



Chumir Ethics Forum

Sheldon Chumir Foundation for Ethics in Leadership



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President's Message

According to the media and many politicians, the upcoming federal election is about trust. But what does that mean? Various polls tell us that the public's trust in politicians is at a low ebb – some even say the lowest ebb ever, though that seems an extravagant claim. The focus for much of this is “adscam” and the Gomery inquiry, drawing responses from the Liberals that they are in the process of fixing whatever went wrong, and from other parties that we require new codes of ethics, which they have hastened to announce. What everyone misses is that trust is not something that comes as a result of pronouncements – indeed, nothing raises our suspicions more quickly than someone saying to us “Trust me”. Trust, once destroyed, takes time and effort to rebuild, and requires consistent behaviour that *demonstrates* trustworthiness. What is more, the conception of ethics that underlies these codes and pronouncements seems pretty thin – enjoining us merely not to lie, cheat or steal. A more robust notion of ethics in public life would ask how others, especially the least advantaged, are affected by our behaviour, and what, substantively, is meant by “the public good” or “ethical leadership” in particular situations.

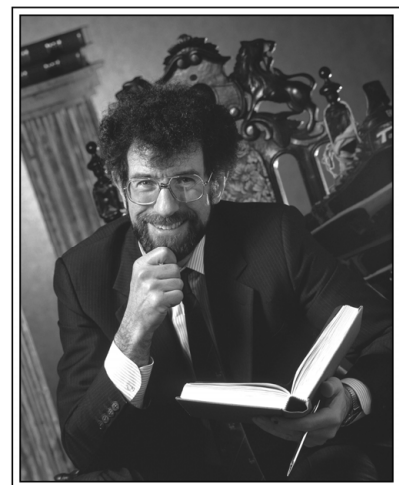
When I joined the Foundation a little over six years ago, I sought advice from many people as to what they thought might be important roles for a Foundation

devoted to ethics in leadership. Quite a few people responded that they thought the enterprise futile – who in public or corporate or even community life, they asked, would take seriously the idea that ethics should or could trump self interest? Cynicism was rampant and, in fact, we entitled our first symposium, held in December of 2000, “Beyond Cynicism: Towards Ethics in Leadership”, as a way of trying to encourage people to think about the nature of ethical leadership in politics, media, business and communities. People's interest in ethical behaviour in public and corporate life has grown significantly, probably partly as a result of Enron and other corporate scandals and perceived political corruption; but there has been good work on governance and ethics that long predates the current poster cases. The cynicism, however, remains.

What troubles me is that so many of our political leaders appear to believe that all that is required to correct the current malaise is an ethics plan – a set of rules or a code that will grind out answers to difficult questions. But we know that such an approach will not work. We need much more. In particular, people need to learn how to think through ethical issues, and they need to practice that kind of thinking – to develop the habit of ethical thinking, as Aristotle suggested nearly 2500 years ago. This will not happen if we attempt to turn over the responsibility for

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Sheldon M. Chumir

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such thinking to a commissioner or a watchdog or a code. Ethical thinking requires judgment and reflection, which suggests that we need education and training which is both practical and ongoing, so that people become comfortable dealing with the kinds of considerations that arise in ethical dilemmas. "Once over lightly" will not do the job.

Justice Gomery's explanation for some of what went wrong in the sponsorship scandal cites the existence of a culture of entitlement. And which of us has not lamented the fact that we observe this sense of entitlement not only among some politicians, but also among some senior business people? But I would venture to say that this feeling of entitlement ranges more widely – indeed it is pervasive in Western society among people who are advantaged, many of whom appear to believe that the advantages they enjoy are their due, whatever the consequences to others. How many of us imagine ourselves in the role of those less advantaged to the point of asking what social and political arrangements we would consider to be fair if we were not the privileged members of society? John Rawls¹, perhaps the foremost writer on justice in the 20th Century asks us to do just that – to imagine ourselves in a situation where we have no knowledge of the social position we will occupy and then to construct social rules that we would regard as fair, even if it happened that we were ultimately among the least advantaged.

This issue of the Foundation newsletter features, in addition to reports of events that have taken place over the past couple of months and an announcement of our next event in Calgary on January 18th, an article by Heather MacIntosh on "Promoting Ethics Abroad" in which she argues another version of my point about education and training for ethical leadership – the importance of developing an internal culture that relies on ethical thinking in order to create sustainable ethical programs abroad. And our Intern Nicole Bernhardt writes about the dangers of inflated rhetoric – a timely warning always, but especially important as we turn attention to our own decision-making in relation to the federal election.

I send all of you all good wishes from the Foundation for a very happy and peaceful 2006.

¹ Rawls, *A Theory of Justice*, 1971.



Teacher Diane Sandin with Sudanese Canadian students Ariet Opolo & Nyawech Tut from Forest Lawn High School were guests at the Human Rights Celebration

Ethics and Anti-Corruption Abroad

Good governance encompasses several types of programming. Ethics is one component of this overall approach. Ethics projects often include:

- establishment and enhancement of codes of ethics for the civil service, elected officials, and professional groups;
- training, and materials development;
- ethics education and publicity;
- enforcement and investigation.

Anti-corruption activities and ethics work are often linked. Anti-corruption work prevents and investigates criminal behaviour. Ethics programs, on the other hand, tend to address behaviour and often cover promotion, prevention, and non-criminal investigation. Ethics projects are primarily targeted to those in public leadership positions.

Examples abound. The Asian Development Bank has a large-scale "Integrity Training" program for public sector staff in governments throughout the region. The Sheldon Chumir Foundation participated in the "Tanzania Ethics Promotion Project" (2001-2003) supported by Canada. United Nations Development Program (UNDP) and Transparency International have developed a joint framework and overview entitled "Corruption & Integrity Improvement Initiatives in Developing Countries" which provides direction for many individual projects.

Heather MacIntosh

Promoting Ethics Abroad

Governance has become an increasingly important component of international relations over the past decade. Diplomatic activity, foreign aid, and sometimes trade relations between the developed and the developing world are often explicitly tied to good governance. Whose notion of good governance prevails? Our emphasis on ensuring that Canadian aid money is well spent speaks volumes about our ethical notions of transparency and accountability. But what does it say to foreign government partners about ethics promotion, trust, and mutual respect?

Foreign relations and a rules-based approach to ethics

Most good governance projects have a strong emphasis on codification, investigation, and financial transparency. With this approach, the rules become more clearly defined and entrenched. This gives donors, such as Canada, confidence that nations who receive our aid dollars have procedures in place to minimize corruption and unethical behaviour. It also gives the public in developing nations a sense that their own leaders have rules to follow, to which they can be held accountable.

There are, however, several problems and limitations to a rules-based and sanction-oriented strategy. When these types of initiatives are financed by foreign aid dollars, a subtle message may be sent to recipient governments – we feel you are not trustworthy. This is damaging to North-South relations and can perpetuate old antagonisms left over from the colonial era. Or worse, it can give the impression that Canada is superior and elitist, and sees developing country governments as inherently corrupt.



Human Rights Celebration panellists (l-r) Janet Keeping, Madam Justice Sheila J. Greckol, Professor Gerald L. Gall, O.C., Fil Fraser, C.M., and Hon. Ron Ghitter, Q.C.

In terms of the practice of ethics, this approach does not nurture a *culture* of ethical behaviour. It assumes one must be on guard for corruption and unethical practice, and that constant vigilance is key. In private sector terminology, it is “managing for compliance” – and not necessarily more than that. In areas where there is significant corruption, this approach combined with an anti-corruption focus does help to ferret out those who take advantage of their offices. It can, though, create a culture of fear and encourage finding loopholes and beating the system. In this way, programming which focuses too heavily on sanctions and codification may actually lower the ethical bar. And where restrictions on democratic opposition and the press exist, it is that much easier to avoid detection.

A way forward: shifting from rules to principles

This has been an interesting issue in Canada, as well as in international ethics projects. Our foreign aid is designed to reflect Canadian values abroad. It is not surprising then that public desire for increased accountability among politicians and the civil service at home is reflected in our international aid projects.

Overseas, these issues become even more challenging to address in cross-cultural settings, where broader agendas come into play. Other questions arise, such as:

- Do donors, like Canada, need rule and sanction systems to be assured of the good use of their aid dollars?
- What cultural differences exist around ethics and leadership, and how do these impact the projects?
- Where is the demand for a culture of ethical leadership coming from – the foreign donors, the citizens, the media, the leaders themselves? What difference does this make to the design and success of the activities?

All foreign aid-funded projects aim to be sustainable – to continue independently once the outside financial and technical support has ended. Ethical programs that create an internal culture, rather than just a set of rules, are more likely to do just that. A project strategy which balances accountability with ethics promotion spearheaded by local leadership will not only be more sustainable, it will also be a better use of Canadian aid dollars.

Heather MacIntosh

Ethics in Government—A Risky Business?

October 28th, 2005, Calgary

Sheldon Chumir believed passionately in fostering ethical government. This comment was made by



Ethics Commissioner Bernard Shapiro at the Calgary Forum

Dr. Marsha Hanen in her introduction of Dr. Bernard Shapiro on October 27th in a Calgary-based forum with the first Ethics Commissioner of Canada. Dr. Shapiro responded with a thoughtful address, summarized here.

Ethics Awareness

There is an increased willingness to address ethical issues publicly. Dr. Shapiro credited this willingness to the alleged “democratic deficit”, as evidenced by increased cynicism amongst the public about elected public officials. He views his role, in part, as helping to rebuild confidence in the government through “scandal proofing.”

The Role of the Ethics Commissioner

The role of the Federal Ethics Commissioner is four-fold: ensuring compliance with the “Conflict of Interest Code” for Members of Parliament; recommending changes to the code; advising MPs; and conducting investigations. He likened his advisory work to a confidential “Dear Abby”. Usually, Dr. Shapiro said, when MPs raise a question about compliance they know the answer in advance but use him as a touchstone. He admitted that his most challenging role as Commissioner includes responding to conduct inquiries. At present, inquiries are launched only in response to an MPs’ complaint (but not a complaint by the public), or by the Ethics Commissioner.

Limitations of the Office

In an insightful commentary, Dr. Shapiro highlighted several constraints to broad promotion of ethics. There is a lack of sanction power; the office may only make issues known to the public and Parliament. Furthermore his office can deal with breaches to the compliance codes—nothing else. He commented that his title might also be a bit misleading: “ethics” is a much broader term than “conflict of interest.” His office is new, and as a result faces challenges such as inventing and changing processes as it goes along – a time-consuming venture that involves some trial and error. Dr. Shapiro noted that having to work within Parliamentary boundaries makes it more challenging to be non-partisan and independent, working “not above politics, but aside from it.” Finally, a political culture in which MPs feel that they cannot admit mistakes discourages transparency and limits ethical growth. A desire for political success can often trump ethical values, he observed.

Donna McElligott of CBC Radio and the audience raised a number of interesting questions: What prompted the government to create your office? Which role do you find most difficult? Do you want to expand the mandate of your office? How can we enable MPs to admit mistakes without causing them to lose votes?

The Future of the Office

Despite the challenges, the Ethics Commissioner was optimistic and described his office as a place where he can do good and not simply prevent harm. He suggested that:

- Parliament focus on promoting ethical principles, not just preventing poor behaviour;
- those in authority commit to ethical leadership; and
- Parliament consider allowing inquiries to be launched based on public complaints.

Dr. Shapiro concluded his talk by stating a commitment to his role in ethical leadership, and challenged the audience not simply to ask, “What can the Ethics Commissioner do?” but to ask themselves, “what can citizens do to advance the cause of ethical behaviour?” He believes we all have an active role to play in bringing ethical principles into reality, and creating an effective democracy.

Jamie Marie Taylor

Pharmaceutical Ethics Forum Series

November 1-3, 2005, Vancouver, Calgary, Winnipeg

The Sheldon Chumir Foundation for Ethics in Leadership, with partners Simon Fraser University's *Morris J. Wosk Centre for Dialogue* and The University of Winnipeg, hosted three fora entitled "Ethics, Public Policy & The Pharmaceutical Industry" November 1st-3rd, moderated by Dr. Steve Morgan in Vancouver, Dr. Guido Van Rosendaal in Calgary, and Dr. George Tomlinson in Winnipeg. The series sought to provide diverse perspectives on this current and critical issue. Panelists were selected to represent four distinct perspectives: ethics; economics and policy; clinical research and practice; and consumer/patient advocacy.

Ethics Perspective

Professor Arthur Schafer criticized companies for creating and marketing unnecessary and sometimes harmful drugs such as Vioxx. He also described how drug reports in health magazines are more marketing than science insofar as drug companies underwrite health industry costs. He called for drug research to be funded by government to clean up the ethics.

Economics and Policy Perspective

In Vancouver, Dr. Robert Evans stressed that the pharmaceutical industry, as any industry, is focused on profit rather than on ethics. In Calgary and Winnipeg, Dr. Steve Morgan's PowerPoint presentation illustrated the historical development of the pharmaceutical industry. He claimed that there has been a decrease in innovation and an increase in research and testing, creating an emphasis on marketing pharmaceutical drugs in or-

der to keep the industry alive. Drug users are treated like consumers, not patients, and are bombarded with slogans such as "Imagine a better you." Dr. Morgan recommended that government invest 1% of drug spending (\$200 million from the \$20 billion spent annually on pharmaceuticals) in public agencies which would enhance the safety, and improve the effectiveness, of the health care sector.

Clinical Research Perspective

Dr. Thomas Perry, in Vancouver, highlighted the areas of potential conflict of interest for physicians and researchers with his PowerPoint presentation, an overview of the ethical questions that need to be asked in a clinical research trial. Dr. William Ghali, in Calgary, presented a moderate perspective, emphasizing that the pharmaceutical industry cannot be equated with the tobacco industry, since the pharmaceutical industry is a legitimate entity which benefits society. That said, Dr. Ghali did acknowledge an "infiltration of the industry into the medical agenda." He described this infiltration as occurring in three areas:

1. Clinical care, in the form of direct to consumer advertising and the use of samples;
2. Education, where opinion leaders are allowed to push certain drugs; and
3. Clinical research, where 50% of health research is being funded by drug companies, thereby guiding research.

Dr. Alan Katz, in Winnipeg, spoke against the risks of doctors becoming too cosy with drug marketers and shared his personal experience of being a member of a research unit which was largely funded by four pharmaceutical companies. Dr. Katz terminated this sponsorship a year ago after deciding that the vested interest of the pharmaceutical sponsors made it a 'challenge' to do his work ethically.

Consumer/Patient Advocacy Perspective

Colleen Fuller, President of the Society for Diabetic Life in Vancouver, shared some of the unique pharmaceutical related difficulties presented by living with diabetes. David Chakravorty, Advocacy Coordinator of the Canadian Mental Health Association of Calgary, offered a personal and straightforward account of his experiences dealing with the mentally ill. He claimed that the consumer focus in the system has led to medicating mental health patients without offering essential counselling and complementary therapies. In Winnipeg, Jennifer Howard, the Executive Director of the Women's Health Clinic in Winnipeg, discussed a range of issues touching on pharmaceuticals and women's health.

Nicole Bernhardt



Interns Jamie Marie Taylor (l) and Nicole Bernhardt

Celebrating Human Rights

December 4th, 2005, Calgary

The Foundation hosted a major celebration of Alberta's Centennial, Sheldon Chumir's 65th birthday and International Human Rights Day.

Human Rights in Alberta

The afternoon panel raised concerns about the state of human rights in Alberta. Hon. Ron Ghitter contrasted the landmark Keegstra hate speech case and early work of the Alberta Human Rights Commission (HRC) with Alberta's recent threat to deny gay marriage. He observed that the current Alberta HRC is ineffective and wary of challenging government inaction, and Madam Justice Sheila Greckol argued that government must play a leadership role in advancing human rights, as Alberta saw in the 1970s and 1980s during the heyday of human rights achievements provincially. Fil Fraser recalled key developments during his time as Chief Commissioner with the Alberta HRC and progress along the human rights continuum – from hatred to tolerance to acceptance and dignity. He urged that *“there is no reason why we shouldn't reverse the recent trend and make Alberta a leader in human rights again.”*

Human rights education was seen by some as exemplary and others as lacking. Professor Gerald Gall noted that annual provincial spending on human rights education was substantial at \$1.5 million, while Mr. Ghitter countered that in per capita spending by the Commission, Alberta ranks 8th out of ten provinces surveyed. Prof. Gall acknowledged the work of groups such as the John Humphrey Centre for Peace and Human Rights and the increasing attention to human rights in law schools despite the general lack of human rights education within formal school curricula. The positive role of labour arbitration in pushing the human rights envelope in this province was highlighted by Justice Greckol, citing the Vriend decision on sexual orientation as a protected ground from discrimination in the workplace and the addition of pregnancy-disability benefits. However, she claimed that labour arbitration is too lengthy and piecemeal an approach to advancing human rights. The human rights of farmers, ranchers, and aboriginal people to health and security, and the ways underground development can jeopardize such rights, was raised by Janet Keeping. Her research points to a worrying disrespect for the human rights of those opposed to drilling.



Aron Eichler commemorates Sheldon's birthday and life

His Life, His Achievements, His Legacy – In Honour of Sheldon Chumir

A PowerPoint presentation by former students of Central Memorial High commemorated Sheldon Chumir's life. The group of four recent graduates decided to profile Sheldon as one of the Greatest Albertans for the Centennial Project of the Calgary Board of Education. Their presentation brought to life the achievements of a man who had such broad impact. Former teacher and Principal Aron Eichler gave an endearing toast to his former student and wished Sheldon and the audience “L'Chaim” – to life. Each place setting at the gala dinner included a recent booklet “Memories of Sheldon” which brought a smile to the faces of many guests.



Georgette Gagnon

Following dinner, international human rights lawyer Georgette Gagnon gave an impassioned overview of the human rights catastrophe in Darfur, Sudan. Her talk featured a video from Human Rights Watch of investigations in the region – stark and horrifying images of razing of homes, killings and rape, and the on-going fears of refugees. Ms. Gagnon stated that Canada, as one of the authors of the UN “Responsibility to Protect” policy, must do more to help. The policy has not been endorsed by the UN Security Council in the case of Darfur primarily due to risk of Security Council vetoes, she contends, complicated by China's wish to protect its oil investments in Sudan and Russia's desire to continue arms supplies to the government in Khartoum.

Dr. Marsha Hanen announced several Foundation initiatives in the area of ethics and human rights:

- The launch of a research program on human rights by the Foundation, beginning with the timeline “Select Milestones in Human Rights in Alberta, 1905-2005” (available from the Foundation).
- A \$1000 scholarship in ethics for a period of five-years at the Bissett School of Business at Mount Royal College.
- An endowment to establish the Sheldon Chumir Memorial Essay Prize in ethics, human rights and civil liberties at the University of Calgary Faculty of Law.

The generous support of our sponsors¹ enabled the Foundation to offer complimentary registrations to community volunteer groups, a dozen high school students in Calgary, and discounts to low-income participants. Contributions to the essay prize allow for a full endowment – a long-term commemoration and tribute to Sheldon Chumir.

Heroes and Villains: The Ethical Danger of Inflated Rhetoric

It is often tempting to conceive of ethical issues as “black or white” and to determine our alliances by declaring “you’re either with us or against us.” Such rhetorical formulations require very little intellectual effort and can make our ethical decisions *appear* very simple and easy to make. However this simplification is dangerous since it reflects a reluctance to grapple with the intricacies inherent in ethical dilemmas. Although this simplification of ethical issues is disconcerting at every level of society, it is especially troubling when practiced by political leaders and the media.

In the wake of the Gomery Inquiry, the House of Commons is drowning in harmful rhetoric that impedes constructive dialogue and obscures the real ethical problems. Among the most destructive remarks were those made by NDP MP Judy Wasylycia-Leis and Conservative MP John Williams. Wasylycia-Leis likened members of the Liberal party to the wife of former Philippine dictator Ferdinand Marcos, who was convicted of corruption for amassing a five billion dollar fortune illegally during her husband’s regime, while her citizens starved. “He’s like Imelda Marcos, hoarding the shoes while crying crocodile tears over the fact that they were bought in the first place.” On the other side of the political spectrum, Williams claimed that: “We have seen a money-laundering system which would make Saddam Hussein look proud.” Those to

blame for AdScam certainly did not behave ethically; however misappropriating government monies is a far cry from Saddam’s trail of torture and murder.

Rhetoric can be harmful and inappropriate even in instances where the analogy being employed is a positive figure. It was offensive to hear the comparisons made during the B.C. teachers’ union strike between Union Leader Jinny Sims, and historical civil rights leaders such as Martin Luther King Jr., Rosa Parks and Ghandi. While all four certainly engaged in instances of civil disobedience, it is obvious that ‘one of these things is not like the others.’ The harm in using such powerful rhetoric is that the real ethical issue, in this instance the teachers’ strike, is obscured and marginalized as a result of the trumped up comparison.

By describing our partners as Rosa Parks and our opponents as Saddam Hussein we do damage to both the issue being debated and the individuals we reference. The current debate is hi-jacked and overly-simplified by the use of powerful rhetoric in place of reasoned ethical discourse. The individuals most commonly referenced represent extremes of good and bad, and should therefore be acknowledged as exceptional and not likened to less obvious cases of ethical, or unethical, action.

Comedian Jon Stewart describes Hitler as the “go-to metaphor and comparison for anyone you have a minor disagreement with.” Stewart pleaded with his audience to turn down the rhetoric and stop calling people Hitler; “It demeans you, it demeans your opponent, and to be honest, it demeans Hitler. That guy worked too many years, too hard to be *that evil* to have any Tom, Dick or Harry come along and say ‘hey, you’re Hitler.’”

Metaphors and analogies can contribute to dialogue by providing a familiar basis upon which to understand a new issue. However, this purpose is not served by invoking inappropriate references to Hitler or Ghandi under the guise of moral equivalence. Extreme cases of good and bad are rare, and ethical issues are more commonly burdened with intricacies that require thoughtful consideration, not dichotomous rhetoric. The world cannot be conveniently divided into Saddam Husseins and Rosa Parkses. Ethical leadership requires us to embrace complexity and recognize that ethical solutions are not always easy.

Nicole Bernhardt

¹**Principal Partner:** Kahanoff Foundation.; **Lead Sponsors:** Mawer Investment Management, Nexen Inc., Enbridge Inc., and Gluskin Sheff; **Supporters:** Alberta Views Magazine, Mount Royal College, National Bank Financial, Chipeur Advocates, and Macleod Dixon (LLP); and **Essay Prize Contributors:** Collins Barrow, Talisman Energy, and Fraser Milner Casgrain (LLP)

The Sheldon Chumir Foundation for Ethics in Leadership

presents a Forum in cooperation with

The Faculty of Law, University of Calgary

& linked to The Calgary Opera production of “Dead Man Walking”

“Biotechnology & Control of Criminal Behaviour”

Wednesday, January 18th, 2006 at 7:30 pm

EPCOR Centre, Jack Singer Lobby, 205 - 8th Ave SE, Calgary

SPEAKER:

Dr. Robert G. Weyant, Former Professor of Psychology and Dean, University of Calgary

PANEL:

Dr. Thomas MacKay, Forensic Psychiatrist, Peter Lougheed Hospital, Calgary

Prof. Chris Levy, Associate Dean, Faculty of Law, University of Calgary

MODERATORS:

Panel Discussion: Professor Aritha van Herk, Faculty of Humanities, University of Calgary

Summary: Dr. Patricia Hughes, Dean of Law, University of Calgary

The forum is free of charge, but seating is limited. To reserve please call (403) 244-6666 or email info@chumirethicsfoundation.ca

Canadian Ethics Leadership Forum

The Foundation co-operated with CELF on two events on ethical leadership — September 22nd in Calgary and October 26th in Edmonton. Nine senior business leaders in each location (including Marsha Hanen in Edmonton) debated the best ways to improve business ethics in Canada.

University of Western Ontario

The Sheldon Chumir Foundation co-sponsored public lectures together with the Department of Philosophy at the University of Western Ontario and the London Public Library. The series dealt with “Ethics and New Technologies.” Roxanne Mykitiuk, of Osgoode Hall Law School, spoke on ethical issues of genetic technologies, particularly preimplantation genetic diagnosis, and the potential of this type of technology to affect our concepts of “health,” “disease,” “normalcy” and “disability.”

Chris MacDonald of St. Mary’s University, Halifax, discussed the ethical implications of nanotechnologies with the potential to increase surveillance of people’s day-to-day activities. He described ways in which this possibility might affect our ideas - and ideals - of privacy. The third and fourth speakers were members of the Department of Philosophy at Western. Carolyn McLeod addressed the question of whether new reproductive technologies necessarily increase women’s autonomy by increasing their reproductive choices; and Wayne Myrvold considered the implications of biotechnology for science and for society as a whole, particularly the impact of commercial interests on research and on the kind of food available to consumers.

Carleton University Centre On Values and Ethics

A debate on the question “Would Proportional Representation be Good for Canada?”, and co-sponsored by the Sheldon Chumir Foundation, took place at Carleton University on October 27. The purpose of the debate, moderated by Professor André Blais of the University of Montreal, was to inform citizens about the positive and the negative consequences of proportional representation.

Professor R. Kenneth Carty (University of British Columbia) supported PR, and Professor Richard S. Katz (Johns Hopkins University) opposed it. Audience discussion followed, addressing the values inherent in various aspects of electoral systems. The debate was filmed and broadcast by CPAC.



Central Memorial High School graduates commemorated the life of Sheldon Chumir at the Celebration of Human Rights

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