

Nancy Bouchard

The dark side of public participation: Participative processes that legitimize elected officials' values

Abstract: The literature on public participation suggests that engaging the public in policy-making empowers citizens and enhances democracy. Drawing on conditions of “authentic” participation derived from this literature, this critical analysis shows that the public consultation said to have informed Canada’s new prostitution laws served to legitimize the governing party’s policy orientation. The contribution of this article is twofold: providing an in-depth, critical account of how a public participation process can endorse elected officials’ values; and identifying factors that may be associated to this outcome. Ultimately, this article shines the spotlight on a force often neglected in the public participation literature: power.

Sommaire : La littérature sur la participation publique soutient que la participation des citoyens dans le processus décisionnel renforce leur pouvoir et rehausse la démocratie. En nous appuyant sur des « conditions d’authenticité » suggérées dans cette littérature, nous démontrons que le processus participatif ayant supposément informé la nouvelle loi sur la prostitution au Canada a été manipulé pour légitimer une orientation législative que le parti au pouvoir avait adoptée bien avant que la Cour suprême n’invalide les lois qu’elles ont remplacées. Notre contribution est double: illustrer comment un processus participatif peut être manipulé pour endosser les valeurs d’élus; et identifier des facteurs qui pourraient être associés à ce résultat. Ultiment, cette analyse critique souhaite mettre en lumière une force souvent négligée dans la littérature : le pouvoir.

On 6 December 2014, the Protection of Communities and Exploited Persons Act replaced Canada’s main prostitution laws, which had been struck down by the Supreme Court of Canada (SCC) a year earlier. When the Act was presented to the public in its bill form, then Minister of Justice, Peter MacKay, repeatedly stated that it had been informed by a national consultation and therefore reflected Canadians’ values. However, as this article will show, the minister’s consistent emphasis on the public’s role as essentially co-drafter of the Act was related to the imperative of legitimizing his political party’s values, which did not have the support of a majority of

Nancy Bouchard is a PhD candidate at École nationale d’administration publique, Montréal, Québec. The author thanks Gérard Divay, PhD, and Étienne Charbonneau, PhD, for their comments and contributions to previous versions of this paper.

Canadians. This outcome highlights a situation rarely addressed in the public participation literature: engaging citizens in policy-making can serve as a means to “[draw] them into new fields of governmental power” (Barnes, Newman, and Sullivan 2007: 65).

The literature largely suggests that public participation enhances democracy and empowers citizens (Denhardt and Denhardt 2007; Turnbull and Aucoin 2006). While some authors (Lévesque 2012) acknowledge that participative processes can empower government officials “to use [them] for their own ends” (Bherer 2010: 288), to my knowledge, none offer thorough appraisals of this phenomenon. Yet, with governmental reliance on public input on the rise in Canada and the OECD community as a whole (Catt and Murphy 2003; Lindquist 2013), it is especially important to engage in more critical assessments of participative exercises to deepen our understanding of when and why they may be manipulated for less democratic ends.

This article assesses the process that led to the formulation of Bill C-36 (An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in *Attorney General of Canada v. Bedford*, 41st Parliament, 2nd Session, 2014). First, it provides an overview of the public participation literature to reveal its common normative thread and draw out conditions of its “authenticity.” Second, the SCC ruling is contextualized. Third, using the lens of authentic participation, the national consultation said to have informed C-36 is scrutinized through an analysis of various written and video documents, including news articles, press conferences and press releases, court decisions, House of Commons debates, standing committee hearings, and internal Department of Justice documents obtained through the Access to Information Act. Three factors are identified which may be at play where manipulated public participation exercises are concerned: the lack of supportive scientific expertise, the lack of political allies, and polling data revealing divided rather than majority public opinion. Ultimately, this critical examination of a single policy decision seeks to encourage and inform future research on other contentious policy issues whose solutions are argued to reflect national values through the brandishing of a card called “the Public has said.”

Public participation defined

Public participation is broadly defined as citizens engaging in the policy-making process and encompasses procedures whose common denominator is a desire by government officials to elicit the public’s views (Catt and Murphy 2003: 413; Johnson 2015: 768). Aside from traditional plebiscites and referenda, these procedures include focus groups, citizens’ juries, public meetings and hearings, deliberative opinion polls, public inquiries,

neighbourhood committees, consensus conferences, citizen advisory boards, citizens' assemblies, white papers, participatory budgets, stakeholder panels, and study circles (Coleman and Götze 2001).

As Dalton, Scarrow, and Cain (2004: 125) remark, the history of modern democracies has been punctuated by "repeated waves of debate about the nature of the democratic process, some of which have produced major institutional reforms." The advent of "e-government," or "Government 2.0" (Lindquist 2013), presents a new development in this long-standing tradition, where "society places greater trust in – and empowers – the public to play a far more active role in the functioning of their government" (Linders 2012: 453). Governments have added several new tools to their participative toolbox: online voting, deliberative online forums, and online closed- and open-ended surveys (Coleman and Götze 2001). In the case of Canada's prostitution law reform, citizens were invited to complete an online, open-ended survey.

A common normative thread

The notion of public participation spans as far back as Aristotle, whose famous axiom "man is a political animal" carried the idea of *phronesis* as rooted in *collective* deliberation (Aristotle 2013 [350BC]: 4; Aristotle 2000 [350BC]: 107). Philosopher John Dewey, whose name echoes throughout the public participation literature, similarly argued that the way to the good life resided in "participating in the common intelligence" (Dewey 1987 [1935]: 20). Contemporary scholarship is guided by an analogous logic regarding public participation's capacity to enhance democracy, as reflected by the constant emphasis on its numerous beneficial impacts. In the words of Golden (1998: 246), governmental reliance on public input has resulted in "Schattschneider's heavenly choir... losing its upper class accent." Arguably, however, the pluralist heaven of public participation may be most tangible in what turns out to be a highly normative literature.

Indeed, whether one promotes public participation as a means to enable citizens to become "the sources of their own solutions" (Denhardt and Denhardt 2007: 17), "partners rather than customers" (Linders 2012), or "holders of decision-making authority" (Rowe and Frewer 2000: 3), there is little disagreement over the lyrics of the new heavenly chorus: "let's work together to figure out what we're going to do, then make it happen" (Denhardt and Denhardt 2007: 84). These claims, as well as more general arguments regarding public participation's capacity to enhance governmental accountability, legitimacy, and democracy itself (Coleman and Götze 2001; King, Feltey, and Susel 1998), have in turn informed a "participatory orthodoxy," or the institutionalization of a public

participation imperative based on the “received wisdom about [its] overwhelming benefits” (Cooke and Kothari 2001: 1).

To be sure, public participation has had demonstrable positive impacts (Abelson and Gauvin 2006; Johnson 2015), but “vestiges of the traditional approach” (Lindquist 1994: 92) are systematically documented as well (Culley and Hughey 2008; Rauschmayer, van den Hove and Koetz 2009; Conrad et al. 2011). Those vestiges – dominant values, myths and political procedures – can empower or handicap actors on each side of what inevitably remains a process dominated by power relations (Bachrach and Baratz 1962: 952). To put it more plainly, the practices of public participation simply do not always live up to the “participation rhetoric” (Conrad et al. 2011: 41).

Conditions of authentic participation

The literature also describes what I will refer to as “conditions of authenticity.” For Ferrara (1998: 40), authenticity refers to congruence with an object’s identity, or with its “internal normativity.” Hence, while some authors are more interested in the evaluation of “effective” participation (Conrad et al. 2011), speaking of “authentic” participation allows me to structure my analysis around the public participation *ethos* and retain my focus on the literature’s normative posture.

What follows outlines four conditions of authentic participation: timeliness, representativeness, balanced and unbiased information, and transparency. These were principally derived from Rowe and Frewer (2000), who describe them as “acceptance” and “process” criteria, but were also informed by other public participation scholars (Coleman and Gøtze 2001; Conrad et al. 2011; King, Feltey, and Susel 1998).

Timeliness

King, Feltey, and Susel (1998: 320) note that, if citizens are engaged after the agenda has been set and the policy has been formulated, public participation is “more symbolic than real” and comparable to “tokenism” (Arnstein 1969: 217). In my analysis of the public consultation leading up to the adoption of the Protection of Communities and Exploited Persons Act, “time” is therefore defined as the period comprising the stages of agenda setting, policy formulation and policy adoption; whereas “timeliness” is defined as participation occurring closest to the agenda setting stage. Conversely, if the public is invited to provide its input once the process has largely been completed, its participation is deemed unauthentic (Conrad et al. 2011: 25; King, Feltey, and Susel 1998).

Representativeness

Representativeness refers to both the *composition* of the participating public and the *inclusiveness* of the participative process (Conrad et al. 2011: 25). The composition criterion emerges from methodological concerns about replicability. For instance, if a national consultation is said to represent public opinion, care should be taken to ensure that participants share the socioeconomic and demographic characteristics of the public at large. As for inclusiveness, this criterion emerges from a concern for social equity. Representativeness should be about *taking additional means* to seek the input of social groups or individuals with a stake in the issue, but who may lack (or perceive they lack) the means or capacity to provide it. Thus, representativeness refers to both *procedural methodology* and the *proactivity of public officials* in ensuring an equitable process.

Balanced and unbiased information

Dewey (1991 [1927]: 208) attributes a second role to public officials: facilitating participation by “making known the facts upon which social inquiry depends.” Citizens should enter the policy debate as “informed informers”, which requires they be given access to “high-quality, balanced and challengeable information” (Coleman and Götze 2001: 23; Rowe and Frewer 2000: 15). Further, only the force of the better argument should sway participants’ opinion – a situation that would be challenged if information was withheld or “misinformation [was] spread” (Eckersley 2010: 121). Hence, in what follows this condition is conceptualized as government officials making accessible an unbiased body of facts describing the stakes *and* providing justification if the availed information is incomplete or one-sided.

Transparency

The European Union introduced administrative measures to enhance transparency in response to a perceived threat of “democratic deficit” (Curtin and Mendes 2011: 8–10). Transparency refers to the public’s ability to “see what is going on and how decisions are being made” (Rowe and Frewer 2000: 15), or to “observe” the reasoning behind, and the documentation that informed, the decisional process (Curtin and Mendes 2011: 5). To borrow Stasavage’s (2004) metaphor, what is at stake is whether the process is a “closed” or “open-door” affair. An open-door, transparent, process is one where citizens understand how their input informed policy-makers, or what other information weighed in their final decision.

Contextualizing Bedford v. Canada

The Government of Canada had to enact new legislation after the SCC struck down the country's main prostitution laws. In a decision colloquially referred to as the "Bedford decision" (*Canada (Attorney General) v. Bedford*, [2013] SCC 72) it found the following Criminal Code provisions to be unconstitutional:

- ...[keeping] a common bawdy-house... [or being] found, without lawful excuse, in a common bawdy-house^{003B}
- ...[living] wholly or in part on the avails of the prostitution of another person; and
- ...[stopping or attempting] to stop any person or in any manner [communicating or attempting] to communicate with any person for the purpose of engaging in prostitution or of obtaining the sexual services of a prostitute (Criminal Code, R.S.C. 1985 [2013 version], c. C-46: s. 210, 212, 213).

These provisions were found to "put the safety and lives of sex-workers at risk," in direct contradiction with the Charter of Rights and Freedoms, which guarantees the right to security of the person (*Canada (Attorney General) v. Bedford*, [2013] SCC 72: 1113).

The Bedford decision borrows its name from Terri-Jean Bedford, a former dominatrix arrested for operating a brothel in Ontario in 1994. Following a highly publicized court drama that led all the way to the SCC, she was ultimately found guilty in 1998. However, when the story of notorious serial killer, Robert Pickton, began making headlines, it provided a window of opportunity to challenge the constitutionality of the prostitution laws. It also offered Bedford's new lawyer, Allan Young, a compelling narrative: had the provisions cited above never been written, Pickton's victims would still be alive. This position contrasted sharply with that of the Canadian government, which argued inherent harm rested in the *activity* of prostitution.

In 2010, the Ontario Superior Court (OSC) agreed with Bedford et al., finding that "the danger faced by prostitutes greatly outweighs any harm which may be faced by the public" (*Bedford v. Attorney General of Canada*, [2010] ONSC 4264: 323). Two years later, the Court of Appeal for Ontario (CAO) confirmed part of the OSC's ruling, but sided with government attorneys where the "communication" provision was concerned (*Canada (Attorney General) v. Bedford*, [2012] ONCA 186: par. 6). That decision was appealed by both parties. Then, on 20 December 2013, the SCC delivered its landmark decision: the Canadian government had one year to replace the three unconstitutional provisions lest prostitution be effectively decriminalized.

Testing the national consultation's authenticity

Condition #1: Timeliness

On the day the SCC issued its verdict, Canada's Minister of Justice and Attorney General, Peter MacKay, announced that his department would explore "all possible options to ensure the criminal law continues to address the significant harms that flow from prostitution" (Department of Justice Canada 2013a). No other information would flow from the minister's office until over a month later, on 29 January 2014, a few days after Crown prosecutors in New Brunswick dropped prostitution-related charges against six individuals, and after the province's assistant deputy attorney general announced such cases would no longer be prosecuted until the laws were clarified (Baklinsky 2014; CBC News 2014a). In an email statement to the CBC, minister Mackay countered that the laws remained in effect until December 2014 (New Brunswick Department of Justice spokesperson in CBC News 2014b). Speaking in Halifax the next day, following another media report that Crown prosecutors across the country would soon discuss best practices regarding prostitution-related cases, Mackay announced that although his government was set to introduce new legislation "well before" the SCC imposed deadline, more consultations would first have to take place with the provinces (The Canadian Press 2014).

Two weeks earlier, a Quebec judge had also thrown out a prostitution case, citing the SCC ruling (Mathieu 2014). Following Mackay's Halifax press conference, Alberta's Attorney General directed its prosecutors to avoid pursuing prostitution-related cases except where there was sufficient evidence of exploitation – a position "guided by the comments by the [Supreme] court" (Alberta Justice and Solicitor General 2014: 3). By the end of the first week of February, three more provinces had taken a public stand: Ontario announced it would only prosecute cases unaffected by the SCC ruling; Newfoundland and Labrador declared it would no longer prosecute sex-workers and only pursue cases of clear exploitation; and British Columbia stated that the decision to prosecute would depend on the presence of exploitation (Drews 2014; Jones 2014). The following week, ten more cases were thrown out of Quebec court – the SCC decision, again, cited as cause (Germain 2014). The provinces were clearly deferring to the country's highest court, as the Criminal Code provisions at stake indeed remained in effect – as MacKay had stressed – until the end of the year.

After claiming new federal legislation would be introduced well ahead of deadline, after remaining silent about any form of provincial consultation until after New Brunswick's public intervention, and after several other provinces seemed to align with New Brunswick, on 17 February 2014

Justice Minister MacKay issued a press release announcing that his department sought the public's participation "to ensure a legislative response to prostitution that reflects our country's values" (Department of Justice Canada 2014a). Specifically, Canadians' input would "help *inform* the Government's [legislative] response" (ibid., emphasis added).

Canadians were invited to fill out an online, open-ended survey accessible through Justice Canada's website from 17 February to 17 March 2014. Out of the five questions it posed, three sought to gain participants' opinion on the purchase and sale of sexual services, which attracted contributions from over 31 000 individuals and organizations, for a total of up to 155 000 unique answers. When the minister presented C-36 on 4 June 2014, sixty-eight days after this consultation, he repeatedly insisted Canadians had informed its drafting (MacKay 2014a, 2014b; MacKay in Canada, Parliament, House of Commons, Standing Committee on Justice and Human Rights [JUST] 2014a). While analyzing such a high volume of data and producing a bill made up of forty-nine provisions may be feasible in such a short period, it was MacKay himself who acknowledged the drafting of the bill was well underway in January, one short month after the Bedford decision had been rendered. It therefore appears plausible that much of the groundwork had already been completed before the consultation was announced.

A second element supports the assertion that the bill's formulation had begun before the agenda had been set by the SCC. A resolution was adopted by the minister's party – the Conservative Party of Canada (CPC) – in June of 2013, six months before *Canada (Attorney General) v. Bedford* came to a close. It stated:

The Conservative Party shall develop a *Canada specific plan* to target the purchasers of sex and *human trafficking markets* through *criminalizing the purchase of sex* as well as the acts of any third party attempting to profit from the purchase of sex (Conservative Party of Canada 2013: 17, emphasis added).

The italicized passages are noteworthy. The Protection of Communities and Exploited Persons Act specifically criminalizes the purchase of sexual services in an approach known as the "Nordic model", which, as the Act succinctly defines, "[denounces] and [prohibits] the purchase of sexual services because it creates a demand for prostitution" (The Protection of Communities and Exploited Persons Act, S.C. 2014, c. 25). Second, the Act also targets human trafficking markets by modifying several trafficking provisions in the Criminal Code. While legal analysts can assess the relative importance of those changes, my reading shows more rewording than major modification. More notably, each time the minister publicly commented about the bill that would become the Act, he insisted it would "address human trafficking," leading one member of Parliament to wonder

why the government sought to criminalize an activity already outlined in the Criminal Code (MacKay 2014a,2014b; Boivin in Canada, Parliament, House of Commons, JUST 2014b: min. 1635). Last, the minister consistently emphasized that his bill created a unique, “made-in-Canada model” (Department of Justice Canada 2014b; Mackay 2014a,2014b). Thus, C-36 and the way in which it was presented met all the goals outlined in the CPC’s 2013 resolution.

Condition #2: Representativeness

While the product of the consultation was said to reflect Canadians’ values, no efforts were made to ensure representativeness. First, the privacy policy on the consultation’s website specifically stipulated that no personal information on participants, such as age, sex, or province of origin, would be gathered. Further, a subsequent report on the consultation’s results failed to provide any methodological details on the representativeness of the *self-selected* sample (Department of Justice Canada 2015: 2). In addition, no assurance was given – on the consultation website or in the report – that participants could not answer the survey more than once. In fact, the privacy policy specifically stated that no attempt would be made to link IP addresses with the identity of respondents (Department of Justice Canada 2014c).

Second, the consultation was conducted *online*, an approach known to paint inaccurate pictures of the views of the general population and raising important ethical questions as e-government practices have become more salient (Ipsos Mori 2012: 2; Sharma, Bao, and Peng 2014). For one, only a small proportion of internet users are active online contributors (Linders 2012: 452). Yet, when the minister stated that his consultation would ensure his new legislation reflected Canadians’ values, he was implying that what was sought out was *Canadian public opinion* – not some Canadians’ opinion. Further, given that non-active internet users are much more likely to be low income earners and live in poorer areas, it seems especially counter-intuitive to resort to an online mode of consultation if the intent was to include sex-workers’ views (Ipsos Mori 2012: 2; Sharma, Bao, and Peng 2014). Indeed, the minister and his government systematically described them as a victimized and marginalized population (MacKay 2014a; The Canadian Press 2013).

Condition #3: Balanced and unbiased information

Prior to filling out the survey, participants were invited to read a discussion paper providing background information in three areas: current

prostitution laws, the SCC decision, and existing international approaches to prostitution. All three sections presented unbalanced or biased information. For instance, the first section offered the following statement: “it is generally acknowledged that prostitution poses risks to those involved” (Department of Justice Canada 2014d). Yet, recalling that the SCC ruled that existing prostitution *provisions* put the safety and lives of prostitutes at risk, and that Bedford consistently argued that prostitution was not inherently dangerous, but “the *laws* force us to operate in totally unsafe conditions,” it would appear a single take on the location of risk was presented (*Canada (Attorney General) v. Bedford* 2013: 1113; Scott in *The Canadian Press* 2007, emphasis added). That take was the CPC’s: “the prostitution trade is bad for society” (Harper in *The Canadian Press* 2013). This characterization of prostitution as inherently unsafe was re-emphasized in the Bedford decision section, which acknowledged that existing prostitution laws had been found to “violate prostitutes’ right to security of the person,” but stressed that sex work was a “risky” activity (Department of Justice Canada 2014d).

The third section identified three international approaches to prostitution: “decriminalization/legalization”, “prohibition” and “abolition (the Nordic model)”. As the Department of Justice’s senior assistant deputy minister explained during the hearings on the bill at the Standing Committee on Justice and Human Rights (JUST), there is “a lot of variation between [the three approaches]” (Piragoff in *Canada, Canada, Parliament, House of Commons, JUST* 2014a: min. 1045). Yet, one would be hard-pressed to grasp that variation by reviewing the descriptions in the information document: “Decriminalization/legalization” was simply described as “Jurisdictions such as Germany, the Netherlands, New Zealand and Australia have decriminalized and regulated prostitution” (Department of Justice Canada 2014d). Not only is the general public unlikely to have been enlightened by this definition, but surprisingly (considering Justice Canada produced the document), it conflates two distinct legal models: legalization, involving *regulation* of prostitution; and *decriminalization*, resulting from the *removal* of prostitution laws from the books. Further, recalling the CPC’s June 2013 resolution, legalization is not an approach supported by the federal government; nor was it supported by Bedford et al., which instead promoted *decriminalization*, but whose description in the document created a guessing game as to which countries might have implemented it¹.

As for the “prohibition” approach, it was attached to a slightly more thorough definition, which indicated that it applied to the United States (except Nevada) and prohibited “the purchase and sale of sexual services” (Department of Justice Canada 2014d). But it is the description of the third approach that most clearly reveals the bias of the information provided to survey respondents:

Sweden, Norway and Iceland have adopted a criminal law response that seeks to abolish the exploitation of persons through prostitution by criminalizing those who exploit prostitutes (clients and third parties) and decriminalizing prostitutes themselves. These countries have also implemented social programs to help prostitutes leave prostitution (e.g. exit strategies and supporting services) (ibid.)

Not only is this description almost four times the word-count of the decriminalization/legalization option, it sets forth the approach promoted in the CPC's resolution, while providing *additional information* on social policy that could be (and has been) implemented in conjunction with it. Considering this highly unbalanced treatment of legal options, and considering that information *withheld* in the case of the decriminalization option, one can reasonably conclude that the purpose of the document was to promote CPC values.

Condition #4: Transparency

The final condition of authenticity was partly addressed above under the theme of representativeness. Participants could in no way have known how their input would be used since no information to this effect was provided. However, the lack of procedural transparency becomes more evident when the JUST transcripts are scrutinized. First, we learn that various international approaches to prostitution were studied before C-36 was drafted because "policy decisions are made on [this] basis" (Canada, Parliament, House of Commons, JUST 2014b: min. 1045). Further, the JUST transcripts reveal that the public had *already* been consulted through a Justice-sponsored Ipsos Reid (now Ipsos) survey conducted between 30 January and 7 February 2014. Asked to provide the results of this second survey, the minister stated that he was bound by procedural rules precluding him from doing so for six-months, not until after the December 2014 date imposed by the court (MacKay in Canada, Parliament, House of Commons, JUST 2014a: min. 1010). Yet, the Ipsos Reid report had already been posted to the government's Public Opinion Research Polls website, in accordance with the Communication Policy of the Government of Canada. This explains why the *Toronto Star* could publish its principal findings on 16 July 2014, one day after the close of JUST (Boutilier 2014). Thus, the policy process that led to the adoption of the new Act was not only "closed-door" in nature, but further attenuated by the government's refusal to disclose the data amassed in its consultation, despite my access to information request.^{2,3}

Factors associated to manipulated participative exercises?

The preceding analysis suggests that the public consultation said to have informed Bill C-36 occurred *after* the policy formulation stage, was *not*

representative, provided *unbalanced* and *biased* information, and *lacked transparency*. Several factors are associated with this outcome: lack of supportive expertise and credible allies, and divided public opinion. We consider each in turn.

Lack of supportive expertise

As indicated in a *Memorandum for the Minister* (2013) obtained through an access to information request, Canadian research on prostitution has “consistently [demonstrated] a continuing lack of consensus on how the criminal justice system should treat [it]” (Department of Justice Canada 2013b). Similarly, a JUST study (2006: 92) on prostitution concluded that the divergence of views with regard to prostitution was “often philosophical”, which was “certainly one of the major impediments... to finding consensus on how to address [it].” When the Bedford case first arrived in Ontario Superior Court, the presiding Justice was “struck by the fact that many of those proffered as experts...had entered the realm of advocacy” (*Bedford et al. v. Attorney General of Canada; Attorney General of Ontario et al., Interveners* 2010: par. 182). At the subsequent CAO and SCC trials, government lawyers refrained from presenting expert witnesses (Lawrence 2015: 5).

The reason the prostitution debate in Canada has produced such polarized views is likely related to another problem identified by JUST (2006: 8): estimates on the scope of prostitution are unreliable. Persak and Vermeulen (2014: 316) observe that where empirical evidence on prostitution is available, it is “often strongly subjective and biased,” regardless of the discipline from which it has been produced. But “expertise” on prostitution is not only related to socio-economic data or quantifications of harms related to the activity or the laws surrounding it, at stake was the *constitutionality* of specific legal provisions. What did legal experts have to say about C-36? According to the Bar Association of Canada (2014), “[it] potentially imperils prostitutes... by restricting their ability to protect themselves.” A consortium of some 220 lawyers and law scholars similarly opined that it risked “breaching a number of charter rights” (Canada, Parliament, House of Commons, JUST 2014c: min. 1600). Minister MacKay never offered a counter legal opinion. He refused to disclose any Charter analysis his department might have conducted (Canada, Parliament, House of Commons, JUST 2014b: min. 0955). An access to information request reveals that this may be because he never asked to be briefed on the matter (n.a. 2014).

Lack of credible political allies

A provincial domino effect seems to have occurred when New Brunswick announced it would stop prosecuting prostitution-related cases. While

New Brunswick has a population of less than one million, and has little sway in national debates in a country of thirty-five million, when Quebec, Ontario, Alberta and British Columbia took a public stand, eighty-seven per cent of the population had been accounted for. Combined with the lack of support from legal actors, it would seem the government had no credible allies to turn to garner political support for its preferred legislative option. In my opinion, the government therefore chose to consult the public because it *lost face*.

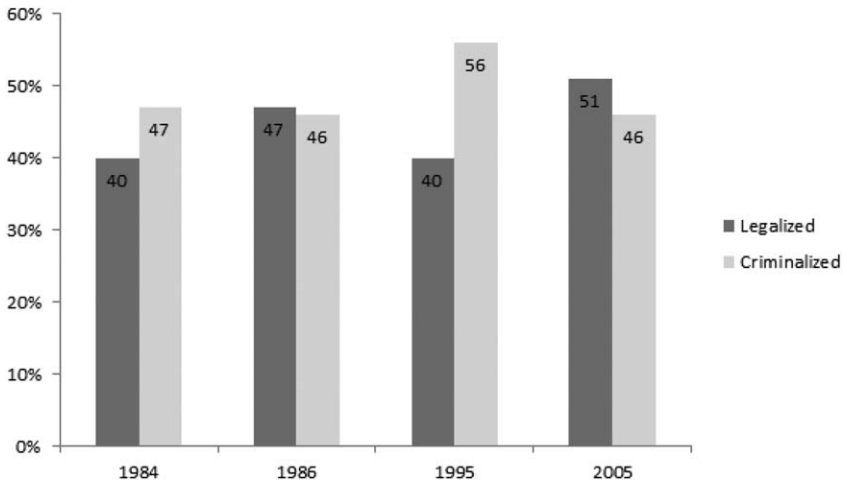
Polling data revealing divided public opinion

Throughout the Bedford trials, government officials often stated that their perspective on prostitution was supported by a majority of Canadians. The Prime Minister made a statement to this effect following the OSC's ruling, suggesting that his view on prostitution as a societal ill was held "by most Canadians" (Harper in *The Canadian Press* 2012). Minister of Justice, Peter MacKay, made the same argument when he presented his bill: "Most Canadians view prostitution as a dehumanizing phenomenon that puts people at risk" (MacKay in Janus and Puzic 2014). Yet, Justice Canada had commissioned several scientific polls on Canadian attitudes toward prostitution since the 1980s, including the aforementioned 2014 Ipsos Reid poll. As Lowman and Louie (2012: 251) found in assessing the data from four of these polls (1984, 1986, 1995, 2005), public opinion toward the legal status of prostitution has ebbed and flowed from a preference for criminalization to legalization, almost always nearing the fifty per cent mark, save for 1995, as illustrated in Figure 1.

Three more recent Angus Reid polls reviewed by Lowman and Louie (2012: 253) paint a similar picture. As Figure 2 shows, again, no clear majority opinion can be located, though a slight preference for decriminalization can be discerned.

Figure 3, which draws on data presented in the summary reports of both the government's public consultation and the 2014 Ipsos Reid poll, reveals a more striking image, which speaks to the core of the argument in this article. Public opinion is again closely distributed along the fifty per cent line. However, when the Ipsos Reid results are compared to those obtained by Justice Canada, two significant discrepancies emerge. First, the two "buying" graphs show that the same proportion of Canadians agree that buying sexual services should not be criminalized (forty-four per cent), but now fifty-six instead of fifty-one per cent believe this activity should be illegal. This is because Ipsos Reid did not remove the respondents who did not provide or refused to provide an answer (just over four per cent) from the total to create a new 100% response rate, as is the case with the fourteen

Figure 1. *Should Prostitution Be Criminalized or Legalized?*

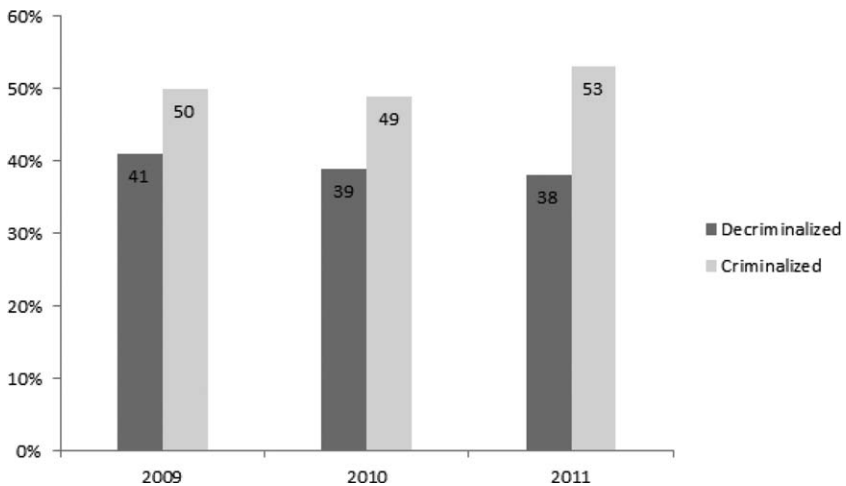


Data source: Lowman and Louis (2012: 251).

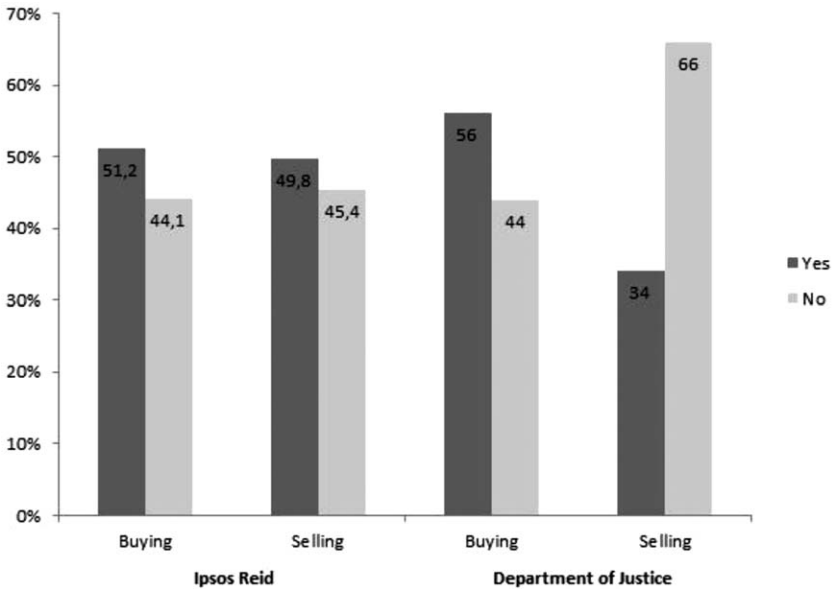
per cent non-response rate in the government’s survey (Department of Justice Canada 2015: 4).

However, a more important discrepancy regards the results presented in the second set of graphs. While only forty-five per cent of Canadians disagreed that selling sexual services should be illegal in the Ipsos Reid poll,

Figure 2. *Should Prostitution Be Criminalized or Decriminalized?*



Data source: Lowman and Louie (2012: 252).

Figure 3. *Should Buying and Selling Prostitution Be Illegal?*

Data source: Ipsos Reid (2014); Department of Justice Canada (2015).

that proportion increases *by over twenty percentage points* to sixty-six per cent in Justice Canada’s online consultation. It should be reemphasized that both surveys were conducted at nearly the same time (17 February to 17 March 2014 versus 30 January to 7 February 2014), but only Ipsos Reid used a probability sample that correctly weighed age, geographical, salary and gender distribution in Canada, while participants in the government survey were self-selecting. Furthermore, the decriminalization of the sale of sexual services is a distinctive feature of the Nordic model – the only model that was adequately described in the information document that accompanied the online survey.

Conclusion

What does it mean to “[draw citizens] into new fields of governmental power” (Barnes, Newman, and Sullivan 2007: 65) through public participation? From a Foucauldian perspective, it means that participative mechanisms can “encourage alignment with institutional and government objectives” because they ultimately reflect “a mode of subjection and means of regulating human conduct towards particular ends” (Pollock and Sharp 2012: 3066). In the case presented here, a public participation process

was manipulated to guide – or manufacture – majority Canadian support toward a particular policy end. In the process, the governing party's values were legitimized.

In claiming to enhance democracy and empower citizens, the literature on participative methods has sought to do away with a notion of power “characterized as negative and one-dimensional, imposed from the top down” (Richardson 1996). Paradoxically, the literature's normative posture has led to a form of “power blindness” (ibid.). This is illustrated in the paucity of scholarly works on manipulated participative processes, and in particular, on how to evaluate them systematically. The author had to piece together the works of multiple authors to build a conceptual framework that only *begins* to appraise the congruity of a process with its normative claims. But the most convincing illustration of the literature's power blindness lies in a criticism made against it for some time: the theorized benefits of public participation have not been the object of sufficient, rigorous empirical testing (Abelson and Gauvin 2006; Catt and Murphy 2003; Conrad et al. 2011; Cooke and Kothari 2001; Emery et al. 2015). Have scholars been praising a pluralist heaven that exists only in theory?

A critical assessment of the Bedford case reveals a dark side of public participation: it can empower elected officials by endorsing their values. Future research should be more cognizant of – and seek to empirically explain – the workings of the power dynamics underlying such outcomes. Indeed, while critiques of public participation's mainstream lyrics abound (Cooke and Kothari 2001; Dryzek 2010; Tauxe 1995), they remain marginalized, as reflected by the fact that the practice of engaging the public to produce “better” policy decisions has become so commonplace that it is now accurate to speak of a “public engagement industry” (Lee 2015). These critiques, however, suffer from a limit similar to the one in the broader participation literature: they are overwhelmingly grounded in theory rather than empirical observation.

The Bedford case does not represent a particularly rare occurrence. One can easily think of other participative exercises where the odds were stacked in favour of traditional power wielders. Environmental assessment processes regarding various Canadian pipeline projects offer one topical example. According to Fluker and Srivastava (2016: 68), the addition of a “directly affected” clause in the Canadian Environmental Assessment Act in 2012 has transformed citizens' right to have a say on pipeline projects into “a privilege.” A burgeoning empirical literature is arriving at similar conclusions. Simply put, public participation can help advance private and governmental interests (Culley and Hughey 2008).

Future research should focus on the possible intervening factors emerging from my analysis. Indeed, the absence of expert voices in debates over

contentious policy issues could indicate a scarcity of (legitimizing) empirical evidence. Another flag should be raised when governments can find no political allies, particularly when, like Canada's provinces, they *implement* policy. Finally, when public opinion is divided, especially when systematically divided over time⁴, and when elected officials are pressed for time, they may be more tempted to disregard the conditions of authenticity exposed in this article. In particular, the disregard for the condition of transparency reveals a final, troubling irony: a public unable to see the product of its participation. Instead, citizens must trust in their government when it brandishes the card "the Public has said." The theoretical literature on public participation is ripe for more empirical contributions on the possible perils associated to this attitude for the state of democracy. One of those perils is silencing ideologically-opposed voices, such as those of the sex workers who disagreed with Peter MacKay's and his government's characterization of their status as "objects to be enslaved, bought or sold" (Conservative Party of Canada 2013: 17).

Notes

- 1 Only New-Zealand has decriminalized prostitution.
- 2 My request was actually granted, but I was told it would take roughly five years to scan the individual (online) responses and send them to me.
- 3 As alluded to in this text, C-36 was sent for further study to the Standing Committee on Human Rights. The public was therefore consulted a third time, as the Committee sought testimony from a number of witnesses representing both private citizens and public, private or community organizations. The majority (sixty-three per cent) of witness interventions were supportive of the bill. In the end, a single major modification to the wording in the Act was recommended: the communication prohibition in any place "where persons under the age of 18 can reasonably be expected to be present" should be (and has been) restricted to public areas next to schools, playgrounds or daycare centres (Canada, Parliament, House of Commons, JUST 2014d).
- 4 This is generally the case when *morality policy issues* are at stake (Mooney 2001).

References

- Abelson, J., and F.-P. Gauvin. 2006. *Assessing the Impacts of Public Participation: Concepts, Evidence and Policy Implications*. Research paper. Ottawa, ON: Canadian Policy Research Networks. Available at http://www.cprn.org/documents/42669_fr.pdf. Accessed 31 August 2016.
- Alberta Justice and Solicitor General. 2014. *Prosecution Service Practice Protocol: Prostitution Offences*. Edmonton: The Author. Available at https://justice.alberta.ca/programs_services/criminal_pros/crown_prosecutor/Documents/RvBedfordpracticeprotocol.pdf. Accessed 31 August 2016.
- Aristotle. 2000 [350BC]. "Nicomachean ethics." In *Aristotle: Nicomachean Ethics*. Cambridge Texts in the History of Philosophy, edited by R. Crisp. Cambridge, MA: Cambridge University Press, pp. 3–204.
- . 2013 [350BC]. "Politics." In *Aristotle's Politics*, translated by C. Lord. Chicago, IL: University of Chicago Press, pp. 1–238.

- Arnstein, S. 1969. "A ladder of citizen participation." *Journal of the American Institute of Planners* 35 (4): 216–24.
- Bachrach, P., and M. S. Baratz. 1962. "Two faces of power." *American Political Science Review* 56 (4): 947–52.
- Barnes, M., J. Newman, and H. C. Sullivan. 2007. *Power, Participation and Political Renewal: Case Studies in Public Participation*. Bristol, UK: Policy Press.
- Bherer, L. 2010. "Successful and unsuccessful participatory arrangements: Why is there a participatory movement at the local level?" *Journal of Urban Affairs* 32 (3): 287–303.
- Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights. 2014a. *Evidence*. 41st Parliament, 2nd Session, Meeting 32, 7 July. Available at <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=6684823&Language=E&Mode=1&Parl=41&Ses=2>. Accessed 31 August 2016.
- Canada. 2014b. *Evidence*. 41st Parliament, 2nd Session, Meeting 40, 9 July. Available at <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=6687033&Language=E&Mode=1&Parl=41&Ses=2>. Accessed 31 August 2016.
- . 2014c. *Evidence*. 41st Parliament, 2nd Session, Meeting 37, 8 July. Available at <http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=6686226&Language=E&Mode=1&Parl=41&Ses=2>. Accessed 31 August 2016.
- . 2014d. *Report 7 - Bill C-36, An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts*. 41st Parliament, 2nd Session. Available at <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=e&Mode=1&Parl=41&Ses=2&DocId=6688355>. Accessed 31 August 2016.
- . 2006. "The Challenge of Change: A Study of Canada's criminal prostitution laws." *Report of the Standing Committee on Justice and Human Rights*. 38th Parliament, 2nd Session. Available at <http://www.parl.gc.ca/content/hoc/Committee/391/JUST/Reports/RP2599932/justrp06/sslrp06-e.pdf>. Accessed 31 August 2016.
- Catt, H., and M. Murphy. 2003. "What voice for the people? Categorising methods of public consultation." *Australian Journal of Political Science* 38 (3): 407–21.
- Coleman, S., and J. Götzte. 2001. *Bowling Together: Online Public Engagement in Policy Deliberation*. London, UK: Hansard Society.
- Conrad, E., L. Cassar, M. Jones, S. Eiter, Z. Izavicova, Z. Barankova, M. Christie, and I. Fazey. 2011. "Rhetoric and reporting of public participation in landscape policy." *Journal of Environmental Policy & Planning* 13 (1): 23–47.
- Conservative Party of Canada. 2013. *Policy Resolutions - 2013 Conservative Convention*. 26–27 June, Calgary. Available at <http://fr.scribd.com/doc/179616134/Policy-Resolutions-2013-Conservative-Convention>. Accessed 31 August 2016.
- Cooke, B., and U. Kothari. 2001. *Participation: The New Tyranny?* London, NY: Zed Books.
- Culley, M.R., and J. Hughey. 2008. "Power and public participation in a hazardous waste dispute: A community case study." *American Journal of Community Psychology* 41 (1–2): 99–114.
- Curtin, D., and J. Mendes. 2011. "Transparence et participation: des principes démocratique pour l'administration de l'union européenne." *Revue française d'administration publique* 137–138: 100–21.
- Dalton, R.J., S.E. Scarrow, and B.E. Cain. 2004. "Advanced democracies and the new politics." *Journal of Democracy* 15 (1): 124–38.
- Denhardt, R., and J. V. Denhardt. 2007. *The New Public Service: Serving, Not Steering*. Armonk, NY: ME Sharpe.
- Department of Justice Canada. 2015. *Online Public Consultation on Prostitution-Related Offences in Canada - Final Results*. Ottawa: Research and Statistics Division. Available at http://www.justice.gc.ca/eng/rp-pr/other-autre/rr14_09/rr14_09.pdf. Accessed 31 August 2016.

- . 2014c. "Privacy." *Terms and Conditions*. Available at <http://www.justice.gc.ca/eng/terms-avis/index.html#p>. Accessed 31 August 2016.
- . 2014d. "Discussion Paper." *Public Consultation on Prostitution-Related Offences in Canada*. Available at <http://www.justice.gc.ca/eng/cons/proscons-conspros/index.html>. Accessed 31 August 2016.
- . 2013b. *Memorandum for the Minister: Prostitution*. Document obtained through an access to information request.
- Dewey, J. 1991 [1927]. *The Public and its Problem*. Athens, OH: Swallow Press and Ohio University Press.
- . 1987 [1935]. "Liberalism and social action." In *John Dewey: The Later Works, 1925-1953, 1935-1937*, edited by J. A. Boydson. Carbondale, IL: Southern Illinois University Press, pp. 1–65.
- Dryzek, J.S. 2010. "Discursive democracy vs. liberal constitutionalism." In *Democratic Innovation: Deliberation, Representation and Association*, edited by M. Saward. London, UK: Routledge, pp. 78–89.
- Eckersley, R. 2010. "Deliberative democracy, ecological representation and risk." In *Democratic Innovation: Deliberation, Representation and Association*, edited by M. Saward. London, UK: Routledge, pp. 117–32.
- Emery, S. B., H. A. J. Mulder, and L. J. Frewer. 2015. "Maximizing the policy impacts of public engagement: A European study." *Science, Technology & Human Values* 40 (3): 421–44.
- Ferrara, A. 1998. *Reflective Authenticity: Rethinking the Project of Modernity*. New York, NY: Routledge.
- Fluker, S., and N. K. Srivastava. 2016. "Public participation in Federal Environmental Assessment under the Canadian Environmental Assessment Act 2012: Assessing the impact of 'directly affected.'" *Journal of Environmental Law and Practice* 29: 65–81.
- Golden, M.M. 1998. "Interest groups in the rule-making process: Who participates? Whose values get heard?" *Journal of Public Administration Research and Theory* 8 (2): 245–70.
- Ipsos Mori. 2012. "Online surveys." *The Social Research Newsletter from Ipsos Mori Scotland*. Spring: 2-3. Available at https://www.ipsos-mori.com/Assets/Docs/Scotland/Approach%20Spring%202012/sri_scotland_newsletter_approach_spring2012_online_surveys.pdf. Accessed 31 August 2016.
- Ipsos Reid. 2014. "National justice survey: Quantitative methodological report." *Poll Conducted for the Department of Justice Canada*. Available at epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/justice_canada/2014/060-13-e/Report/report-quant.pdf. Accessed 31 August 2016.
- Johnson, C. 2015. "Local civic participation and democratic legitimacy: Evidence from England and Wales." *Political Studies* 63 (4):765–92.
- King, C.S., K.M. Feltey, and B. O'Neill Susel. 1998. "The question of participation: Toward authentic participation in public administration." *Public Administration Review* 58 (4): 317–26.
- Lawrence, S. 2015. "Expert-tease: Advocacy, ideology and experience in Bedford and Bill C-36." *Canadian Journal of Law and Society* 30 (1): 5–7.
- Lee, C.W. 2015. *Do-It-Yourself Democracy: The Rise of the Public Engagement Industry*. New York, NY: Oxford University Press.
- Lévesque, M. 2012. "Mapping a way forward: Interest group selection and roles performed in engagement processes." *Canadian Public Administration* 55 (4): 531–52.
- Linders, D. 2012. "From e-Government to we-Government: Defining a typology for citizen coproduction in the age of social media." *Government Information Quarterly* 29 (4): 446–54.
- Lindquist, E. 2013. "Putting citizens first: Engagement in policy and service delivery for the 21st century." In *Putting Citizens First: Engagement in Policy and Service Delivery for the 21st Century*, edited by E. Lindquist, S. Vincent, and J. Wanna. Canberra, AU: Australian National University Press, pp. 1–22.

- 1994. "Citizens, experts and budgets: Evaluating Ottawa's emerging budget process." In *How Ottawa Spends. 1994-1995: Making Change*, edited by S. Phillips. Ottawa, ON: Carleton University Press, pp. 91–128.
- Lowman, J., and C. Louie. 2012. "Public opinion on law reform in Canada." *Canadian Journal of Criminology & Criminal Justice* 54 (2): 245–60.
- Mooney, C.Z. 2001. *The Public Clash of Private Values: The Politics of Morality Policy*. Washington, DC: CQ Press.
- n.a. 2014. "Access to Information Request A-2014-00784 – September 2014." Access to information request submitted to the Department of Justice Canada. Available at <http://www.justice.gc.ca/eng/trans/atip-airprp/requests-demandes/2014/sep.html>. Accessed 31 August 2016.
- Persak, N., and G. Vermuelen. 2014. *Reframing Prostitution: From Discourse to Description, From Moralisation to Normalisation?* Antwerp, BE: Maklu Publishers.
- Pollock, V.L., and J. Sharp. 2012. "Real participation or the tyranny of participatory practice? Public art and community involvement in the regeneration of the Raploch, Scotland." *Urban Studies* 49 (14): 3063–79.
- Rauschmayer F., S. van den Hove, and T. Koetz. 2009. "Participation in EU biodiversity governance: How far beyond rhetoric?" *Environment and Planning C: Government and Policy* 27 (1): 42–58.
- Richardson, T. 1996. "Foucauldian discourse: Power and truth in urban and regional policy making." *European Planning Studies* 4 (3): 279–92.
- Rowe, G., and L.J. Frewer. 2000. "Public participation methods: A framework for evaluation." *Science, Technology & Human Values* 25 (1): 3–29.
- Sharma, G., X. Bao, and L. Peng. 2014. "Public participation and ethical issues on e-governance: A study perspective in Nepal." *Electronic Journal of E-Government* 12 (1): 82–96.
- Stasavage, D. 2004. "Open-door or closed-door? Transparency in domestic and international bargaining." *International Organization* 58 (9): 667–703.
- Tauxe, C. 1995. "Marginalizing public participation in local planning: An ethnographic account." *Journal of the American Planning Association* 61 (4): 471–81.
- Turnbull, L., and P. Aucoin. 2006. *Fostering Canadians' Role in Public Policy: A Strategy for Institutionalizing Public Involvement in Policy*. Research paper. Ottawa, ON: Canadian Policy Research Networks. Available at http://rcrpp.org/documents/42670_fr.pdf. Accessed 31 August 2016.

Media sources

- Baklinsky, T. 2014. "New Brunswick stops enforcing prostitution laws, prompting rebuke by federal Justice Minister." *LifesiteNews*, 30 January. Available at <https://www.lifesitenews.com/news/new-brunswick-stops-enforcing-prostitution-laws-prompting-rebuke-by-federal>. Accessed 31 August 2016.
- Bar Association of Canada. 2014. *CBA warns of possible constitutional shortcomings in Bill C-36* [news release], 29 October. Ottawa, ON: The Author. Available at <http://www.cba.org/News-Media/Press-Releases/2014/CBA-warns-of-possible-constitutional-shortcomings>. Accessed 31 August 2016.
- Boutilier, A. 2014. "Secret poll shows Canadians deeply divided on prostitution approach." *The Toronto Star*, 16 July. Available at www.thestar.com/news/canada/2014/07/16/secret_poll_shows_canadians_deeply_divided_on_prostitution_approach.html. Accessed 31 August 2016.
- The Canadian Press. 2013. "Supreme Court prostitution ruling forces issue on Harper." *CBC News*, 21 December. Available at <http://www.cbc.ca/news/politics/supreme-court-prostitution-ruling-forces-issue-on-harper-1.2472807>. Accessed 31 August 2016.

- The Canadian Press. 2012. "Decision on Canada's sex-trade laws coming Monday." *CBC News*, 25 March. Available at <http://www.cbc.ca/news/canada/toronto/decision-on-canada-s-sex-trade-laws-coming-monday-1.1188375>. Accessed 31 August 2016.
- The Canadian Press. 2007. "Sex workers challenge Canada's prostitution laws." *CTV News*, 21 March. Available at <http://toronto.ctvnews.ca/sex-workers-challenge-canada-s-prostitution-laws-1.234198>. Accessed 31 August 2016.
- The Canadian Press. 2014. "Ottawa to table prostitution bill 'well before' December deadline, MacKay says." *The Globe and Mail*, 1 February. Available at <http://www.theglobeandmail.com/news/national/ottawa-to-table-prostitution-bill-well-before-december-deadline-mackay-says/article16652363/>. Accessed 31 August 2016.
- CBC News. 2014a. "Prostitution laws cause struggle for prosecutors: National teleconference planned this week to discuss best practices after Supreme Court ruling." *CBC News*, 28 January. Available at www.cbc.ca/news/canada/new-brunswick/prostitution-laws-cause-struggle-for-prosecutors-1.2513841. Accessed 31 August 2016.
- . 2014b. "Not enforcing prostitution laws 'not an option,' says MacKay. N.B. has stopped charging prostitutes, Johns while federal legislation rewritten." *CBC News*, 29 January. Available at www.cbc.ca/news/canada/new-brunswick/not-enforcing-prostitution-laws-not-an-option-says-mackay-1.2515155. Accessed 31 August 2016.
- Department of Justice Canada. 2014a. *Government of Canada launches on-line consultations to seek views on criminal code prostitution-related offences* [news release], 17 February. Ottawa: The Author. Available at <http://news.gc.ca/web/article-en.do?crtr.sj1D=&crtr.mnthndV1=12&mthd=advSrch&crtr.dpt1D=6681&nid=815959&crtr.lc1D=&crtr.tp1D=1&crtr.yrStrtV1=2008&crtr.kw=&crtr.dyStrtV1=26&crtr.aud1D=&crtr.mnthStrtV1=2&crtr.page=9&crtr.yrmdV1=2015&crtr.dyndV1=31>. Accessed 31 August 2016.
- . 2014b. *Statement by the Minister of Justice regarding legislation in response to the Supreme Court of Canada Ruling in Attorney General of Canada v. Bedford et al.* [news release], 4 June. Ottawa: The Author. Available at <http://news.gc.ca/web/article-en.do?crtr.sj1D=&crtr.mnthndV1=12&mthd=advSrch&crtr.dpt1D=6681&nid=853709&crtr.lc1D=&crtr.tp1D=1&crtr.yrStrtV1=2008&crtr.kw=&crtr.dyStrtV1=26&crtr.aud1D=&crtr.mnthStrtV1=2&crtr.page=5&crtr.yrmdV1=2015&crtr.dyndV1=31>. Accessed 31 August 2016.
- . 2013a. *Statement by the Minister of Justice Regarding the Supreme Court of Canada Ruling in Attorney General of Canada V. Bedford et al.* [news release], 20 December. Ottawa: The Author. Available at <http://news.gc.ca/web/article-en.do?crtr.sj1D=&crtr.mnthndV1=12&mthd=advSrch&crtr.dpt1D=6681&nid=804609&crtr.lc1D=&crtr.tp1D=1&crtr.yrStrtV1=2013&crtr.kw=&crtr.dyStrtV1=1&crtr.aud1D=&crtr.mnthStrtV1=1&crtr.page=1&crtr.yrmdV1=2013&crtr.dyndV1=31>. Accessed 31 August 2016.
- Drews, K. 2014. "B.C. will not prosecute most prostitution-related offences: Crown." *CTV News*, 8 February. Available at <http://www.ctvnews.ca/canada/b-c-will-not-prosecute-most-prostitution-related-offences-crown-1.1676933>. Accessed 31 August 2016.
- Germain, K. 2014. "Prostituées et tenanciers acquittés." *Ici – Radio-Canada*, 14 February. Available at <http://ici.radio-canada.ca/regions/saguenay-lac/2014/02/14/005-prostitution-maison-debauche-acquitement.shtml>. Accessed 31 August 2016.
- Janus, A., and S. Puzic. 2014. "Government tables new prostitution legislation." *CTV News*, 4 June. Available at <http://www.ctvnews.ca/politics/government-tables-new-prostitution-legislation-1.1852364>. Accessed 31 August 2016.
- Jones, A. 2014. "Provinces relent on prosecuting prostitution charges in wake of court ruling." *The Globe and Mail*, 7 February. Available at <http://www.theglobeandmail.com/news/politics/provinces-repent-on-prosecuting-prostitution-charges-in-wake-of-court-ruling/article16734274/>. Accessed 31 August 2016.

- MacKay, P. 2014a. "Peter MacKay: A made-in-Canada solution to prostitution." *National Post*, 14 June. Available at <http://news.nationalpost.com/full-comment/peter-mackay-a-made-in-canada-solution-to-prostitution>. Accessed 31 August 2016.
- 2014b. "C-36 Press Conference." *Youtube*, 14 June. Available at <https://www.youtube.com/watch?v=AdZ3Z4-ItGE>. Accessed 31 August 2016.
- Mathieu, I. 2014. "Le jugement de la Cour suprême sur la prostitution commence à faire des petits." *La Presse*, 14 January. Available at <http://www.lapresse.ca/le-soleil/actualites/justice-et-faits-divers/201401/14/01-4728637-le-jugement-de-la-cour-supreme-sur-la-prostitution-commence-a-faire-des-petits.php>. Accessed 31 August 2016.