethical principles for judges and academic experts in public sector ethics and the judicial process.

An organizing committee from the Centre for Practical Ethics, Professors Carl Baar, Ian Greene, Shirley Katz, and I, together with Chief Justice Scott of the Manitoba Court of Appeal, Madam Justice Jackson of the Saskatchewan Court of Appeal, Madam Justice Kent of the Alberta Court of Appeal and Mr. Justice Spence from the Ontario Superior Court developed an agenda and a list of potential participants. The Roundtable provided an opportunity for interaction between knowledgeable and committed academics and high-level judges to review the importance of the Canadian Judicial Council's "Ethical Principles for Judges" on the 10th anniversary of its adoption. The by-invitation only Roundtable covered two and a half days, was run on the Chatham House Rule and was instructed by keynote addresses from

Justices Scott, Jackson and Kent and Toronto's Integrity Commissioner David Mullan. The result was an enormously fruitful series of discussions and commentary on, inter alia, the comparative pros and cons of codes, principles, external reviews, and the kinds of constraints on judges' discretions and activities when they are away from the bench that practically no other members of society face. In addition to financial support through our own resources we received helpful contributions from the Office of the Master, McLaughlin College, the Dean's Office of Osgoode Hall Law School, the Office of the Associate Vice President (Research and



The Ontario Archive, future home of the YCPE, under construction at York University

Innovation) and very generous support from the Canadian Judicial Council, which covered the costs of the participating members of the bench. Associate Vice President David Dewitt and Dean Patrick Monahan of Osgoode extended greetings and welcoming remarks to participants at a banquet on the opening night of the sessions. A number of the participants indicated their hope that a follow-up session or sessions would take place in the future.

As far as outreach and maintaining the Centre's connection to other major ethics centers, I attended the seventeenth annual meeting of the Association of Practical and Professional Ethics, which was held Feb. 21- 24. The APPE is based in Bloomington, Indiana and is supported by the University of Indiana as well as by its membership and associated centres (or centers) in the US and Canada. This year the event was held in San Antonio and I participated in the meeting of centre directors as well as the main

conference. One of the plusses of my attendance was linking up with founding director, Don MacNiven, long-time Executive and Board member Wes Cragg, and a delightful bio-ethicist and Episcopalian minister from the Seattle area, Dr. Jan Heller, who is the System Director of a health and services agency and who has been informing me of issues on health care ethics at conferences like these for a number of years. A main topic for the centre directors' meeting was on experiences various centres had and were having on the fund-raising front. This is an activity that we have been less than active or successful at and which the new director may well want to take up with the York Foundation.

In addition to the two major projects already referred to, taking in the launch of the Canadian Business Research Network (CBERN) at the Schulich School of Business in late September and reviewing continually revised plans for our space in the Research Tower, we managed to organize and host four interesting special lunch hour sessions in cooperation with McLaughlin College. Greg Levine, a member of our Board spoke about major points in his new book on the law of government ethics; Suanne Kelman of the Ryerson School of Journalism addressed the dumbing down of TV news; Susan Dimock, an Executive and Board member (also from Philosophy) discussed problems with the reasoning in major court cases having to do with excuses in the law; and Geoff Reaume, a YCPE member from York's new Faculty of Health, discussed what he saw as serious problems stemming from the Latimer case.

Let me briefly note a few things, in no particular order of disappointment that I was hoping would happen but did not, so far. Our anticipated collaboration with Moscow State University and its Ethics Division remains a potential but is in limbo. Having initially indicated that they were agreeable to the memorandum of understanding that we – my office, the Office of the Vice-President Research and Innovation and the Counsel's Office - prepared for them, their administration came back with a highly complicated and complicating reformulation of a collaborative agreement that we couldn't accept. The hoped for advance and technical, on-going upkeep of our website did not take place for various reasons (mostly having to do with the cost of a dedicated staff person for the job). We have

made some improvements and updates very recently but we weren't able to properly sum up contributions to the judicial ethics roundtable or develop our Ethics of International Intervention pages more fully. On the EII project, the book is still a work in progress. Our plans to hold a health ethics workshop was put on hold because the inaugural meeting of CBERN, mentioned above, captured the time of several people who were to be key in the projected workshop; and then the CIDA and Judicial Ethics planning commitments took precedence. The new director may well be able to devote attention to working with the dean of the new Faculty of Health and key faculty to launch a health ethics cluster. Now let me turn to a few highlights of my Centre involvement.

In terms of research promotion, the SSHRC grant that Ian Greene and I received to study public sector ethics in Canada in the early 90's provided some early stimulus for the Centre's establishment. The project led to three large workshops involving major scholars and public officials and ultimately two books. My continuing collaboration with Ian has meant several joint presentations for the Centre on developments in Canada's ethics regimes, the sponsorship scandal, the Gomery Commission (including a discussion of our review of the Commission's report that we did for Canadian Public Administration) and the new Accountability Act.

A brief discussion with David Dewitt, at the time the director of the York Centre for International and Security Studies (YCISS), on the implications of NATO's interventions in Yugoslavia in the mid and late 90's led to a series of collaborative research projects involving the Centre, YCISS and the York Centre for Refugee Studies, and eventually an ethics research centre, the Key Centre, in Brisbane, Australia. Several internal York grants, an SSHRC Research Development Grant and a substantial Australian Research Council grant supported a multi-year project and a number of papers and presentations delivered at workshops and seminars, here, in Ottawa, Montreal, Brisbane, Hawaii, and Turkey.

A major contract with Citizenship and Immigration Canada resulted in an enormously well received one-day conference entitled "Baker and Beyond" that was held on campus early in 2001. The day's presentations and discussions focused

Director's File Concluded

on ethical decision-making by Citizenship officers dealing with humanitarian and compassionate cases especially in light of a crucial Supreme Court judgment on discretionary, administrative decision making. The Conference led to a publication by the CIC that the Centre collaborated on and a series of special workshops, training sessions and follow-up studies.

There is of course a good deal more that I could mention, but were I to do so this newsletter piece would turn into a maudlin memoir and involve too much tooting of my own horn. I do want to emphasize that however my contributions and accomplishments are assessed, my involvement with the Centre since 1994 has been wonderfully educational and satisfying personally, despite occasional frustrations and disappointments along the way.

I want to note my gratitude on behalf of the Centre Executive Council to member David Wiesenthal, Board member Ron Pearlman and Graduate Assistant Danny O'Rourke-DiCarlo who stepped up to serve on the search committee for my successor. And I want to end with a large thank you to Don MacNiven (our founding director), Ian Greene, Shirley Katz, Susan Dimock, Ron Pearlman, Tom Wilson and Wes Cragg,

members of our Executive Council and Board, for their commitment and contributions over the years. They were always ready to lend their assistance and bring their initiative to Centre programming and events.

Finally, coordinator Lilian Polsinelli and secretary Vicki Carnevale, have been exemplary and a pleasure to work with during my years as director. This year they, along with Danny O'Rourke-DiCarlo, have been crucial to the organization of the Judicial Roundtable and the CIDA project. Their roles with the Centre reflect both their own considerable talents and the long-standing collaborative relationship we have enjoyed with McLaughlin College since 1994. It will up to a new director to address how that relationship might best be adapted when the Centre offices move to the new Research Tower. That, and how to revitalize the Centre while building on its strengths, I am happy to leave with good wishes and a reasonably healthy budget situation to a new administration.

David P. Shugarman

YCPE Welcomes...

Andrew Crane

The George R. Gardiner Professor of Business Ethics in the Schulich School of Business, Dr. Crane joined York in January 2007, having previously held the Chair in Business Ethics at the International Centre for Corporate Social Responsibility (ICCSR) at Nottingham University Business School in the UK.

He is the co-author of Europe's market leading textbook on business ethics and is a co-editor of the *Oxford Handbook of Corporate Social Responsibility*. His latest book, *Corporations and Citizenship*, will be published by Cambridge University Press in 2008.

Dr. Crane was the founding Director of the UK's first MBA in CSR, and has taught business ethics at every level of the business school, including setting up an executive training course on CSR for the UK Foreign and Commonwealth Office, and collaborating with the British Council India on CSR curriculum development in Indian business schools. His research interests include corporate political responsibility, industrial espionage, and CSR and children.

New Assistants

Yulia Rzhemichyev is a Master's Student in Political Science. She was born in the USSR and has been in Canada since 2000. Yulia continues at York after earning a BA in Political Science and Law & Society. Her current research, building toward an MRP, is on Canadian immigration law, specifically, the "security certificate process."

Michael Schadinger is a Master's student in Social and Political Thought. He was born in St. Catharines, Ontario. Michael joined us from the University of Victoria where he completed a BA in Political Science and English. His current research interests include theories of media, technology, and propaganda.

Luncheon Lectures at the Centre

In the Fall and Winter semesters of 2007-2008. YCPE and MacLaughlin College co-hosted a number of stimulating presentations. Those in attendance shared in refreshments and discussion.

November 29th

Greg Levine presents “Government Ethics and Law in Canada—The Book”

Levine's *The Law of Government Ethics: Federal, Ontario and British Columbia* focuses on five key areas of government ethics law: conflict of interest/integrity; lobbying and lobbyist registration; administrative justice and om-

February 5th

Susan Dimock presents “Excuses in Law”

Dimock outlined some key defenses in the law while focusing on excuses and particularly on the defense of voluntary intoxication. The main discussion focused on the tension between policy and principled reasons for holding intoxicated people responsible for their behavior, and the availability of the defense under the criminal system.

February 6th

Suanne Kelman presents “Singing the Blues for TV News”

Kelman's questions: Can TV news survive - and does it deserve to? - in a world of “Youtube” and bloggers? Can television journalists hope to keep sneaking a few vegetables into coverage that's becoming pure junk food for the mind?

March 20th

Geoffrey Reaume presents...

“Othering Tracy Latimer: Why Robert Latimer’s Day Parole is Dangerous for People with Disabilities”

Reaume asked: What are the dangers to Canadian society now that Robert Latimer has been granted day parole? What are the possible repercussions for the civil liberties and human rights of people with disabilities by the position of the Canadian Civil Liberties Association which supports the perpetrator of this crime? Is it possible for people with disabilities to be fully “included” in Canadian society when there are vocal proponents across the country justifying the murder of a child by her father because she was disabled?

New Titles at the YCPE



The following titles have been donated to the YCPE catalogue. Many thanks to:

Greg Levine for:

Gregory J. Levine, PhD., LL.B., The Law of Government Ethics: Federal, Ontario and British Columbia. Published by Canada Law Book, a division of The Cartwright Group Ltd., Aurora. (2007)

Municipal World (Canada's Municipal Magazine since 1891). Vol.117, number 10, October 2007. Theme: "Ethics in Local Government"

M. André Ouimet for:

Pierre Noreau and Chantal Roberge. Applied Judicial Ethics. Published by Wilson & Lafleur, Ltée Montréal (2006)

2006—2007 Activity Report from the Conseil de la Magistrature du Québec. The Conseil de la Magistrature du Québec was established in 1978 with a mandate to: organize continuing education for judges; adopt a judicial code of ethics; receive and examine any complaint lodged against a judge; conduct an inquiry when requested by the Minister of Justice, with the goal of determining the permanent incapacity of a judge or the end of such incapacity; confirm or annul the recommendation of the Chief Judge of the Court of Québec concerning the modification of a judge's appointment regarding his place of residence or the decision to transfer the judge to another division; promote the efficiency and standardization of procedure before the courts; receive suggestions, recommendations and requests regarding the administration of justice, to study them and to make the appropriate recommendations the Minister of Justice; to cooperate with any body pursuing similar purposes outside Québec.

The YCPE graciously accepts donations of any Ethics-related books, so please think of us next time you are spring cleaning or "re-gifting".

Contact the Centre

Location

119 McLaughlin College
4700 Keele Street
Toronto, Ontario
Canada M3J 1P3

Telephone

Phone: (416) 736-2100, ext. 30446
Fax: (416) 736-5436

Electronically

Email: ycpe@yorku.ca
Website: www.yorku.ca/ycpe