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With the arrival of autumn, the policy community is active once again. Our university partners are abuzz with students and faculty, the House of Commons has begun its autumn sitting, and the Saskatchewan Legislature will also open soon. The policy agenda for the fall is broad and varied, and this issue of Policy Dialogue reflects the wealth of research and analysis going on both at the Saskatchewan Institute of Public Policy and our friends and colleagues in Saskatchewan and across the country. I want to thank everyone for their contributions and hope you find this edition an enjoyable, stimulating read. If you have any comments, we hope to hear from you at sipp@uregina.ca.

This autumn, however, the excitement that comes with being a part of an active policy community is tinged with concern. I am writing the day after the Government of Canada announced that, as part of its latest round of cutbacks, it is ending its support of the Canadian Policy Research Networks. The CPRN has been a valuable part of the Canadian public policy community since its founding in 1995 and has been a valued colleague to SIPP for many years. You may remember that its founding President, Judith Maxwell, contributed to the previous edition of Policy Dialogue and Patrick Fafard, a Research Associate with the Health Network, has contributed to this edition. Judith also received SIPP’s first Honorary Policy Fellowship in 2005 for her contribution to public policy analysis and citizen dialogue in Canada and for her particular contribution to SIPP, as one of the original members of our Board of Directors. CPRN is looking for ways to continue to contribute its knowledge and expertise to Canada’s policy community. Let us hope they succeed, for the state of policy research, analysis and dialogue in Canada would be much weakened by CPRN’s passing.

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Social Mobilization
Enabling Community Participation

by Nasir Mahmood, Policy Analyst, SIPP

Social mobilization can aim at mustering national and local support for social development through an open process that gives ownership to the community as a whole. The process is concerned with mobilizing human and financial resources through five major approaches: political, government, community, corporate, and beneficiary mobilization.

The development experience of the world bears out that a genuine participatory approach to development is essential for success and sustainability. Therefore, governments and development agencies increasingly recognize the civil society’s participation as essential to promoting responsiveness of national policies and programs to citizens’ needs, and ensuring transparency and accountability in policy making and implementation processes. Genuine participation of citizens must actively engage all citizens, in their various capacities, socio-economic status, affiliations and locations, in decision-making affecting their lives. Engaging people requires efforts and mechanisms that can empower all, particularly the most disadvantaged members of society.

Social Mobilization is a broad scale movement to engage people’s participation in achieving a specific development goal through self-reliant efforts. It involves all relevant segments of society: decision and policy makers, opinion leaders, bureaucrats and technocrats, professional groups, religious associations, commerce and industry, communities and individuals. It is a planned decentralized process that seeks to facilitate change for development through a range of players engaged in interrelated and complementary efforts. It takes into account the needs of the people, embraces the critical principle of community involvement, and seeks to empower individuals and groups for action. Central to social mobilization is the concept of “social capital”, which connotes interaction amongst people through systems that enhance and support that interaction. Social capital is created from a variety of everyday interactions among people and is embodied in such structures as civic and religious groups, family membership, informal community networks, and in norms of volunteerism, altruism and trust.

Social mobilization is based on the principles of empowerment, equity, sustainability, integration, cultural sensitivity and gender fairness. Empowerment involves the process of enabling men, women and children to increase their ability to determine their future as an act of choice. Equity refers to a condition where equal access to and control of resources and services among classes, genders, ethnic groups and generations exists, as well as just allocation and distribution of the benefits derived from these resources. Sustainability is a condition where people are able to continue their core activities and when their needs are met without compromising the ability of the future generations to meet their own needs. Integration puts together individual elements to encourage synergy, recognizing that relations among peoples and communities are dynamic. It seeks to obtain an orientation that recognizes and respects cultural influences, diversity and gender differences.

Mobilization Cont’d on PAGE 4
Social mobilization can aim at mustering national and local support for social development through an open process that gives ownership to the community as a whole. The process is concerned with mobilizing human and financial resources through five major approaches. These include political, government, community, corporate, and beneficiary mobilization.

Political mobilization aims at winning political and policy commitment for a major goal and the necessary resource allocations to realize that goal. The “targets” are national policy decision-makers and the communication methods include advocacy, lobbying, using goodwill ambassadors and the mass media. Government mobilization aims at informing and enlisting the cooperation and help of service providers and other government organizations that can provide direct and indirect support. The communication methods here include training programs, study tours, and coverage of the subject by the mass media.

Corporate mobilization seeks to secure the support of national and international companies in promoting appropriate goals, either through the contribution of resources or the carrying of appropriate messages as a part of their advertising or product labeling. Community mobilization aims at informing and gaining the commitment of local political, religious, social and traditional leaders as well as local government agencies, non-governmental organizations, women’s groups and cooperatives. The communication methods for community mobilization include training, participation in planning and coverage of their activities by the mass media. Beneficiary mobilization is focused at informing and motivating the program beneficiaries through training programs, the establishment of community groups, and communication through traditional and mass media.

Like any other social process, social mobilization has its own risks and hazards that need to be minimized to maximize its benefits to social development. One hazard is the leadership vacuum caused by a single person monopolizing the leadership of the program, instead of mentoring and training successors. In another example of a hazard, a team leader wants to take personal credit for his team’s collective work, thus killing the partnership with the team. A related hazard is the pursuit by the team leader of his personal agenda, as against the program agenda, that jeopardizes the program goals and leads to wastage of resources. While the path to effective social mobilization is fraught with serious pitfalls and hazards, the social catalysts need to continue to explore the time tested ways of avoiding the hazards without compromising the pace and quality of social mobilization.

Myth has played an important and ongoing role in the development of Saskatchewan’s political economy and collective identity. It has been expressed in many ways. The challenge for the public dialogue of Saskatchewan, as the province enters its second century, is to not replay the mistakes of the past. Saskatchewan people must recognize the role that myth has played, and must continue to play, in the life of the province. But, at the same time, they must differentiate it from reality by understanding the power of myth as a force for progress and its potential to create false expectations.

Dale Eisler is a former journalist who has written extensively on Saskatchewan politics, public policy and government. Among his work is Rumours of Glory: Saskatchewan and the Thatcher Years, a book that chronicled the political life and times of former Liberal Premier Ross Thatcher. Mr. Eisler is currently an Assistant Secretary to the Federal Cabinet at the Privy Council Office in Ottawa.

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Over the past several years, public concerns and public anxiety about the health system have increased markedly. This is despite, or perhaps because of, the work of the Fyke Commission and several other provincial inquiries, the Romanow Commission, and significant reforms to the delivery of health services in Canada. The decision by former Prime Minister Paul Martin to make wait lists the central focus of his government’s health care agenda, and the more recent focus on a “wait times guarantee”, may also serve to exacerbate public concern. This political preoccupation with wait times almost certainly heightens public awareness of the challenge but may also fuel public anxiety about access.

Sustained public anxiety about health care delivery has led to a broader debate about the continuing merits of a “public” system and possible advantages of a more “private” system. In order to try and respond to public anxiety, pundits and experts have engaged in a debate about the merits of more or less public and private in Canadian health care. Alas, too much of the current debate is cast at a very high and general level and is not so much a debate as competing and contrasting statements that are at best axioms, at worst nothing more than slogans. This feeds the anxiety which led to the debate in the first place. For most Canadians, the “debate” between proponents of “public” and “private” may sometimes feel like navigating a maze. To offer something of a set of guideposts through this maze, I suggest that we all need to keep several key points in mind.

Private Health Care is a (Longstanding) Reality: Get Used To It!

In Canada, like in most OECD countries, there is already extensive private delivery and private financing of health care. While upwards of 40% of provincial budgets are allocated to health care, fully 30% of the total $140 billion we collectively spend on health care each year are “private” dollars, either insurance or out-of-pocket payments (and this percentage has been stable for many years). On the delivery side, there is also a mix of public and private. Many services are provided by unambiguously public sector workers, nurses being the most significant example. Most physicians, on the other hand, are, in effect, small businesses. Thus, we can and should challenge the critics from the right who compare Canada to Cuba and North Korea when it comes to health care, just as we should challenge the critics from the left who argue that “private” and “health” somehow need to be kept separate (as if they ever were).

Who Pays and Who Does Are Not the Same Thing

The current debates about public and private in Canadian health care are confusing because the existing mix of public and private is not fully acknowledged. More importantly, the critical distinction between delivery and financing is also too often overlooked. While there are links between them (and at some point more private delivery creates pressure for more private funding), we need to use a separate frame of reference to evaluate claims and counterclaims about how we pay for health care and how such care is delivered. What would these frames look like?

Public Or Private: It May Not Matter Who Delivers

When it comes to the delivery of health services, we need to be wary of broad claims about the implications of more private delivery. We routinely encounter claims, and in some cases actual evidence, that private delivery leads to both higher quality and lower quality and will mean both longer wait times and shorter wait times for surgery and diagnostic services. How can this be? The reality is that the available evidence is more than somewhat contradictory and we do not have nearly enough hard data and careful analysis to conclude that private delivery of health services is better or worse than public delivery or under what circumstances one is better than...
the other. In fact, the real issue may not be private versus public at all but rather how to organize a range of constantly evolving provider options to deliver optimal care of high quality, delivered in a timely way, efficient, effective, and caring, that is to say responsive to patients and their families.

Private delivery of health care is not intrinsically better; nor is public delivery, by definition, superior under all circumstances. In fact, it is the very attempt to organize the debate around a sharp distinction between public and private delivery that may be the problem. As Lester Salomon and others have noted, the complex array of delivery agents, motivated as they are by a complex range of incentives, defy simple categorization. This is particularly true in health care.

On a more practical level, whether a service is delivered on a for-profit or not-for-profit basis or as a direct government service may matter little to the patient receiving the service (although it may matter a great deal to the individual health care provider, given that a shift to private delivery often means a shift from wages to profits). When we need health care services we are usually interested in how fast we can get them, how easy it is to find them, and how good they are, not whether the service is delivered publicly or privately.

More Private Financing: Balancing Collective and Individual Interests

Which brings us finally to the prospect of (more) private financing of health care. From the perspective of individual Canadians, there is a quite reasonable desire to use whatever means necessary, including our own money, to avoid ill health and cure sickness (“Why can’t I pay for my own health care or health care for my family?”). From the perspective of a single individual, being able to write a cheque for health care might make a great deal of sense – as long as you have the wealth to pay for it. Moreover, we probably underestimate the sacrifices individuals are willing to make to pay for health care if and when they have to.

From the perspective of the community, however, it makes more sense to pool our risk, combine our resources and ensure that health care – something we cannot do without – is available to all. In fact, some go on to argue that, in return (and within certain limits), we should all be willing to make certain sacrifices with respect to the care we receive (ageing hospitals; modest wait times for elective surgery). To put this argument in more colourful terms, we are willing to trade away Cadillac care for some in favour of Chevrolet care for all.

Ultimately, Medicare is about redistributing wealth from those of us who are relatively wealthy and healthy to those of us who are neither. We know, for example, that the poor use the health care system more intensively than the better off.

We know that, thanks to progressive taxation, the wealthy (or at least the middle class) contribute relatively more to the costs of health care. The concern with respect to more private financing of health care is that this bargain will be weakened, if not abandoned.

More importantly, the redistributive nature of Medicare points the way to how we might best sort through the perplexing debate about the prospect of (more) private financing of health services. Our challenge is to strike the appropriate balance between what is best for the individual patient and what is best for society in general, to balance individual and collective rights.

Striking this balance is by no means easy. The decision by the Government of Quebec to regulate the number of services eligible for private insurance coverage and the number of physicians who can opt out of the public system is an example of a government attempting to strike just such a balance. Generally speaking, however, Canadians have expressed a quite strong preference for pursuing our collective interest when it comes to health care. The current challenge is to know what compromises we are willing and indeed are required to make to pursue this collective interest. In other words, we may agree that the goal is Chevrolet care for all and that some of us can and will choose to buy a Cadillac. However, we need to ensure that this does not reduce the supply or the quality of all other cars – easier said than done.

What then is the path through the maze? In the face of strong and perplexing claims about the evils of socialized medicine or profits being made on the backs of the sick, we need to ask some hard questions, insist on some basic distinctions, balance individual and collective interests, and demand that the focus remain on caring and sharing.

ENDNOTES

1 Patrick Fafard, Ph.D., is a faculty member in the School of Public and International Affairs, University of Ottawa and Research Fellow, Canadian Policy Research Networks. He has served in senior positions with the Governments of Canada and Saskatchewan including Executive Director of the Saskatchewan Commission on Medicare led by Ken Fyke.

2 Salamon, Lester M., “The New Governance: Getting Beyond the Right Answer to the Wrong Question in Public Sector Reform.” J. Douglas Gibson Lecture. School of Policy Studies, Queen’s University, 2005.

3 This is a much abridged and modified version of Patrick Fafard, Public and Private in Canadian Health Care: a guide for the perplexed. Canadian Policy Research Networks, (forthcoming).
These two quotes succinctly express the gap between reality and myth that is the subject of Dale Eisler’s new book False Expectations: Politics and the Pursuit of the Saskatchewan Myth. As Eisler, a well-known former Saskatchewan journalist who is now a senior federal public servant, cogently points out, the “Saskatchewan myth” of a land of boundless potential is a conscious product of human endeavour, an exercise in political propaganda that, as such, is impossible to sustain. Eventually, and inevitably, the people of the province must confront the reality of a land difficult to tame and challenging to wrest a livelihood out of. Yet the myth creates false expectations and a sense of entitlement; when the expectations are not met, the reaction is too often denial recrimination for those who are seen to be to blame for the failure, rather than an acceptance that the myth is more than a myth and a pride in what has been accomplished.

In taking us through this cycle of expectations raised and dashed, Eisler takes us through the history of our province, from the time before it was a province right up to its centennial year. Eisler, a well-respected professional as both a journalist and a public servant, does allow his narrative to wander onto tangents at times and even, on occasion, to hint at a partisan bias, but these are understandable imperfections in a book-length work from a person whose first career was to comment on Saskatchewan politics in the strictly constrained format of a newspaper column. For the most part, this book is a careful, well-researched exercise in retelling Saskatchewan history and constructing a narrative framework around that history that gives it meaning and continuing relevance.

Eisler’s conclusion should be required reading for all students of Saskatchewan history. He correctly declares that Saskatchewan is a success story. For him, it is a success because its people have built a “unique society and economy” and created a socially cohesive community (with the regrettable and unacceptable exception of Aboriginal peoples, a point which Eisler also makes), often against tremendous odds. I would add that Saskatchewan has largely achieved its economic goals, when those goals are assessed realistically. Our economy is highly diversified, with agriculture now representing only 7% of the province’s GDP, and our level of economic growth has been among the highest in Canada for many years now. Our cities and towns may not be large, but many are vibrant communities with much of value to offer their residents. Yet, as Eisler notes, the myth distorts our sense of accomplishment in what the people of Saskatchewan have built and, as a consequence, distorts our political discourse.

In the end, Eisler poses the key question for our province – “Has myth played a positive or negative role in the history of Saskatchewan?” Finding the right balance between myth as inspiration and reality as perspective is, indeed, the key to a more rational democratic debate. On this note, Eisler gives us his final piece of wise counsel in the last sentence of the book: “Once we come to terms with what we can reasonably hope for ourselves and what we already have, we might discover what my uncle Frank understood long ago – that the myth has become our reality.”
Media Presentation of Crime Statistics
Interpreting the Rhetoric

BY FRED BURCH, GOVERNMENT OF SASKATCHEWAN SENIOR POLICY FELLOW FOR 2006-07, SIPP

Crime rates per 100,000 can be misleading and can foster negativity that has the potential to sway public opinion and attitudes and, subsequently, may affect expenditures and economic growth. Most Saskatchewan residents could confirm that, in casual conversation residents of other provinces have, for years, taken solace in reciting the frequent media references to high crime rates in Saskatchewan, and the west. Investors, medical specialists, and other professionals are just as susceptible to such rhetoric.

Statistics Canada has published police reported crime statistics since 1962. Changes in legislation, policies and practices as well as social, economic and demographic factors are noted in each publication to assist in interpreting the data and to enhance the quality and comparability of the data set. In 1988, Statistics Canada began using Census Metropolitan Area (CMA) populations in addition to provincial and territorial data to construct rates per 100,000 for selected criminal incident categories. Although criminologists caution that general use of rates per 100,000 can be misleading, as not all segments of the population are at equal risk, this type of information can provide the public with an interesting and relatively safe comparative base if qualified appropriately, used consistently and presented dispassionately. Presented without appropriate qualifiers or sensationalized beyond reasonable licence, however, “rates” can influence fear of crime, potentially affecting public policy decisions and expenditures.

On July 20, 2006 Statistics Canada released “Crime Statistics in Canada, 2005”. All facets of the Canadian news media reported on the publication within 24 hours. Most presented a standard set of comments extracted from the highlights page. The articles were framed with narratives that provide a local or regional flavour and most included insights from criminologists or public officials. A number of media outlets, however, published fairly sensational bi-lines and phrases. Few readers will recall the insights or the actual data but the emotions inspired by the rhetoric, will likely remain.

What, then, was the “rhetoric” that dominated local news reports of the Statistics Canada 2005 release? The page one headline in the July 21, 2006 Regina Leader Post was, “City’s crime rate falls”. The article notes that, “although (the) crime rate dropped, it (Regina) remained the second most crime-ridden city in Canada …” and continued with, “Total crime was down 14.6 per cent, homicides 20 per cent” followed by, “Saskatchewan reported more violent crime than any other province at 1,983 per one hundred thousand – almost 400 more than the next highest, Manitoba.” Concerning violence in general, however, a look at the actual numbers provides a different perspective. Saskatchewan police reported 19,717 incidents, Ontario 93,788 and Quebec 56,175. Graph One depicts these figures and the actual number of police reported violent crimes for all provinces as listed in Table 3 of the 2005 report.

CBC Radio Saskatchewan used phrases such as “among the worst for murders…” and “…among the most crime-ridden in the country…” to describe Saskatchewan and also quoted the 1,983 violent crimes per 100,000 figure, noting this was “a rate nearly three times higher than the most peaceful provinces, Ontario and Quebec”. The subjective presentation by CBC Radio may have led the audience to believe rates per one hundred thousand are actual numbers… “Saskatchewan had more violent crime than any province in Canada”.

The Regina Leader Post article noted, “Saskatchewan also reported more homicides than any other province, 4.3 per 100,000 people – up from 3.9 the previous year.”. The rates are quoted accurately but the narrative is misleading. All but...
the Atlantic Provinces and territories reported more homicides than Saskatchewan and four of Canada’s larger cities each recorded more homicides than the entire province.

In 2005, the Atlantic Provinces and territories reported more homicides than Saskatchewan and four of Canada’s larger cities each recorded more homicides than the entire province. Graph Two shows the standard presentation of homicides in Canada that has appeared in various forms in Statistics Canada publications since 1987. The title “Highest homicide rates in the west” was added in 2004. The visual image, and title, appears to speak for itself and, at face value, lends support to an overly negative portrayal of life on the prairies. But is this truly what Statistics Canada expects their audience, or the media, to conclude from the data?

Graph Three presents the actual number of homicides in 2005 by province. Presenting the data in this fashion does not provide an image that is more, or less, valuable than Graph Two. Both graphs, however, evoke a distinctly different emotional response depending on ones’ home community. Although the “rates” or “numbers” quickly will be forgotten, the mental image – particularly when reinforced by media coverage – may linger.

“Toronto’s murder rate”, notes CBC, “at 2.0 per 100,000 people, is half that of Regina and far below that of Saskatoon”. The actual numbers, 104 homicides in Toronto (CMA), 8 in Regina (CMA) and 9 in Saskatoon (CMA) are not mentioned. Graph Four depicts the actual reported homicides in selected CMA’s over a three-year period.

Graphs Three and Four make no pretence at respecting population size or density, socio-economic or demographic factors. They are interesting, but of limited direct value to policy makers. Each could, however, in conjunction with subjective media presentation that complements the visual image, directly influence public attitudes, fear of crime, and subsequently, public policy decision making.

Other “non-traditional” approaches also leave a considerably different impression. Three are outlined below.

The Toronto CMA covers approximately 5,900 square kilometres and the Regina CMA 3,400 square kilometres. If the Regina CMA was expanded to include the Moose Jaw CMA and points between (but maintained its eastern boundary) the geographic size would be approximately the same as Toronto’s CMA. Although a single homicide is tragic, “Regina” residents would find it difficult to comprehend over 100 homicides in an area between Moose Jaw and Edenwold. For the citizens of the Toronto CMA, it is a reality.

Further, a homicide every month and a half (Regina CMA) is cause for concern, but one every three and a half days (Toronto CMA) is more unsettling. Presenting the data in a “homicides per month” or “by square kilometres” is unscientific, but not any more so than the Toronto Star’s comment that “someone in Toronto was less than half as likely to be murdered as someone in Edmonton” (based on 2 homicides per 100,000 compared to 4.3 per 100,000). The overall homicide rate for Saskatchewan was also 4.3 per
If the Regina CMA was expanded to include the Moose Jaw CMA and points between (but maintained its eastern boundary) the geographic size would be approximately the same as Toronto’s CMA. Although a single homicide is tragic, “Regina” residents would find it difficult to comprehend over 100 homicides in an area between Moose Jaw and Edenwold.

100,000. A similar comparison could be made between Saskatchewan’s rate and Ontario’s (1.7 per 100,000). But are these differences statistically significant, and are they any more informative than using simple percentages?

Using percentages, the statement that Saskatchewan’s violent crime rate was “nearly three times higher than the most peaceful provinces Ontario and Quebec,” becomes more incredulous. There were 304,274 violent crimes reported in Canada in 2005; 19,717 in Saskatchewan or 6% of all violent crimes in Canada, and 93,788 in Ontario, or 31% of all violent crimes. The percent of Canadian homicides occurring in each province is also similar; 6.5% occurred in Saskatchewan, 33% in Ontario.

Returning to the Regina and Toronto CMAs, a question to consider is, what decrease / increase would result in the Toronto CMA reporting a higher rate than the Regina CMA? Using the 2005 reported homicides and population figures, a 25% reduction in reported homicides in the Regina CMA (8 to 6) would produce a rate per 100,000 of 2.97. The Toronto CMA would require an increase of 50% in the number of reported homicides (104 to 159) to generate a rate per 100,000 of 2.99. Regions with smaller denominators, are almost certain to have higher rates when compared to significantly larger populations.

Total population, as the “denominator” when calculating crime rates, has been questioned by social scientists for other reasons; it may represent a false image of risk: “The traditional homicide rate is not what people think it is, namely an accurate measure of the occurrence of violence within a population.” 1 If the result is intended to provide an indication of risk, the denominator should attempt to reflect those at risk – for example young disadvantaged males. One problem associated with using general-population census figures as the comparison baseline, is that crime is not randomly distributed throughout the general population - “different groups commit different crimes at different rates.” 3

A similar problem exists with the numerator. In other publications, Statistics Canada reports, “… because of the small number of homicides in these communities and their relatively small populations, a small increase in the number of homicides in these areas will have a large impact on the rates.” 4

Rates per 100,000 can be misleading and can foster negativity that has the potential to sway public opinion and attitudes and, subsequently, may affect expenditures and economic growth. Most Saskatchewan residents could confirm that, in casual conversation residents of other provinces have, for years, taken solace in reciting the frequent media references to high crime rates in Saskatchewan, and the west. Investors, medical specialists, and other professionals are just as susceptible to such rhetoric.

For the most part, Canadian journalists, working under considerable pressure, captured the essence of the 2005 twenty-six page “Crime Statistics in Canada 2005” report – and did so within incredibly short timeframes. Subtle changes made by Statistics Canada that first appeared in 2004, however, may tend to excuse reporters. For example, although the publications have reported high rates in the west for various crime types for decades, 2004 was the first year where the descriptive heading “Highest homicide rates in the west” appears above the graph depicting homicide rates per 100,000. The combined image and textual message provides for an almost irresistible headline. If media representatives could see beyond these ready made “key messages” and occasionally present the actual numbers along with the rates, compare similar sized regions, and avoid subjective commentary the coverage would be more meaningful. Attempting to devote public funds to serious problem areas will be a more difficult task if Saskatchewan taxpayers are led to believe their communities are “crime ridden” and that a “get tough on crime” approach is all that is needed.

REFERENCES


The federal government’s Expert Panel on Equalization (Canada 2006) has done the country a huge service by reiterating the need to move equalization away from special political deals and back to a rational, formula-driven approach. Just as important — and this has not yet received the attention it deserves — the Expert Panel has underlined that natural resource revenues are different from other kinds of revenues and should be treated differently, at least for purposes of defining the standard to which equalization-receiving provinces should be equalized.

While the Expert Panel was right to single out natural resource revenues, it has not found the best way to integrate them into the overall formula. Non-renewable natural resource revenues are not like income or sales taxes. Such taxes, and most other revenues, are renewable. They flow from the endlessly renewed efforts and activities of people. Renewable natural resources, such as forest products or hydro-electric power, if husbanded properly, can provide a reasonably sustainable long-term flow of income.

But non-renewable natural resource revenues come from the sale of finite resources. As one AIMS author puts it in this accounting example, non-renewable natural resource revenues should be treated not as “income” to the provinces, but as the sale of an asset:

The revenue from bread that Bill the Baker sells is income — it affects the profits and losses of the bakery. However, if Bill sells one of his ovens, the money from that sale does not enter the income statement. This sale is a balance sheet transaction, because all Bill has done is to exchange a physical asset (the oven) for a financial asset (the cash from the sale).

Taxes on personal and corporate income as well as sales are like revenue from the sale of bread. They are properly considered income for the purposes of providing public services.

Non-renewable resource royalties are quite different. When these resources are sold and a royalty is levied on that sale, all that has changed is that the province has a cash asset instead of an asset in the ground. The trouble is, equalization does not make the distinction between income and the proceeds from the sale of a capital asset. It treats royalty revenues the same as it treats personal, corporate and sales taxes.

(Boessenkool 2002, 5)

Thus, in counting non-renewable natural resource revenues as part of the “fiscal capacity” of equalization-receiving provinces, the equalization formula treats that money as income, rather than assets — as new value created, rather than a simple transformation from one form of asset into another. By treating resource revenues this way and deducting them from equalization payments, Ottawa in effect forces recipient provinces to act irresponsibly with their assets and to spend them as ordinary income.

Additionally, non-renewable natural resource revenues have another peculiar quality. As former Alberta finance minister Jim Dinning likes to say, non-renewable natural resource revenues are non-reliable, subject to wild fluctuations in commodity prices. But government spending has a rather different character; it is highly reliable. Governments hire employees, all of whom expect to be paid regularly, have benefits and pensions and need a place to work — all long-term spending commitments. Since these employees are highly unionized and their contracts are quite inflexible, they are likely to be quite stony faced if governments plead low natural resources prices at bargaining table.
time. But if prices — and, therefore, government revenues — are high, they certainly expect a cut.

That is why it is a mistake to treat non-renewable natural resource revenues as if they were just like income or sales taxes. Spending commitments made when prices are high become a nightmare for governments when prices fall. The asperity of the equalization conflict between Ottawa and provinces that are rich in non-renewable resources is due in large part to the high prices these resources fetch in the marketplace today. The resource-rich provinces wish to spend these revenues, but unless they act carefully and deliberately, they will simply sow the seeds of miserable and draconian budget cuts when the inevitable price collapse comes.

If it is correct that non-renewable natural resource revenues must be treated as capital, it follows that they should be reinvested, so as to confer long-term benefits on each province’s citizens – the ultimate owners of the resource. That means such revenues should be used exclusively for two things.

One is debt reduction. Since debt is only deferred taxes, a huge debt is a big disincentive to business investment in their provinces. Servicing a billion dollars’ worth of debt costs the average province roughly $80 million a year, year after year. Reduce debt by a billion dollars, and over 20 years a province could spend a further $1.6 billion on public services without the need for deficits or higher taxes, or having to depend on taxpayers in the rest of the country to finance the large transfers they receive to pay for needed public services.

The second option for using these revenues responsibly is the creation of a heritage or trust fund. This creates an asset that smooths out the huge fluctuations in natural resource revenues, while creating an asset that can be invested in things that confer long-term benefits, like genuine infrastructure, medical research, and top flight facilities for our schools, colleges and universities.

The problem, of course, in dealing with non-renewable natural resource revenues and equalization is that many provinces do act irresponsibly and spend such revenues as if they were ordinary provincial income. While the revenues last, they effectively boost the province’s spending capacity, but at the cost of creating an inequity whereby some provinces can afford to offer richer services than others simply by running down their capital assets to finance current consumption. Such abuse, however, is no reason for the equalization program effectively to force all recipient provinces to act in this way.

The 100 Percent Solution

The solution to this problem appears relatively straightforward. In calculating both the ten-province standard up to which equalization-receiving provinces are to be brought and their equalization entitlements, Ottawa should look at what the provinces actually do with their non-renewable natural resource money. If a province spends such revenues to finance ordinary program spending, that money should count toward its fiscal capacity and should feed through to the calculation of the ten-province standard.

If, on the other hand, a province acts responsibly and treats its non-renewable resource revenues as the asset they are, this should be reflected in the way those revenues are treated under equalization. For example, if the money goes to reduce provincial debt, it should not be counted in the province’s fiscal capacity. If it goes into a heritage-type fund, as Alberta has done with some of its revenues, only the revenues generated by that fund, not the capital endowment of the fund itself, should be counted in the province’s fiscal capacity.

As an example, when all non-renewable resource revenues and a three-year average from fiscal years 2003/04 to 2005/06 are used to determine the provinces’ fiscal capacity, the gap between the seven equalization receiving provinces and Alberta, the province with the highest fiscal capacity, is over $4,000 per capita. This is primarily due to the inclusion of all revenues from the province’s non-renewable natural resources.

Suppose instead we assume that all provinces treated their resources royalties responsibly — in other words, as assets — and the equalization formula recognizes this fiscal responsibility. As Figure 1 shows, the disparity between the highest and lowest fiscal capacities of the provinces after equalization is reduced to just over $1,200 per capita. Alberta’s huge but temporary non-renewable natural resource revenue windfall does not artificially inflate its fiscal capacity. Only income from the province’s Heritage Fund, not the underlying assets, are counted toward its fiscal capacity. This is exactly as it should be, since the province would be doing the responsible thing on behalf of present and future generations of Albertans by investing the windfall as a financial asset rather than spending it as ordinary revenue.
Conclusion
Our proposed approach to non-renewable natural resource revenues would allow the federal government to honour its promise not to count such revenues in calculating provinces’ equalization entitlements (subject only to the condition that these revenues be treated as capital, not income), removing a major source of conflict between the provinces over natural resource revenues and how to integrate them into equalization. It would also introduce a dynamic element into the equalization program, actually rewarding provinces for sound management of their assets.

Ottawa can and should build on the Expert Panel’s recommendation to return to a formula-driven approach to equalization, as well as on its recognition that non-renewable natural resource revenues have a special character. But the Expert Panel muddied the waters by treating renewable and non-renewable resources in the same way, even though they differ in principle. Moreover, the Panel failed to understand the transformative power for equalization-receiving provinces of a principled treatment of non-renewable natural resource revenues. Ottawa can and should do better on equalization reform.

REFERENCES


Note: Fiscal capacity and equalization payments are based on a three-year average of fiscal years 2003/04 to 2005/06. Sources: Courchene 2005; Canada 2006; provincial budget documents for fiscal year 2005/06; and author’s calculations.
THE SUPREME COURT
From the Outside

by John D. Whyte, Senior Policy Fellow, SIPP

In 2005–2006 there were two events that placed in public discourse the question of the Court’s rightful place in the broader political order. The first was the new, somewhat innovative, way of appointing new members to the Court and the second was the brief stir caused by a member of parliament who attacked the presumption of Supreme Court judges when they decide on the validity of laws and public administration on the basis of unwritten constitutional principles.

What is important about a nation’s top court is the way that it shapes the nation’s law – not only by the substantive results of its decisions, but the tenor of its reasoning. How a supreme national court practices law – how it thinks about law – as evidenced by its members’ modes and theories of legal justification is politically significant. It shapes an understanding of what the rule of law means in our political society and, as well, determines the level of legitimacy that is granted to the court – and to the laws, especially the Constitution, that the court applies.

In 2005 – 2006 there were two events, apart from the actual decisions delivered by the Supreme Court, that placed in public discourse the question of the Court’s rightful place in the broader political order. The first was the new, somewhat innovative, way of appointing new members to the Court and the second was the brief stir caused by a member of parliament who attacked the presumption of Supreme Court judges when they decide cases concerning the validity of laws on the basis of unwritten constitutional principles.

It is usual to place responsibility for a heightened political awareness of the Supreme Court’s role on the coming into force of the Canadian Charter of Rights and Freedoms as part of the constitutional amendments of 1982. But, for over a century before 1982 courts had been regularly interrupting, on the ground of constitutional breach, crucial regulatory projects of governments, as well as governmental initiatives to implement specialized administrative structures. Nevertheless, the new Charter agenda of liberty, group rights, due process and equal treatment has caused courts to bring constitutional judgment to bear on the moral questions of personal entitlement, state responsibilities and the conditions of democratic justice. Under the Charter, court decisions reflect not the distant and abstract values of efficient and fair markets and effective regulation, but palpable and personal values – questions of how to reconcile personal autonomy with the needs of social cohesion and social conformity. In this way, Canadian courts speak to the legitimacy of many aspects of public regulation of personal liberty and personal choices, and they set limits on the normative social vision of the state. It is this effect of Charter of Rights decisions that has made the work of the Supreme Court of Canada so political – so subject to popular reaction.

We so highly value judicial independence – the independence to decide cases according only to judges’ sense of the law – that we have given judges secure, long-term appointments. In Canada, we also sense that electing judges is inconsistent with the core idea of legalism in that currying electoral favour distorts law’s meaning. How, then, should we give institutional recognition to the political significance of judging?

In recent decades in Canada we have sought to reflect the public values of judicial decision-making through constructing quasi-public judicial nomination processes that will identify people whose training, achievements and experience make them particularly suitable for judicial appointment. As valuable has this been, it is a pale version of political accountability compared to the disputatious American process of Senate confirmation of persons nominated for federal judicial appointment. But in recent years in Canada, the American process of legislative confirmation has had its allure. For some, the harsh tones and open politics of the American confirmation process have seemed a sensible match to the political conflict that has attended some Charter decisions in Canada.

When it came time last Fall to appoint a replacement for...
Justice John Major on the Supreme Court, the Liberal government, following the Canadian strategy of tampering with the way judges are nominated, created a committee of nine persons to consider names suggested by the government and to select three persons one of whom the government more-or-less committed itself to appoint. The committee was given just six names to review but it seems that the committee was licensed to seek other names and, if it thought it necessary, add a new name to the group it recommended. In fact, it did consider additional persons but, in the end, the committee suggested three names from the short list of six given it. On balance, one would have to say that this was a process of limited significance; the appointment was hugely shaped by the government’s exercises of discretion in establishing the small group of names that the Committee could consider and, consequently, there was not a broad review of potential candidates once the list left the control of federal ministers. Furthermore, although we have no direct evidence of what drove the Committee’s recommendations, the selection reflects notions of geographic even-handedness as much as anything else. This stage of the appointment process does not seem a significant advance over the careful work that has usually been done by the federal Commissioner of Federal Judicial Affairs and the Prime Minister’s Office, although there was increased transparency with respect to the fact that a judicial selection process was taking place.

The Harper government, when it came to power, accepted the three names submitted by the Committee and named for appointment Justice Marshall Rothstein, a judge of the Federal Court of Appeal. It was decided to subject this proposal to parliamentary review—a novel (but, in the end, an ersatz) confirmation process. Sadly, this process cannot be said to have contributed to an understanding of the judicial function or the values that guide it. The process was devoid of enquiry into what, for Justice Rothstein, comprises the constitutional philosophy or the moral authority that will lie behind his judicial development of constitutional meaning. The empty process may have been the result of the introductory lecture to parliamentarians by constitutional lawyer Peter Hogg. He set tight restrictions on any questioning that might have illuminated constitutional philosophy. Instead, he instructed parliamentarians to explore Justice Rothstein’s wisdom, compassion, collegiality, energy, courtesy, literacy and rationality, all of which, while perfectly attractive attributes in a judge, or in anyone, were not only beyond discernment in the context of this sort of hearing, but were far less meaningful to the nation than the question of what values Justice Rothstein saw the constitution bringing to Canadian political society.

Professor Hogg was, of course, correct in telling parliamentarians that they were not to ask Justice Rothstein how he would decide a particular case that might soon come before the Supreme Court. That question might lead to the inference that the nominee was making decision commitments in exchange for approval which would be a stark abridgement of the rule of law. It would also lead litigants to believe that the judge had a closed mind on issues that will come before him, whereas judicial decision-making is based both on deep neutrality and on open-minded application of legal precepts to real and current contexts. However, the sound advice not to deal with actual legal controversies should not have foreclosed explorations of judicial philosophy and constitutional values. For instance, in his most famous decision as a member of the Federal Court of Appeal—a decision on the patentability of an oncomouse, a genetically altered mouse—he wrote that the policy questions surrounding the scope of patent protection were not for the court to address. Depending on what he actually meant by this claim, it could be a sound stance for a judge to take, but it seems to reflect a very limited view of statutory interpretation. These ideas of legitimate judicial reasoning, if explored, would inform legislators—and Canadians—about what sort of judicial reasoning we might get from Justice Rothstein. Professor Hogg in his cautionary words seems to have driven the parliamentary review of the nominee away from these important issues.

Photos courtesy of Philippe Landreville. Copyright of the Supreme Court of Canada.
Canada’s largest market for beef, the United States, has lately postponed plans to allow more imports of Canadian cattle over the age of 30 months, in light of this country’s latest seventh case of bovine spongiform encephalopathy (BSE) found in a very young animal in July 2006. It would seem, however, that worries from the Canadian beef industry will be short lived, since Japan recently lifted its six-month ban on U.S. beef, clearing the way for meatpackers to gain lost market share in the land of the rising sun. In order to achieve that, they need, of course, Canadian cattle. Surely, there is renewed optimism in the cattle industry these days, and any future BSE case seems to have little or no affect at all on industry officials. Finding more BSE cases in Canada should be expected, but more work to manage future cases is certainly required.

This summer, the U.S. announced that it will cut its mad-cow testing program by almost 90 per cent, after data collected over two years showed a very low level of the disease in the domestic herd. This would suggest that North American authorities are perhaps becoming nonchalant about the BSE scare without knowing much about the disease itself. The last Canadian BSE case in July was born five years after the feed ban that prevented parts from cattle and other ruminants from being used in feed for ruminants. For years, the Canadian Food Inspection Agency (CFIA) argued that the 1997 feed ban would eradicate most latent BSE cases from Canadian herds. With this last case, some have suggested that an old bag of feed produced before the bans or accidents that occurred in feed mills may have caused the disease to spread. The possibility of maternal transmission of BSE, from cow to calf, was also mentioned after the latest case was found. As we move along with our learning process on BSE and international trades concerning food safety, a guessing game is hardly an astute strategy for reassuring our trading partners. Indeed, surveillance of the disease itself has become an even more important issue.

Canada will be testing over 50,000 cases this year, a great improvement from 3,000 a few years ago, but it is still far from enough. Increased monitoring across the supply chain would not only serve the purpose of managing risks, it would help us understand how the disease is contracted and how it evolves over time. Although the CFIA recently strengthened feed control in Canada, the feed industry needs to be better scrutinized. Monitoring will lead to more evidence-based analysis, which is essential for scientific research. It would also allow the supply chain to equip itself for future threatening diseases that could someday strike the cattle industry.

Methods to detect the disease should also be reviewed. For example, a Canadian company based in Alberta is confident it has a cheap, ground-breaking test for mad cow disease. The only approved BSE test in Canada has to be performed post-mortem on the animal. It is now technologically possible to test live animals and detect the disease at an early stage so as to perhaps halt it. Similar

Illustration courtesy of Matt Zerr, graphics editor for The Carillon, University of Regina.

MAD COW POLITICS
Mad Cow Watch goes Blind in North America

DR. SYLVAIN CHARLEBOIS, FACULTY OF BUSINESS ADMINISTRATION, UNIVERSITY OF REGINA, AND SIPP POLICY FELLOW

With the discovery of the seventh BSE case in Canada, study of the disease and monitoring clearly represents a far more reasonable course than the “business as usual” tack prevailing in the industry and in the Canadian policy approach since the initial Canadian BSE crisis. Canadian consumers deserve better protection.
technologies exist in the United States and Europe. These would decrease the costs of monitoring capabilities while increasing our monitoring capacity and accuracy, and, at the same time, vastly increase our knowledge of the disease itself.

Over the last three years, we have realized that the Americans are the “canaries,” signalling to us when it is time to take action. Since the Americans are reluctant to test all of their cattle for BSE, Canada is synchronistically also not ready to do so, and the CFIA adamantly defends current food safety policies. It has no other choice but to do so. The CFIA applies rigorous methods to manage domestic risks, both for the industry and consumers. Better monitoring, though, would democratize the entire process for both the industry and Canadian consumers. The focus now should also be on learning, not just on managing risks. Canadian consumers deserve better protection. In enhancing our BSE monitoring strategy, scientists will acquire better knowledge of the disease itself, and our trading partners will have better reassurance of the quality of our products. With the discovery of the seventh Canadian BSE case in Canada, study of the disease and improved monitoring clearly represents a far more reasonable course than the “business as usual” tack prevailing in the industry and in the Canadian policy approach since the initial Canadian BSE crisis.

The first is that there is nothing legally adventurous in understanding the constitutional text to have been shaped by basic principles of political ordering and to seek to understand the meaning of that text through recourse to the constitution’s purpose – or its basic projects, or its principles – can only be sound interpretive practice and good law. The Chief Justice, in her speech to a foreign audience, was attempting to convey a sense of the intellectual challenge of adjudicating Canadian constitutionalism. In doing so she described perfectly acceptable strategies for gaining understanding and to have described her as assuming the mantle of divinity was unfair.

On the other hand, how a supreme court justifies its decisions – by reference to what interpretive guides – is a matter of intense political interest and Mr. Vellacott only pointed out the Canadian Supreme Court’s fairly recent resort to ideas at the most abstract level – ideas that are not explicitly expressed but can only be inferred from general constitutional relationships – to justify its decisions. Both abstraction and absence of direct textual warrant do, of course, expand interpretive power and elevate the role of subtle and, perhaps, personal discernment in adjudication. Furthermore, theories of interpretation with respect to a national constitution are meant to be examined, debated and criticized. This is exactly what was, unfortunately, foreclosed in the parliamentary review of Justin Rothstein’s nomination and what Mr. Vellacott may have been seeking to engender. Canada needs to stop shrinking from the debates that would allow Canadians to understand the processes by which their constitution is shaped.
Richard Rose, the British political scientist, once wrote that the prize in social science research should go not to the person who gives the best answers but to the person who asks the best questions. The aptness of that epigram is borne out by the discussion that surrounds Stephen Harper’s announced intention to make Canadian senators elected. Leaving aside anything else the prime minister has said about the upper house, such as introducing terms in place of the existing age limit for senators, is there a question for which electing senators provides an answer?

That Canada is the only federation in the world whose legislature has an appointed upper house; or that appointment in the twenty-first century may offend democratic sensibilities—these are statements of fact. The question that needs to be asked in response to the PM’s proposal is this: What kind of upper house would best serve Canada’s constitutional arrangement of power? In a political system where election to office is the exception and appointment the rule, be it for governor general, prime minister and premiers, ministers, or judges, what makes election to the Senate an improvement which its proponents treat as self-evident?

So unquestioned are the assumptions that neither the mechanics nor possible consequences of senatorial contests are explored. For instance, would these elections be conducted using the plurality voting system, the one so widely criticized today for its exclusionary effects in House of Commons campaigns—that is, where middle-class, middle-aged white men are the prime beneficiaries? Would elections be at large or would there be senatorial districts? Would MPs, with their constituency interests, become more local in their concerns, while senators would adopt (as now) a more national viewpoint? (U.S. Senator William Fulbright may have been from Arkansas, but his reputation was as a politician of national and international prominence). Who might be attracted to campaigns for a seat in the upper chamber? Would party professionals, who critics have long complained are favourites for appointment, now be favourites for election? Which considerations would determine whether a candidate chose to enter a House or a Senate contest? Would the upper chamber be the preferred entry point, or would potential senators have to earn their stripes in the Commons before the party battalions backed them for the second chamber? Even if, in their relations with the Commons, popularly sanctioned senators were to maintain the constitutional self-restraint that marks appointed senators, would not the dynamic of parliamentary bicameralism in Canada be permanently changed?

Obviously, it is unreasonable to expect the prime minister to answer these and similar questions when he makes a proposal such as he has to elect senators. But then, it is equally unreasonable – or perhaps the better word is, inexplicable – to propose constitutional change on the fly. Once upon a time in Canada, constitutional changes of this magnitude would warrant a White Paper followed by public discussion. Think of the documents on constitutional amendment over the signatures of the Guy Favreau or E. Davey Fulton, Ministers of Justice in the 1960s. Somehow – and this is not a Conservative predilection only since the Martin Government on occasion was equally indiscriminating – the distinction between political and
ELECTING SENATORS: BEWARE THE LAW OF UNINTENDED CONSEQUENCES

IAN PEACH

This summer, Prime Minister Harper not only set in motion a process to amend the Constitution to limit the terms of Senators to eight years, he stated his intention to have a procedure for electing Senators in place by the time of the next federal election. While the Prime Minister’s advisors are likely correct that creating limited terms for Senators is a minor constitutional amendment that Parliament can make alone, the election of Senators is an idea of a very different character. Discussion of the election of Senators will inevitably lead to a renewal of calls for a “Triple-E” Senate, a major change to the chamber that requires some degree of provincial concurrence. If Mr. Harper is serious about having Senators elected in the next federal election, he needs to begin a serious intergovernmental, and public, discussion on Senate reform now.

Constitutionally, the unelected Senate has virtually the same powers as the democratically elected House of Commons. It has long been a convention of Parliamentary government in Canada that the Senate only exercises its powers on the rarest of occasions, however, because they lack the democratic legitimacy to challenge a decision of the House of Commons. For the most part, Canadians seem happy with this arrangement, certainly happier than they would be with the alternative of the current Senate exercising its constitutional powers. Electing Senators, however, brings an end to the reason the Senate is so deferential to the House of Commons. Are we, as a society, sure that we really want a Senate with the legitimacy to use the full scope of its existing powers, possibly to stymie the House of Commons? Are we clear about why we would need a second elected body? What effect would an elected second chamber have on political decision-making in Canada?

For Parliament to function effectively, these issues need to be addressed and it is likely that new constitutional provisions to limit the Senate’s powers to block the will of the House of Commons would need to be drafted. As well, at least seven provinces would have to concur with an amendment to select Senators by election before it could become law and we can safely assume that Premiers would have views on the questions it raises. Should Canadians not also have an opportunity to fully explore the implications of the Prime Minister’s proposal and consider alternatives?

The election of Senators also triggers a discussion of equality of representation in the Senate. One of the key complaints about the current Senate, especially from the Conservative heartland of Alberta, is that it replicates, rather than counter-balances, the Central Canadian dominance of the House of Commons. Proposals to make the Senate a “House of the Provinces,” with equal representation of each province, have a far longer history in Canada than does the discussion of electing Senators. Would the people of Canada’s new economic powerhouses in the “hinterlands” really want a Senate with its current composition legitimated by the election of Senators? As with the effectiveness question, Premiers will no doubt have views on this matter and our constitutional amending formula tells us that their views count.

It would seem almost inevitable that any concrete proposal to elect Senators will renew the debate about the other two “E”s of “Triple-E” – equality of representation and effectiveness of the chamber. This is as it should be – serious Senate reform cannot be a piecemeal enterprise, undertaken in the absence of intergovernmental discussion and, more importantly, meaningful public debate. If the Prime Minister is sincere in his desire to reform the Senate in the near future, and there is no reason to believe he is not, now is the time for him to initiate discussions on a comprehensive Senate reform with his fellow First Ministers and with the Canadian public.

Photo courtesy of Kathy Jaster-Haacke.
Restorative Justice
A Movement Gaining Momentum

OTTO DRIEDGER, PROFESSOR EMERITUS, UNIVERSITY OF REGINA

Restorative justice is an initiative to address the problems arising from the present justice system. We need to look beyond the present system based on rationalism and the assumption that a “reasonable person” would change his/her behaviour when the punishment fits the crime.

Restorative Justice has become a major concept and basis for initiatives that flow from its principles. Contributions to the development of restorative justice as a major factor in justice services have come from several significant sources.

Restorative Justice has its roots in justice as formulated and practised in communities before industrialization and urbanization became major factors in human history.

Community justice was based on safety of the community, maintaining a cohesive and positive community, relationships, accountability and social order. There were also some major problems with community justice. Assumptions of guilt could be wrong for a number of reasons such as superstition, prejudice and status. Another problem was that not all persons were treated equally. In addition, offenders could become life long debtors or slaves to the victim when the victim was powerful or if the damage was beyond what any person could repay in a lifetime.

The modern justice system addressed many of the problems with earlier community justice patterns. With the solutions to the problems, many of the positive elements in community justice were also abandoned.

Restorative justice is an initiative to address the problems arising from the present justice system. One author suggests that we need to “change lenses”. That is, look beyond the present system based on rationalism and the assumption that a “reasonable person” would change his/her behaviour when the punishment fits the crime. Restorative justice also addresses issues facing victims who are generally ignored except as witnesses in the classic current justice system, which does not deal with relationships and generally advises offenders not to take responsibility. The traditional criminal justice system depended on deterrence and fear of consequences as the corrective initiatives.

Restorative justice emphasises relationship, taking responsibility, addressing issues of the victim, rehabilitation, treatment and integration of the offender and cohesion of the community. On cohesion of the community, this means addressing social issues in the community, policing’s role not only of enforcing the law, but equally important keeping the peace - as their designation as “peace officers” implies.

There are a number of streams of initiatives that have contributed heavily to the restorative justice movement.

The longest standing initiative is one that gained momentum shortly after the Second World War. This is when rehabilitation, treatment and integration of the offender into society became an important principle and programs were designed to implement these principles. Programs such as probation, parole, counselling, social and sport activities, training and education opportunities were implemented. The role of prisons was also changed from persons being incarcerated for punishment to being incarcerated as punishment.

A second initiative came from the academic community. Criminology in the field of sociology provided important analyses of social issues that impinged on individuals and societies that resulted in increases in fragmentation or disintegration of communities and/or societies, resulting in increased social problems including increased criminal activity. Criminologists examined the age old question of why people engage in criminal behaviour. It was found that identifying causes of crime was elusive, but one could quite clearly identify correlates of crime. In other words, there were social and societal conditions under which criminal activity increased in societies. In the mid 1970s, a sub discipline of
Victimology emerged that addressed the implications of crime on victims.

A third important dimension is provided by aboriginal communities. These initiatives came largely from New Zealand and North America but also from Australia and South America. The contributions include a focus on the importance of Circles - healing, talking, sentencing circles are examples - family group conferencing and inclusive community processes to deal with deviant behaviour. The importance of spirituality and getting in touch with one's inner being and the Creator have lead the way in secular society, moving in the direction of acknowledging the importance of spirituality. This has made it easier for mainstream Faiths to also get a hearing.

A final stream is Christian initiatives. This includes practical approaches such as victim/offender mediation, the importance of reconciliation, forgiveness based on accountability, Community and institutional chaplaincy have addressed the issues of the connection between spirituality, the community, victim and offender.

One of the more recent developments based on the principles of restorative justice are Circles of Support and Accountability (COSAs).

COSAs were developed when persons began to be discharged from prison after serving their full term, that is, until warrant expiry. After warrant expiry discharge, there was no authority to provide support or service to the person. Generally an ex-offender in this situation had been in prison a long time and had no positive contacts in the community. Being considered dangerous offenders - even if they had not been officially designated as such - the community feared for its safety. We do not have space to provide an extensive record of the development here.

COSAs were developed on a set of understandings about human nature and based on some important principles. ...[I]t was understood that persons coming into a hostile community with no positive contacts were likely to connect with persons he/she knew, which were generally negative, and the possibility of re-offending was increased.

COSAs were developed on a set of understandings about human nature and based on some important principles. ...[I]t was understood that persons coming into a hostile community with no positive contacts were likely to connect with persons he/she knew, which were generally negative, and the possibility of re-offending was increased.

Persons released on warrant expiry who are desirous of positive integration into the community have the possibility of having a Circle of Support and Accountability formed with them. A Circle is generally composed of five or six persons in the community who are willing to commit to such a project. They agree to meet with the core member. The Circle is a friendship group that generally meets once a week with the core member and can meet more often, particularly in the beginning, in order to assist the person to get settled. Forming trusting relationships is an important aspect of the process.

There are generally around 100 Circles in Canada at any one time. In Saskatchewan, there are presently four Circles operating in Regina and several in Saskatoon and in Prince Albert.

An example is the very first Circle that was established in Hamilton some two decades ago. When Charlie returned to the community on warrant expiry, Hamilton was on edge about his return. 24-hour surveillance was put on his apartment. The pastor of a downtown street church was asked if he could arrange a support group for Charlie. This is a story that has been written up in its own right. Suffice it to say that a support and accountability group was developed and Charlie did not go back to prison until he died within the last year. This experience made both professionals and the community recognize that there was great potential in such support and accountability groups. At any given time, there are approximately 100 such Circles in Canada.

Evaluations have been done in Ontario and across Canada. It is established that COSAs assist persons in reintegration and fewer warrant expiry persons return to offending and those who do re-offend do so after more time in the community or are involved in lesser offences.

There is great potential with COSAs. A former Commissioner of Penitentiaries suggested that it should be an objective to have every person discharged from prison have a Circle.

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DEBUNKING THE MYTH
The Rural-Urban Divide in Saskatchewan

BY MARK PARTRIDGE AND ROSE OLFERT, DEPARTMENT OF ECONOMICS, UNIVERSITY OF SASKATCHEWAN

The Myth underlying the Rural-Urban Divide ignores this interdependence between rural and urban Saskatchewan, to the detriment of both. Cities owe their very existence to rural citizens, being their service centers. Likewise, many urbanites choose to live in rural communities for “lifestyle” purposes and commute back to the city.

Dale Eisler’s recent book, False Expectations: Politics and the Pursuit of the Saskatchewan Myth noted the central role of Myth in Saskatchewan’s psyche. One myth that needs debunking for the benefit of this province is the Myth of conflicting economic interests that underlies the Rural-Urban divide.

Vividly evident at election times, deeply-rooted perceptions that rural and urban futures lead down different paths in Saskatchewan (and Canada), are part of the reason for the rural-urban divide. Saskatchewan’s rural communities have struggled for decades, while the largest cities have prospered.

Urbanites may perceive rural areas as taking too many government resources away from pressing urban needs. Ruralites often feel that they don’t get their deserved respect as key producers of raw materials and stewards of the province’s natural environment.

The entire Great Plains region, including Saskatchewan, has exhibited persistently declining rural population. This regardless of whether the state or province is governed by “conservative” or “liberal” ideologies. The primary cause is increasing agricultural productivity which implies an ever-shrinking demand for rural labour. The lack of compensating mountains, lakes, oceans, and pleasant winters hastens the decline of most Great Plains rural communities.

Yet, our research suggests that rural areas capture significant benefits of urban growth, a trend that appears to be stronger in Canada than in the U.S. In particular, Canadian cities greater than 500,000—such as Winnipeg and Calgary—have the largest positive spread effects into nearby rural communities, though cities as small as 10,000 also generate positive spill-overs in their vicinity. These benefits are observed in terms of population growth, the best most comprehensive measure of growth and vitality and one that is dear to our hearts in Saskatchewan.

More specifically, a map of Saskatchewan shows widespread population losses in rural areas over the 1991-2001 period (a similar pattern would apply to most decades in the second half of the 20th century). But if we place 100km rings around the nine urban centers of at least 10,000 people, we see the signs of positive rural spill-overs from the urban areas. Urban centred growth benefits the surrounding rural areas. About 85 percent of Saskatchewan’s population lives within the 100km rings, and about 73 percent of the province’s rural population (rural is defined here as the population that does not live in the nine centres with 10,000+ population) is inside the 100km rings.

The Myth underlying the Rural-Urban Divide ignores this interdependence between rural and urban Saskatchewan, to the detriment of both. Cities owe their very existence to rural citizens, being their service centers. Saskatoon and Regina would not have gained prominence if it were not for their agricultural history. Today, urbanites also benefit from rural communities being the stewards of much of our land, green space, water, and natural recreational opportunities. Likewise, many urbanites choose to live in rural communities for “lifestyle” purposes and commute back to the city. Urban employers need the rural workforce, while other firms such as food processors or urbanites locate in ex-urban communities for lower land and labour costs. The typical urban resident may not appreciate these factors.

Rural residents also regularly overlook their symbiotic relationship with their city cousins. Besides being a market for their products, cities are an essential source of jobs for rural commuters, critical for sustaining rural communities.

The reality of 21st century Saskatchewan is that most rural
communities lack the critical mass to induce their own economic growth without linking to urban “growth poles.” Over time rural communities losing population fall below threshold sizes for critical services such as schools, clinics, and retail. Losing services induces further out-migration—a vicious circle that has been repeated over and over across the Great Plains. Access to urban employment through commuting has been shown to be the most effective way to stem this tide in Canada.

All Saskatchewan residents benefit when their rural communities are more viable, as rural decline has many hidden costs. Not only are many rural residents forced to make unwanted relocations to urban centers, but cities bear significant costs. First, they need to construct new infrastructure while an already existing rural infrastructure is being abandoned. Second, the resulting urban growth may manifest itself as sprawl that denigrates the environment and increases congestion.

Finally, rural decline inevitably leads to calls for government subsidies, which are often poorly designed, while the resulting higher taxes put the province at a disadvantage.

All is not lost by any means. A recent report by the Conference Board of Canada, *Canada’s Hub Cities: A Driving Force of the National Economy*, detailing the important role of cities like Saskatoon and Regina, supports our findings. Given that urban-led growth is the reality of 21st century Canada, how do we ensure that our urban centres are attractive places for native and immigrant populations? How do we harness this growth so that all Saskatchewan residents—rural and urban alike—benefit?

First, policies based on the historic misconception that agriculture and rural prosperity are synonymous have served neither farmers nor rural communities well. Both farm policy and rural policy are too important to be thrown together in some sort of catch-all policy that is bound to fail. Further, we must avoid gimmicks and schemes that involve attempts to increase ‘value-added’ in the rural economy through publicly subsidized/mandated enterprises. Though clearly there are strategies that are profitable for individual businesses, we have over 50 years of experience with contrived efforts that are expensive and too narrowly focused to turn the tide in most rural communities.

Foremost among strategies with higher probabilities of success are those that harness the urban engines of growth and ensure that the benefits spread beyond the urban centres. This would require:

- Recognizing that vibrant urban centres with cultural amenities and diversity are our engines of growth.
- New governance arrangements that allow both urban and rural residents to participate in decisions of mutual interest—zoning, economic development, and infrastructure.
- Infrastructure investments that effectively move people (not just goods) between rural areas and cities.
- Better planning at the urban/rural interface to manage rural-urban conflict, protect valuable green space, and better plan the location of roads, water, sewage, etc.
- An effective immigration policy based on an acknowledgement that the probability of attracting and retaining immigrants is highest in strong, vibrant urban centres.
- Targeted strategies (such as tourism) to address the challenges faced by communities beyond the reach of urban growth benefits. While it must be recognized that it is impossible to “save” every community, strategic efforts will be more successful than current unfocussed approaches.

A better understanding of the positive interdependencies between rural and urban areas can expose the Myth of conflicting economic interests underlying the Rural-Urban Divide for what it is. When one prospers, the other gains as well. When all Saskatchewanians and Canadians cooperate, it is to everyone’s benefit.
“A Living Tree: The Legacy of 1982 in Canada’s Political Evolution”

Presented by

A pril 17, 1982 in many ways marked the culmination of Canada’s constitutional evolution as a self-governing, liberal democratic federation. Yet the evolution of our constitutional and political norms have not, in fact, ended with the proclamation of the 1982 Constitution; instead, it may even be accelerating as a consequence of the new constitutional principles enshrined in the text of that Act.

In honour of the 25th anniversary of the proclamation of the Constitution Act, 1982, the Saskatchewan Institute of Public Policy (SIPP) is organizing the conference “A Living Tree: The Legacy of 1982 in Canada’s Political Evolution” to be held in Regina, May 23-25, 2007. SIPP seeks to advance the public policy discourse on Canada’s continuing constitutional development by providing a forum in which scholars, practitioners, and the policy community can openly evaluate the impact that the 1982 Constitution has had on public policy and democratic politics in Canada to date and how it might continue to influence our evolution as a political community.

For more information on this conference, please visit SIPP’s website at www.uregina.ca/sipp or call (306) 585-5777. Registration will open January 2007.

SIPP Event Calendar 2006-07

October 2006

- October 25th - SIPP Armchair Discussion with guest speaker, Tony Penekitt (Mr. Penekitt’s new book Reconciliation First Nations Treaty Making in British Columbia is available for purchase at this event)
- Release of SIPP Student Public Policy Essays from the 2005-2006 SIPP Student Essay Contest

November 2006

- SIPP Members’ Night
- November 14th - SIPP Saskatoon events “The Last Straw”, with Prof. Murray Fulton; and “Internationalization and Governing Canadian Agriculture and Food” with Prof. Grace Skogstad
- Registration opens for the 2007 President’s Leadership Program

December 2006

- SIPP Christmas Reception

January 2007

- Registration opens for SIPP Conference “A Living Tree: The Legacy of 1982 in Canada’s Political Evolution”. Details and registration forms are available on SIPP’s website, www.uregina.ca/sipp
- Start of 2007 President’s Leadership Program

February 2007

- Release of SIPP Policy Dialogue, winter edition

April 2007

- April 30th - Submissions deadline for the 2006-2007 SIPP Student Essay Contest

May 2007

- May 23-25 - SIPP conference, “A Living Tree: The Legacy of 1982 in Canada’s Political Evolution” will take place at Hotel Saskatchewan

June 2007

- Release of SIPP Policy Dialogue, spring edition

DATE: May 23 - 25, 2007
LOCATION: Regina, SK
REGISTRATION OPENS JANUARY 2007